

## Attachment 1. ZTA #2020-01, Draft 2019 Zoning Ordinance Annual Updates

### ARTICLE II. DEFINITIONS

#### Sec. 130-44. Definitions.

**Home Business** means any commercial activity conducted within a Dwelling Unit as an Accessory Use to the principal residential use where more than one customers at any given time and/or any employees come to the Dwelling Unit. Any such use shall only be permitted in accordance with the requirements of §130-95.

**Home Occupation** means an Accessory Use conducted within a Dwelling Unit by residents of that unit which is clearly incidental and secondary to the principal residential use and where no more than one customers at any given time ~~and/or employees do not~~ comes to the Dwelling Unit. No employees shall be permitted to come to the dwelling unit. Any such use shall only be permitted in accordance with the requirements of §130-96.

**Kennel** means the use of land where ~~for hire, more than two dogs and/or more than five~~ or more canines, felines, or hybrids of either cats that are more than four months of age are kept for the purpose of breeding, hunting, training, renting, buying, boarding, selling, or showing~~providing care, protection, guidance, breeding, training, or exercise~~. A Kennel shall be operated in accordance with the requirements of §130-97. Excluded from this definition are:

- (1) Retail sales uses that, as an accessory use, offer for adoption dogs or cats procured only from a humane society or public animal shelter as those terms are defined in Code of Virginia §3.2-6500; and
- (2) The keeping of pets in accordance with the requirements of Chapter 18 of this Code.

**Vehicle, Oversized** means any motor vehicle registered for business use with:

- (1) A gross weight of more than 10,000 pounds;
- (2) Vehicle Length in excess of 21 feet;
- (3) Vehicle Width greater than 102 inches; or
- (4) Any ~~construction-heavy~~ equipment including, but not limited to, trailers, lowboys, cranes, well digging apparatus, plows, or other heavy construction equipment.

ARTICLE III. GENERAL REGULATIONS

DIVISION 2. USE STANDARDS.

Sec. 130-96. Home occupations.

(a) A home occupation shall be permitted as an accessory use by right in any residential dwelling unit lawfully occupied by one family as defined in §130-42. Such accessory use shall neither change the character of the dwelling unit nor exhibit any exterior evidence of a non-residential use. The City shall approve a home occupation permit, where permitted, subject to the following requirements.

(b) *General requirements.*

(1) No employees shall be permitted to come to the dwelling unit, except for family members residing in the dwelling unit.

(2) No more than one employee, agents, customers, or clients shall be permitted to come to the dwelling unit for business-related purposes at any given time and shall conform to the following requirements:-

a. Customer contact on-site shall be by appointment only.

b. Customer appointments shall be limited to not more than five appointments a day, and not scheduled before 8:00 a.m. or after 6:00 p.m. Monday through Friday.

c. A minimum of one on-site parking space in addition to required parking for the residential dwelling unit shall be provided.

~~(2)~~(3) No business signs affixed to a mailbox, freestanding or otherwise, shall be permitted on-site.

~~(3)~~(4) On-site storage of materials, merchandise, or equipment is limited to the following standards:

a. Materials associated with the home occupation shall be limited to just-in-time delivery and storage practices. No bulk storage on-site is permitted.

b. Exterior storage of equipment, trailers, other business related equipment, materials, or merchandise is prohibited.

c. Interior use of equipment such as a telephone, ~~fax~~, computer, or other typical light office equipment necessary to the business is permitted.

d. All delivery of supplies shall be made just-in-time for its use.

~~(4)~~(5) Any motor vehicle used in a home occupation shall conform to the following requirements:

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- a. No vehicle used in a home occupation and with a gross weight of more than 10,000 pounds, in excess of 21 feet in length, or wider than 102 inches shall be parked, garaged, or stored on the site or in a residential district for any reason.
- b. No more than one motor vehicle used for each home occupation shall be parked within the residential district.
- c. Any sign maintained on any vehicle used in a home occupation shall be covered or removed when the vehicle is parked in any residential district. Vehicles displaying a sign prior to enactment of this subsection shall be exempt from this provision until the vehicle is replaced.

(6) The following commercial activities are specifically prohibited, and shall not be deemed or construed as activities constituting a home occupation:

- a. Storage or staging facilities for landscaping and lawn maintenance services or construction services.
- b. Motor vehicle repair or motor vehicle sales and rental.

~~(5)~~(7) In the event a vehicle, including trailers or other on/off road equipment, is required as part of the home occupation, the applicant shall provide the following as part of the application process:

- a. A valid street address where the vehicle will be garaged.
- b. A copy of the current vehicle registration indicating the jurisdiction in which the vehicle is registered.
- c. At no time shall a trailer or other off road equipment associated with a home occupation be permitted to be stored in any residential district.

~~(6)~~(8) Not more than 25 percent of the gross floor area of a dwelling unit, inclusive of any attached garage, shall be used for a home occupation.

(9) A permit for a home occupation shall only be valid for the original applicant and is not transferable to any other resident of the dwelling unit, address, or to any other home occupation use. Upon termination of the applicant's residency, the home occupation permit shall become null and void.

## ARTICLE IV. SIGNS

### Sec. 130-123. Administration.

- (f) *Special exceptions.* Comprehensive sign plans may be approved by special use permit in B, I, and P districts. Comprehensive sign plans may be approved by special use permit in R or A-1 districts for [private community recreational uses or for](#) uses allowed by special use permit. The comprehensive sign plan shall establish the time, manner, and placement of signs, frequency of message changes, the materials, the hours of lighting, the height of signs, the total number of square feet of sign surface, and the number of signs to be placed on a site. Height of signs may not be modified above the height permitted in the Zoning Ordinance.

### Sec. 130-129. Signs not requiring permit.

In addition to signs allowed without a permit elsewhere in this article, the following signs are allowed and do not require a permit:

- (a) The changing of message content, including message content on a changeable message sign, if permitted in that district.
- (b) Signs erected by the City or other government entity, including but not limited to traffic control signs, signals, regulatory devices, legal announcements, historical markers, and directional signs.
- (c) The following small signs:
- (1) Yard sale signs permitted under §130-101.
  - (2) Multi-occupant signs erected in multiple-building complexes or on lots supporting three or more occupants, and operating as a shopping center, plaza, mall, or other common title.
  - (3) Two minor signs, not exceeding three square feet in sign area. Freestanding minor signs shall be located a minimum distance of twenty-five feet apart.
  - (4) Menu boards located adjacent to a drive-through lane and not exceeding six-feet in height.
  - (5) Temporary signs not exceeding three square feet in sign area and erected for not more than 30 consecutive days.
- (d) Noncommercial signs on private property, subject to the restrictions on location, cumulative size, and materials provided in this article.
- (e) On a property under construction or renovation, for sale, or for rent, signs not exceeding four square feet for single-family detached properties or 18 square feet for all other residential, non-residential, or mixed-use properties.

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(f) Window signs, provided the aggregate sign area of all window signs does not exceed 25 percent of the total transparent area of the windows and doors on the building wall.

~~(f)~~(g) Signs affixed to the interior of a permanent fence of a recreational or sports facility at a private community recreational use, public facility, or educational facility.

### Sec. 130-130. Flags.

Except as prohibited by §130-128(b)(8), flags are permitted as follows:

(a) Noncommercial flags are permitted in every zoning district without a permit, subject to the general requirements of this article.

(b) Except for ~~entrance-commercial~~ flags permitted under §130-130(e), the minimum setback for a flag pole is the longest dimension of the pole, in order to prevent the flag or pole falling into the property of another or into a public street, trail, or sidewalk.

(c) The maximum height of a flagpole is ~~25-30~~ feet.

(d) Maximum size and number:

(1) The maximum sign area of any flag in a residential district is 24 square feet. There is no maximum number of flags in a residential district.

(2) A single commercial flag of no more than 50 square feet sign area is permitted per business in any B (except B-3), I, or P district. No permit is required.

(3) Businesses in the B-3 district may have up to two ~~entrance-commercial~~ flags per entrance. The maximum sign area of ~~an entrance~~each flag is 12 square feet. No permit is required.

(e) All commercial flags shall be removed and stored when the business is closed.

~~(e)~~(f) Flags shall not be illuminated unless illumination is required by law.

**ARTICLE VI. PARKING AND LOADING REQUIREMENTS**

*Editor's note: No other changes to §130-204, Table 1, except as noted below.*

<b>§130-204, TABLE 1: MINIMUM OFF-STREET PARKING REQUIREMENTS</b>				
<b>LAND USES</b>  DU = Dwelling Unit  SF = Building's Gross Square Feet	<b>REQUIRED OFF-STREET PARKING</b>	<b>SPECIAL DISTRICTS</b>		<b>EXCEPTIONS/ COMMENTS/ ADDITIONAL REQUIREMENTS</b>
		<b>DOWNTOWN*</b>  *For B-3 Zoning See §130-204(b)	<b>MANASSAS LANDING, MATHIS CORRIDOR, HOSPITAL/SUDLEY</b>	
Airport or Aviation Facility	1 per <del>4500</del> SF of <del>passenger waiting and service area</del> office  1 per 1,000 SF of hangar  <u>See Additional Requirements.</u>	Zoning Administrator	Zoning Administrator	<u>An airport or aviation facility shall provide parking for each individual land use within the operation. Parking shall be the cumulative total of each individual use proposed (e.g. office + hangar).</u>

**ARTICLE VIII. ZONING DISTRICTS**

**DIVISION 3. NON-RESIDENTIAL & MIXED USE DISTRICTS**

**Sec. 130-309. I-A airport district.**

(d) *Maximum structure height.* ~~No structure shall be greater than 75 feet in height, excluding mechanical equipment, which shall be adequately screened. Broadcasting and telecommunication towers, public facilities, and public utility uses may exceed this height subject to approval of a special use permit in accordance with Article IX of this chapter~~ See §130-424.

**DIVISION 4. OVERLAY DISTRICTS**

**SUBDIVISION 1. HISTORIC OVERLAY DISTRICTS**

**Sec. 130-405. Certificate of Appropriateness.**

(b) *Administrative review.* Notwithstanding any contrary requirement of this article, the City may review and administratively approve applications for the following exterior changes:

(1) Alterations to a Noncontributing Structure that do not substantially change the architectural character or are substantially hidden from view of the street right-of-way.  
~~or m~~

(2) Minor alterations to a Historic Structure that do not substantially change the architectural character or are substantially hidden from view of the street right-of-way, ~~including~~

~~(1)~~(3) The construction of accessory buildings and structures on properties where none of the structures are Historic Structures and where the construction would be in keeping with the character of the principal structure and surrounding area.

~~(2)~~(4) Reconstruction performed to restore or replace the same as, or nearly the same as practical, a structure to its original documented historical design.

~~(3)~~(5) Banner signs, window signs, and other minor or temporary signs that comply with the established standards of review and any adopted and published design guidelines.

~~(4)~~(6) Alterations to existing residential structures in the Liberia Mansion HOD unless exempt from review under §130-405(c).

**ARTICLE X. ENFORCEMENT**

**Sec. 130-602. Criminal violations and penalties.**

(a) Except as provided below, any violation of the requirements of this chapter or the DCSM shall be deemed a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not ~~less than \$10.00 and not~~ more than \$1,000.00. In the case of a continuing violation, further penalties and abatement orders are governed by the Code of Virginia §15.2-2286(A)(5).