



City of Petersburg Virginia

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City Council Special Meeting

July 30, 2024
Union Train Station
103 River Street
Petersburg, VA 23803
5:00 PM

City Council

Samuel Parham, Mayor – Ward 3
Darrin Hill, Vice Mayor – Ward 2
Marlow Jones, Councilor – Ward 1
Charles Cuthbert, Jr., Councilor – Ward 4
W. Howard Myers, Councilor – Ward 5
Annette Smith-Lee, Councilor – Ward 6
Arnold Westbrook, Jr., Councilor – Ward 7

City Administration

John "March" Altman, Jr. - City Manager
Anthony Williams - City Attorney
Tangi R. Hill - City Clerk

-
1. **Roll Call**
 2. **Prayer**
 3. **Pledge of Allegiance**
 4. **Determination of the Presence of a Quorum**
 5. **Official Public Hearings**
 - a. Public Hearing and Consideration of an Appeal by Victoria Glazer, Applicant and Owner of 104 Marshall Street, Tax Parcel 022260001, on the Decision of the Architectural Review Board (ARB) Regarding the Installation of a Fence Located Within the Poplar Lawn Historic District
 - b. Public Hearing and Consideration of an Ordinance to Approve Amendment and Readoption of Article 3, Definitions and Article 23, Supplementary Use Regulations, Special Uses Pertaining to Recreation Substance Retail Uses (2nd Reading)
 - c. Public Hearing and Consideration of an Ordinance to Approve Adoption of Article 38, Site Plan Review, and Amendment and Readoption of Article 31, Permits, Plats, and Filing Fees as Set Forth in the Zoning Ordinance of the City of Petersburg Pertaining to Site Plan Review Standards and Fees (2nd Reading)
 - d. Public Hearing and Consideration to Create & Transfer Initial Funding to the Budget Stabilization Fund (BSF) (2nd Reading)
 - e. Public Hearing and Consideration of an Ordinance to Adopt Section 2-193 of the Petersburg City Code Pertaining to Staff in the Office of the City Attorney (2nd Reading)
 - f. Public Hearing for the Consideration of an Appropriation Ordinance for the Virginia Office of Emergency Medical Services – Four-for-Life Grant, Carryover of Funds from FY 24 to FY 25 Budget for \$135,183.36 (2nd Reading)
 - g. Public Hearing for the Consideration of an Appropriation to Carry Over the Virginia Department of Emergency Management – Radiological Emergency Preparedness Program Funding from FY24 to FY25 Budget (2nd Reading)
 - h. Public Hearing on the Consideration of Appropriation for the Fiscal Year Commencing July 1, 2024, and ending on June 30, 2025, for Gant 521288-FY25-School Resource Officer Grants - SRO

- i. Consideration of an Ordinance to Appropriate Funding for the Sports Training Facility (Fieldhouse) at Petersburg High School in the Amount of \$500,000.00 (2nd Reading)

6. Unfinished Business

7. New Business

8. Closed Session

- a. The purpose of this meeting is to convene in the closed session pursuant to:

§2.2-3711(A)(7) and (8) of the Code of Virginia for the purpose of receiving legal advice and status update from the City Attorney and Legal Consultation regarding the subject of actual or probable litigation and specific legal matters requiring the subject of actual or probable litigation and specific legal matters requiring the provision of legal advice by the City Attorney, specifically including but not limited to discussion regarding the legal requirements of Part II Chapter 86 Article II of the Petersburg City Code; Section 10-2-13 of the Petersburg Zoning Ordinance; and Petersburg Circuit Court Case No.: CL24-563; and

- b. §2.2-3711(A)(1) of the Code of Virginia for the purpose of discussion pertaining to performance, assignment, and appointment of specific public employees of the City of Petersburg, specifically including but not limited to discussion of the performance, assignment, and appointment of a specific public officer of the City of Petersburg; and
- c. §2.2-3711(A)(3) of the Code of Virginia for the purpose of discussion or consideration of the acquisition of real property for a public purpose and the disposition of publicly held real property where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, specifically including but not limited to the acquisition and disposition of real property.

9. Adjournment



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: July 30, 2024

TO: The Honorable Mayor and Members of City Council

THROUGH: Naomi Siodmok, Director of Planning and Community Development

FROM: March Altman, Jr.

RE: **Public Hearing and Consideration of an Appeal by Victoria Glazer, Applicant and Owner of 104 Marshall Street, Tax Parcel 022260001, on the Decision of the Architectural Review Board (ARB) Regarding the Installation of a Fence Located Within the Poplar Lawn Historic District**

PURPOSE: Ms. Victoria Glazer is seeking to appeal a decision made by the ARB denying the installation of a six-foot-tall wooden privacy fence at 104 Marshall Street in the Poplar Lawn Historic District. The denial was made at the ARB meeting on Wednesday, June 12, 2024.

REASON: On June 12, 2024, the request to install a six-foot-tall wooden privacy fence at 104 Marshall Street was denied by the ARB. The denial was based on Chapter 8 Section 4 of the Historic District Guidelines which states that the height of fences should conform to zoning regulations. Article 25, Section 3.2(4) of the Zoning Ordinance states “an ornamental fence or wall not more than three and one-half (3½) feet in height may project into or enclose any required front or side yard to a depth from the street line equal to the required depth of the front yard.” Because the property is a corner lot, a 15-foot setback from the side street is required per Article 25, Section 3.3(3) of the Zoning Ordinance, meaning the fence could not exceed three and one-half feet within the first fifteen feet of the lot line adjoining the side street. Victoria Glazer, property owner and applicant, seeks to appeal this decision.

RECOMMENDATION: Denial of the appeal per staff and ARB recommendation.

BACKGROUND: On June 12, 2024, the request to install a six-foot-tall wooden privacy fence at 104 Marshall Street was denied by the ARB due to conflicting with the zoning ordinance. Per the Zoning Ordinance Article 35, Section 13, those denied by the ARB may appeal to the City Council provided the request is filed within 30 days of the ARB's decision. The appeal request was filed via email on June 13, 2024.

COST TO CITY:

BUDGETED ITEM:

REVENUE TO CITY:

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES:

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. 104 Marshall Street Fence Application and Staff Report
2. Decision letter - June 2024

7b. 104 Marshall Street

Historic District: Poplar Lawn

Review Date: June 12, 2024

Tax Parcel #: 022-26-0001

Applicant: Victoria Glazer

**City of Petersburg
Architectural Review Board
Staff Report**



Project Description: Installation of privacy fence in side and rear yard

Applicant proposal:

The applicant wishes to construct a six-foot-tall wooden fence along the western property line of the property. A former fence in the same location was recently removed due to deterioration; a portion of that fence remains alongside the house. The applicant has stated the fence would help to deter vandalism on the property.

Attachments:

Application, scope of work description, photo references of existing fence and vandalized satellite dish



**Staff Recommendation:
Denial based on the Design Guidelines Chapter 8 Section D**

The Historic District Design Guidelines call for fences to be installed in accordance with the City's Zoning Ordinance. The Zoning Ordinance would not allow for a six-foot-tall fence in the side yard as proposed since the property is a corner lot bordering two streets. The maximum height allowed bordering South Adams Street would be 3.5 feet. Though a fence at the same height existed in this location before, a newly installed fence at that height would be in violation of the Zoning Ordinance.



City of Petersburg - Architectural Review Board
APPLICATION FOR CERTIFICATE OF APPROPRIATENESS (COA)

Address: 104 Marshall St
Historic District: Poplar Lawn

[X] Application for COA [] Application for Historic Building Plaque [] Application for Discussion

Applicant: Victoria Glazer E-Mail: vglazer@yahoo.com
Address: 104 Marshall St Phone: 813-244-0198

Owner: Victoria Glazer E-Mail:
Address: 104 Marshall St Phone:

Firm/Contractor Preparing Plans: Curtis Moore E-Mail:
Address: 1707 Sherwood Rd, Petersburg Phone:

Firm/Contractor to Perform Work: E-Mail:
Address: Phone:

- Type of Project: [X] Residential [] Commercial
Category: [X] Repair [] Addition [] Driveway, sidewalk, parking lots
[X] Renovation, Restoration [] New construction
[] Change in materials [] Demolition
[X] Approval of paint colors [] Plaque
[X] Fencing [X] Other: Storage shed
[] Signage

Project Description (attached additional sheets as needed):
Please provide as much information as possible. The Architectural Review Board may deny or table requests that lack sufficient information for review and if you or your representative are not present. Please see Application Guidance and the Historic District Design Guidelines for additional information. The Historic District Guidelines are available for \$25 in the Planning Department.

Please see attached -- Request to expedite

[Signature]
Applicant's Signature

5/2/2024
Date

FOR OFFICE USE
Date received: 05/03/2024 Agenda date: 06/12/2024
Tax Parcel: Zoning: R-3
Additional permits needed from planning:

To Whom It May Concern:

My name is Victoria Glazer, I recently purchased 104 Marshall Street (aka the “Molly McRae House”) in the Poplar Lawn Historic District. I am requesting that you expedite the review of my application due to the urgent need of repairs to my home. For safety reasons, I have contracted Curtis Moore to coordinate all repairs and remediation to my home and yard, and began repairs before I was aware of your review process.

The front and back porches have significant rot and wood-destroying insect damage, and are missing key support beams; this makes all entry ways to the house, both front and back, potentially unsafe. All of the window frames are in varying states of disrepair, and all require waterproofing to prevent further rot both to the exterior and interior of the home. There are additionally windows that do not sit properly within their frames, allowing water to accumulate within the walls and inside of my home.

My intentions are to restore the house as closely as possible to its prior state, with minor alterations to the paint scheme while still using the same colors currently present on the house (as closely matched as possible).

- The carpenter contracted to repair the porch has kept the original railings to use as a template to custom-make new rails.
- I also need to caulk, seal, prime and waterproof the exteriors of the windows, to prevent further deterioration and rot. I intend to keep the original windows of the home, and repair them to prevent further water intrusion. Some exterior window sills are damaged beyond repair and will need to be replaced; the plan is to buy wooden beams of similar size and style to replace them, and preserve the current look of my home.
- The current placement of the color scheme of the house is inconsistent, each of my 31 windows are painted slightly differently. The placement of colors between the front vs the back porch was also applied inconsistently. I plan to use colors that are already on the house, but to simplify the color scheme so that the house can be painted uniformly.
 - Of note: there are currently 6 colors on the house. My plan is to only use 4 of those already-existing colors, to reduce noise and make things more uniform across the property.
 - Attached to this application is a picture of swatches of my 4 colors, as closely as I could match them to the existing structure.

There are also trees that have been unkempt in the backyard, which we would like to remove for various reasons. In order to do so, our wooden privacy fence needed to be removed. That fence was also rotted and in need of repairs. My plan, once the trees are safely taken down by a licensed and insured contractor, is to rebuild a similar privacy fence (again, only around the backyard, wooden, and 6-feet tall like the prior fence).

We also built a small metal gray storage shed in the backyard, to store our lawn mower and other gardening tools, as there was no other suitable storage area available when we purchased the property. A number of our neighbors have similar sheds on their properties. This shed will likely not be visible from the street once the fence is restored.

I kindly ask your considerate and expedited review of this application, so I can proceed with these desperately needed repairs to my home.

Sincerely,

Victoria Glazer



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SECURITY





City of Petersburg

Department of Planning and
Community Development
135 N. Union Street, Room 304
Petersburg, Virginia 23803

Soren Granger
Preservation Planner
804-933-1436
sgranger@petersburg-va.org

June 13, 2024

Victoria Glazer
104 Marshall Street
Petersburg, VA 23803

Re: Certificate of Appropriateness (COA) Application for 104 Marshall Street

Ms. Glazier,

Thank you for your application for a Certificate of Appropriateness for the installation of a six-foot-tall wooden privacy fence at 104 Marshall Street, located in the Poplar Lawn Historic District. Your request was reviewed and denied at the regular meeting of the Petersburg Architectural Review Board (ARB) on Wednesday, June 12, 2024.

The denial was based on Chapter 8 Section 4 of the Historic District Guidelines which states that the height of fences should conform to zoning regulations. Article 25, Section 3.2(4) of the Zoning Ordinance states “*an ornamental fence or wall not more than three and one-half (3½) feet in height may project into or enclose any required front or side yard to a depth from the street line equal to the required depth of the front yard.*” Because the property is a corner lot, a 15-foot setback from the side street is required per Article 25, Section 3.3(3) of the Zoning Ordinance, meaning the fence could not exceed three and one-half feet within the first fifteen feet of the lot line adjoining the side street.

You may appeal this decision to City Council as authorized in the Zoning Ordinance Article 35, Section 13, which states:

“Whenever the architectural review board shall, in a final decision, deny an applicant a certificate of appropriateness, the applicant shall have the right to appeal to and be heard before city council, provided he files with the clerk of council, on or before thirty (30) days after the decision of the board, a notice, in writing, of his intention to appeal. Upon receipt of such notice, the clerk of council shall forthwith notify the city manager, who shall schedule a public hearing before city council at a time not to exceed thirty (30) days after receipt by the clerk of such notice.”

On any such appeal, the final decision of the architectural review board shall be stayed, pending the outcome of the appeal before council, except that the filing of the appeal shall not stay the decision of the board if such decision denies the right to raze, move or demolish any historic landmarks, building or structure. The council shall conduct a full and impartial public hearing on the matter before rendering a decision.

The same standards and considerations aforesaid in this article shall be applied by the council as are established for the architectural review board. By majority of those members present and voting, the council may affirm, reverse or modify the decision of the board, in whole or in part. The decision, subject to section 14 of this article, shall be final. If approved, a certificate of appropriateness shall be signed and issued by the clerk of council, and processed in the same manner as if it had been approved by the architectural review board.”

Failure to appeal the decision within 30 days will result in ratification of the Board’s decision.

Should you have questions or concerns, please feel free to contact me (804) 733-2309 or via email at jcrews@petersburg-va.org.

Respectfully,



Jared Crews
Acting Secretary to the Architectural Review Board



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: July 30, 2024

TO: The Honorable Mayor and Members of City Council

THROUGH: Naomi Siodmok, Director of Planning and Community Development

FROM: March Altman, Jr.

RE: **Public Hearing and Consideration of an Ordinance to Approve Amendment and Readoption of Article 3, Definitions and Article 23, Supplementary Use Regulations, Special Uses Pertaining to Recreation Substance Retail Uses (2nd Reading)**

PURPOSE: To regulate facilities primarily conducting sales of recreational substances like tobacco and vaping products, to improve the overall public health in the City by introducing certain regulations on this land use.

REASON: Due to the frequency of business license requests by facilities primarily conducting sales of recreational substances like tobacco and vaping products, this text amendment is proposed to improve the overall public health in the City by introducing certain regulations of this land use. The proposed text amendment would define “recreational substances” and “recreational substances retail,” prohibit any facility within 1,000 linear feet of a child day care center or public, private, or parochial school, and require a special use permit for recreational substances retail uses in the B-1, B-2, and M-1 Zoning Districts while prohibiting the use in other districts.

RECOMMENDATION: Planning Commission recommended approval of this text amendment on June 6, 2024.

BACKGROUND:

1. March 7, 2024 – staff discussed potential ordinance requirements for recreational substance retail facilities with the Planning Commission and were directed to initiate a public hearing for consideration of an ordinance amendment for consideration.
2. April 4, 2024 – Planning Commission held a public hearing and recommended approval of 2024-ZTA-02, which included definitions and use limitations for recreational substance retail uses.
3. April 5, 2024 – HB 947 was signed by Virginia Governor, which limited the authority of the City to regulate the uses as initially desired.
4. May 2, 2024 - The Planning Commission held a public hearing on a proposed text amendment which would make recreational substance retail facilities a by-right use in the B-1, B-2, and M-1 Districts if the facilities are located 1,000 linear feet from a day care center or school. The Planning Commission tabled the request and asked that the language be amended to require special use permits for recreational substance retail facilities in the B-1, B-2, and M-1 district.

5. June 6, 2024 - The Planning Commission recommended approval of an amendment and readoption of Article 3, Definitions and Article 23, Supplementary Use Regulations, Special Uses pertaining to recreational substance retail uses.

COST TO CITY:

BUDGETED ITEM:

REVENUE TO CITY:

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES:

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. 24-ZTA-03 Memo - UPDATED
2. 24-ZTA-03 - Updated
3. Ordinance 24-ZTA-03
4. Tracked Changes Combined



City of Petersburg

Department of Planning and Community Development
135 N Union St, Room 304
Petersburg, VA 23803
(804) 733-2308

MEMORANDUM

DATE: July 2024

TO: Mayor, Vice Mayor, and City Council

FROM: Planning and Community Development

RE: 2024-ZTA-03: A Public Hearing and consideration of a resolution recommending approval of an amendment and readoption of Article 3, Definitions and Article 23, Supplementary Use Regulations, Special Uses pertaining to recreation substance retail uses.

EXECUTIVE SUMMARY:

Due to the frequency of business license requests by facilities primarily conducting sales of recreational substances like tobacco and vaping products, this text amendment is proposed to improve the overall public health in the City by introducing certain regulations of this land use. The proposed text amendment would define “recreational substances” and “recreational substances retail,” prohibit any facility within 1,000 linear feet of a child day care center or public, private, or parochial school, and require a special use permit for recreational substances retail uses in the B-1, B-2, and M-1 Zoning Districts while prohibiting the use in other districts.

CHRONOLOGY OF EVENTS:

1. March 7, 2024 – Staff discussed potential ordinance requirements for recreational substance retail facilities with the Planning Commission and were directed to initiate a public hearing for consideration of an ordinance amendment for consideration.
2. April 4, 2024 – Planning Commission held a public hearing and recommended approval of 2024-ZTA-02, which included definitions and use limitations for recreational substance retail uses.
3. April 5, 2024 – HB 947 was signed by Virginia Governor, which limited how the City can regulate recreational substances and associated retail.

4. May 2, 2024 - The Planning Commission held a public hearing on a proposed text amendment which would make recreational substance retail facilities a by-right use in the B-1, B-2, and M-1 Districts if the facilities are located 1,000 linear feet from a day care center or school. The Planning Commission tabled the request and asked that the language be amended to require special use permits for recreational substance retail facilities in the B-1, B-2, and M-1 district.
5. June 6, 2024 - The Planning Commission recommended approval of an amendment and readoption of Article 3, Definitions and Article 23, Supplementary Use Regulations, Special Uses pertaining to recreational substance retail uses.

BACKGROUND:

Over the past few months, the City has seen several business license requests come in for facilities where the primary operation is the sale of tobacco and vaping products; six of these stores were approved between August 2023 and February 2024, four of which are located within approximately one-quarter-square-mile of each other. There has been concern over the increase in the number of these facilities both state and nation-wide over the past several years with a particular focus on the marketing and availability of the products to teens. Based on the current Zoning Ordinance, these facilities are permitted in the City's commercial districts by-right without any specific restrictions.

To address these concerns, a draft text amendment was brought for a public hearing on April 4, 2024 to the Planning Commission. This ordinance was based on standards adopted in neighboring Chesterfield County and had language which would limit the proximity of facilities selling recreational substances to schools, parks, playgrounds, and community buildings, and other facilities selling recreational substances as well as set hours of operation for these facilities.

The Planning Commission recommended approval of the draft text amendment, but on April 5, a bill from the Virginia Assembly detailing how localities can regulate sale locations of tobacco, nicotine, and hemp products was signed into law. Since Virginia is a Dillon Rule State, the City is limited to regulatory powers explicitly granted by the State and on May 2, staff brought an alternative text amendment for the Commission's consideration which would align with the new State Code Language. This alternative text specified that recreational substance retail uses would be permitted in the B-1, B-2, and M-1 Districts as a by-right use if the facilities were located at least 1,000 linear feet from any day care center or school. The Planning Commission expressed concern over allowing the use by-right and asked that staff amend the language to require special use permits for the facilities.

With that, the alternative amendment has been updated to comprise the following:

- 1) Recreational substances would be defined to include tobacco products, nicotine fluid/vaping products, and raw materials from hemp meant to be consumed by inhalation
- 2) Recreational substances retail would be defined with two variations:

- a. Off-site use: any facility whose operation involves the retail sales of recreational substances as 25 percent or more of its inventory or 15 percent or more of its display area. Recreational substances are meant to be consumed off-site.
 - b. On-site use: any facility where substances can be consumed on-site (e.g. a cigar lounge)
- 3) A special use permit would be required for recreational substances retail (both off-site and on-site use) in the B-1, Shopping Center, B-2, General Commercial, and M-1, Light Industrial zoning districts. The use would be prohibited in the remaining zoning districts.
- 4) Recreational substance retail uses would be prohibited within 1,000 linear feet of day care centers and public, private, and parochial schools.

COMPREHENSIVE PLAN CONSIDERATIONS:

While the Comprehensive Plan does not provide guidance specific to recreational substance retail use, the plan does stress the importance of healthy citizens and communities. Public health is identified as one of the key themes of the plan, which commits the City to making decisions “intended to advance public health and safety” over the next 20 years.

In keeping with the Comprehensive Plan, the major goal of this text amendment is to improve the overall health of the public by reducing smoking rates, particularly among the City’s youth.

RECOMMENDATION: Staff recommend approval of the proposed text amendment. Planning Commission recommended approval on June 6, 2024.

CITY COUNCIL
JULY 2024

2024-ZTA-03:

A Public Hearing and consideration of an ordinance to approve an amendment and readoption of Article 3, Definitions and Article 23, Supplementary Use Regulations, Special Uses as set forth in the Zoning Ordinance of the City of Petersburg pertaining to recreational substance retail uses.



Background

The goals of the amendment:

- 1) Decrease the number of teens using tobacco or vape products due a correlation between proximity of these stores to schools and likelihood of smoking
- 2) Improve public health

Background cont.

- April 4: Planning Commission recommended approval of 2024-ZTA-04 which included regulations on separation between facilities selling recreational substances from schools and public gathering places, separation between the facilities themselves, and hours of operation.
- April 5: HB 947 signed by Governor -States that localities can regulate tobacco, nicotine, and hemp sale locations by prohibiting these uses within 1,000 feet of day care centers and schools; Virginia is Dillon Rule State – City is limited to powers **explicitly** granted by State.

Background cont.

- May 2, 2024: Planning Commission reviewed first draft of 2024-ZTA-03 and requested the language be amended to require Special Use Permits for recreational substance retail uses.
- June 6, 2024 - The Planning Commission recommended approval of an amendment and readoption of Article 3, Definitions and Article 23, Supplementary Use Regulations, Special Uses pertaining to recreational substance retail uses.

Amendment

The proposed amendment would comprise the following changes:

- 1) Defining recreational substances and recreational substance retail uses.
- 2) Specifying where and how facilities conducting recreational substance retail use are permitted.

New Definitions

Recreational Substances. Recreational substances includes the following:

- (1) Any product made of tobacco including cigarettes, cigars, smokeless tobacco, and pipe tobacco.
- (2) Any noncombustible product containing nicotine or vaping fluid that employs a heating element, power source, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from a solution or other form.
- (3) Any product, including any raw materials from hemp that are intended to be consumed by inhalation.

New Definitions cont.

- *Recreational Substances Retail, Off-Site Use:* Any establishment, facility, or location whose business operation involves (i) the retail sale of Recreational Substances and (ii) includes Recreational Substances as 25% or more of its total inventory or 15% or more of its total display shelf area
- *Recreational Substances Retail, On-Site Use.* Any establishment, facility, or location whose business operation allows the on-site use of Recreational Substances

Approval of Recreational Substance Retail Uses

- Recreational substances retail (both off-site and on-site use) would be allowed **with an approved Special Use Permit** in the B-1, Shopping Center, B-2, General Commercial, and M-1, Light Industrial zoning districts
- In addition to any conditions attached to the special use permit, the uses would automatically be prohibited within 1,000 linear feet of any child day care center or public, private, or parochial school
- Recreational substances retail would be prohibited in the remaining zoning districts

Recommendation

- Planning Commission recommended approval of a resolution to amend and readopt of Article 3, Definitions and Article 23, Supplementary Use Regulations, Special Uses pertaining to recreation substance retail uses.

AN ORDINANCE TO AMEND AND READOPT ARTICLE 3. - DEFINITIONS AND ARTICLE 23. - SUPPLEMENTARY USE REGULATIONS – SPECIAL USES, AS SET FORTH IN THE ZONING ORDINANCE OF THE CITY OF PETERSBURG, TO DEFINE RECREATIONAL SUBSTANCE RETAIL USES AND REGULATE THE ALLOWANCE OF SUCH USES WITHIN THE CITY

WHEREAS, the City of Petersburg Zoning Ordinance includes Article 3. – Definitions and Article 23. – Supplementary Use Regulations – Special Uses; and

WHEREAS, the purpose of these sections are to define and regulate uses of property within City limits; and

WHEREAS, The City of Petersburg has seen an influx of business license requests for facilities conducting sales of recreational substances, including tobacco and vaping products; and

WHEREAS, the City Council seeks to reduce the number of teens using tobacco and vaping products by limiting proximity of recreational substance retail uses to child day care centers and public, private, or parochial school; and

WHEREAS, the Planning Commission has recommended that recreational substance retail uses be allowed in the B-1, Shopping Center, B-2 General Commercial, and M-1 Light Industrial districts only, and subject to the approval of a special use permit and the City Council is in agreement; and

WHEREAS, pursuant to the requirements of Titles 15.2-2204 and 15.2-2285 of the Code of Virginia, as amended, a public hearing was advertised and held, in accordance with applicable laws.

NOW THEREFORE BE IT ORDAINED that City Council does hereby approve an ordinance amending and readopting Article 3. – Definitions and Article 23.- Supplementary Use Regulations – Special uses as indicated in Exhibit A.

ARTICLE 3. - DEFINITIONS

Section 1. - General rules of construction.

For the purpose of this ordinance, certain terms and words are hereby defined. Words used in the present tense include the future, words in singular number include the plural number, and words in plural number include the singular; the word "building" includes the word "structure"; the word "shall" is mandatory and not directory.

(Ord. No. 94-140, 11-15-1994)

Section 2. - Definitions.

Abattoir. A commercial slaughterhouse.

Accessory building. An accessory building is a subordinate building or a portion of the main building, the use of which is clearly incidental to or customarily found in connection with, and (except as otherwise provided in this article) located on the same lot as the main building or principal use of the land.

Accessory use. An accessory use is one which is clearly incidental to or customarily found in connection with, and (except as otherwise provided in this article) on the same lot as the principal use of the premises. When "accessory" is used in the text, it shall have the same meaning as "accessory use."

Adult book store. A commercial establishment which has a substantial or significant portion of its stock in trade, books, magazines, periodicals, films or similar printed materials and which, with respect to the entire premises or a portion or a section of the premises, limits its customers to persons over 18 years of age, or as one of its principal business purposes offers for sale, rental or viewing for any form of consideration any one or more of the following:

- (1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas"; or
- (2) Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities."

Adult entertainment establishment. A restaurant, nightclub, private club or similar establishment which allows live performances involving persons who are semi-nude. For the purposes of this provision, semi-nude shall mean:

- (1) Less than completely and opaquely covered pubic region, buttocks, or female breasts below a point immediately above the top of the areolae, excepting any portion of the cleavage of the female breast exploited by a dress, shirt, leotard, bathing suit or other wearing apparel, provided the areolae are not exposed, but under no circumstances less than completely covered genitals, anus, or areolae of the female breast;
- (2) Male genitals in a state of arousal, even if completely and opaquely covered.

Any establishment which features such performances shall be deemed to be an adult entertainment establishment. The above restrictions shall not apply to a legitimate theatrical performance where nudity or semi-nudity is only incidental to the primary purpose of the performance.

Adult motion picture theater. A commercial establishment where, for any form of consideration, films (which term shall also include videotapes and other, comparable technology) containing "specified sexual activities" or "specified anatomical areas" ("sexually oriented films") are predominantly shown; or where a predominant number of films are limited to adults only. For the purposes of this section, sexually oriented films will be deemed predominantly shown if they are shown more frequently than other, nonsexually oriented films, or if there is

PART II - CODE
APPENDIX B - ZONING

regularly greater audience attendance at such films than at other, nonsexually oriented films. A finding of the zoning administrator that sexually oriented films predominate or that a predominant number of films are restricted to adults shall be presumed to be correct unless the subject owner or operator rebuts the presumption by clear and convincing evidence.

Adult video store. A commercial establishment where, for any form of consideration, films, including videotapes/video cassettes, motion pictures, slides and other, comparable technology, containing "specified sexual activities" or "specified anatomical areas" (sexually oriented films) are offered for sale or rent; such films are a substantial portion of the stock-in-trade of such establishment; or where a substantial portion of such films are limited to adults only.

Alley. A public way which affords only a secondary means of access to property abutting thereon.

Alteration. Any change in the total floor area, use, adaptability or external appearance of an existing structure.

Alternative financial institution. Any check cashing establishment other than a federally or state-chartered bank, credit union, or savings and loan institution, which primarily offers motor vehicle title loan and/or payday loan services.

Apartment. A part of a building containing cooking and housekeeping facilities, consisting of a room or suite of rooms, intended, designed and used as a residence by an individual or a single family.

Apartment house. Same as "dwelling, multiple-family."

Assisted living facility. A residential facility, other than a group home, where more than eight residents who are not related by blood or marriage receive assistance with activities of daily living or therapeutic care, regardless of whether licensed by a governmental agency or not. Assisted living facilities shall only be permitted upon issuance of a special use permit by city council.

Automobile. A motor vehicle designed to transport property and/or persons on its own structure. The term "automobile" shall include, but not be limited to, "passenger car," "pickup truck," "panel truck," "van," or "light truck, with a capacity of four tons or less and having no more than two axles."

Automobile self-service station. Any establishment having pumps and storage tanks at which fuels and oils for automobiles are dispensed or sold at retail, and where dispensing is performed by the customer or an employee, but where automotive repair is not performed. A gasoline service station shall not have parking or refueling facilities for semi-trailer trucks, nor shall the refueling of such vehicles be permitted, although semi-trailer trucks may be permitted to park on the site for the purpose of off-loading goods to the businesses located on the premises.

Automobile service station. Any establishment having pumps and storage tanks at which fuels and oils for automobiles are dispensed or sold at retail, and where dispensing is performed by the customer or an employee. A gasoline service station shall not have parking or refueling facilities for semi-trailer trucks, although semi-trailer trucks may be permitted to park on the site for the purpose of off-loading goods to the businesses located on the premises. In addition, only the following services and sales may be made: sale and servicing of spark plugs, batteries and/or distributors and ignition system parts; replacement or muffler or other exhaust system parts; replacement of coolant hoses, accessory drive belts, windshield wipers or blades, light bulbs or parts; the changing or oil and filters and lubrication of parts; repairs to fuel injectors or related systems; adjustment and repair of brakes; repair of automotive wiring systems; and minor motor repairs not involving the removal of the engine head or crankcase, or transmission; sales of beverages, packaged foods, tobacco products and similar convenience goods for customers, as accessory and incidental to the principal operations; provision of restroom facilities; and state motor vehicle inspections.

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Basement. That portion of a building between the floor and ceiling which is wholly or partly below grade, and having more than one-half of its height below grade.

Bed-and-breakfast inn. A structure or building containing sleeping and eating accommodations for compensation and allowing only overnight transient guests and which is operated in accordance with all pertinent city code requirements and regulations.

Boardinghouse. A building or portion thereof where no more than six rooms, limited to no more than one occupant each, are rented on a weekly or monthly basis, where renters may share common cooking or bathroom facilities.

Breezeway. A structure, entirely open, except for roof and supporting columns, which connects a residence and an accessory building on the same lot.

Building. Any structure, having a roof supported by columns or walls, for the housing or enclosure of persons or property of any kind.

Building, height of. The vertical distance from the grade to the highest point of the coping of a flat roof or to the mean height level between eaves and ridge for gable, hip and gambrel roof.

Buildable width. The width of that part of a lot not included within the open space herein required.

Child-care center. A facility operated for the purpose of providing care, protection and guidance to a group of ten or more children separated from their parents or guardian during a part of the day only, except:

- (1) A facility required to be licensed as a summer camp under the Code of Virginia, §§ 35-43 through 35-53;
- (2) A public school, unless the commission of welfare and institutions determines that such private schools is operating a child care outside the scope of regular classes;
- (3) A facility which provides child care on a hourly basis, which is contracted for by parent only occasionally;
- (4) A facility operated by a hospital on the hospital's premises, which provides care to the children of the hospital employees while such employees are engaged in performing work for the hospital;
- (5) Sunday School conducted by a religious institution or a facility operated by a religious organization, where children are cared for during short periods of time while persons responsible for such children are attending religious study;
- (6) Those operated as an auxiliary use on the premises of a church or religious institution.

Clinic. An office building or a group of offices for one or more physicians, surgeons or dentists engaged in treating the sick or injured, but not including rooms for abiding patients.

Club. Buildings and facilities owned or operated by a corporation, association, person or persons, for a social, educational or recreational purpose, but not primarily for profit which insures to any individual, and not primarily to render a service which is customarily carried on as a business.

Conditional zoning. As part of classifying land within a governmental entity into areas and districts by legislative action, the allowing of reasonable conditions governing the use of such property, such conditions being in addition to the regulations provided for a particular zoning district or zone by the overall zoning ordinance.

Commission. The planning commission of the City of Petersburg.

Court. An open space, which may or may not have direct street access and around which is arranged a single building or a group of related buildings.

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District. Any section of the City of Petersburg within which the zoning regulations are uniform.

Drive-in restaurant. A retail food-dispensing and eating establishment where patrons are permitted to park cars on the premises and food or drinks are served to patrons in cars.

Dwelling. Any building, or portion thereof: designed or used for residential purposes.

Dwelling, single-family. A building designed for use, or occupied exclusively, by one family.

Dwelling, two-family. A building designed for, or occupied exclusively, by two families living independently of each other.

Dwelling, multiple-family. A building designed for, or occupied exclusively, by three or more families living independently of each other.

Dwelling, townhouse. One of a series of from three to 12 attached dwelling units separated from one another by continuous vertical walls without openings from basement floor to roof: and having diversified architectural facades or treatment of materials on both front and rear of the building group, with not more than four or any 12 abutting townhouses having the same architectural facades and treatment of materials, and with same front and rear setbacks. Minimum setback offset shall be one foot.

Dwelling unit. A room or group of rooms occupied or intended to be occupied as separate living quarters by a single family or other group of persons living together as a household, or by a person living alone.

Family. One person, or two or more persons related by blood, adoption or marriage living and cooking together as a single housekeeping unit with not more than two boarders; or a number of persons, but not exceeding two living and cooking together as a single housekeeping unit, though not related by blood, adoption or marriage shall be deemed to constitute a family. The term "person" used herein shall not be construed to include lodger(s) or boarder(s).

Family day-care home. Any private family home in which five to nine children are received for care, protection and guidance during only a part of the 24-hour-day, except children who are related by blood or marriage to the person who maintains the house.

Floor area. The gross horizontal area of all floors, including basements, cellars and penthouses (but excluding such areas within a building which are used for parking), measured from the exterior faces of the exterior of a building.

Frontage.

- (1) *Street frontage.* All of the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street; or if the street is dead-ended, then all the property abutting on one side between an intersecting street and the dead-end of the street.
- (2) *Lot frontage.* The distance for which the front boundary line of the lot and the street line are coincident.

Garage, private. An accessory building, not exceeding 900 square feet in area, designed or used for the storage of not more than four motor-driven vehicles owned and used by the occupants of the building to which it is accessory. Not more than one of the vehicles may be a commercial vehicle [, such vehicle] of not more than two tons capacity.

Garage, storage or parking. A building, or portion thereof: designed or used exclusively for storage of motor-driven vehicles, and at which motor fuels and oils may be sold without exterior advertising, and where motor-driven vehicles are not equipped, repaired, hired, or sold.

Gasoline service station. Same as automobile self-service station.

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Grade.

- (1) For buildings having a wall or walls adjoining one street only, the elevation of the sidewalk grade at the center of the wall adjoining the street.
- (2) For buildings having a wall or walls adjoining more than one street, the average elevation of the sidewalk grade at the centers of all walls adjoining the streets.
- (3) For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.

Any wall parallel to, or within ten degrees of being parallel to and not more than 15 feet from a street line is to be considered as adjoining the street. Sidewalk grades shall be as established by the director of public works.

Group home. As defined within Code of Virginia, § 15.2-2291, (1) a residential facility for which the Department of Behavioral Health and Developmental Services of the Commonwealth is the licensing authority; and, in which no more than eight mentally ill, mentally retarded or developmentally disabled persons reside, with one or more resident or nonresident staff persons or (2) a residential facility in which aged, infirm or disabled persons reside for which the Department of Social Services is the licensing authority in which no more than eight aged, infirm or disabled persons reside, with one or more resident counselors or other staff persons. A group home shall be treated as residential occupancy by a single family. Mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined within Code of Virginia, § 54.1-3401.

Guesthouse. Living quarters within a detached accessory building located on the same premises with the main building for use by temporary guests of the occupants of the premises; such quarters having no kitchen facilities or separate utilities and not rented or otherwise used as a separate dwelling.

Home occupation. Any occupation or activity which is clearly incidental and secondary to use of the premises for dwelling, and which is carried on wholly within a main building by a member of a family residing on the premises; in connection with which there is no advertising other than an identification sign of not more than one square foot in area; and no other display or storage of materials, or generation of substantial volumes of vehicular or pedestrian traffic or parking demand, or other exterior indication of the home occupation or variation from the residential character of the building; and in connection with which no person outside the resident family is employed, and no equipment used, other than that normally used in connection with a residence. A home occupation shall not include beauty parlors, barbershops, or doctors' or dentists' offices for the treatment of patients, or similar establishments offering services to the general public.

Hospital. A building or group of buildings, having room facilities for one or more abiding patients, used for providing services for the in-patient, medical or surgical care of sick or injured humans, and which may include related facilities, such as laboratories, out-patient department, training facilities, central service facilities, and staff offices; provided, however, that such related facility must be incidental and subordinate to the main use, and must be an integral part of the hospital operation.

Hotel, motel. An establishment primarily engaged in the rental of more than six rooms on a daily basis. As such, it is open to the public in contradistinction to a boardinghouse, rooming house, lodging house or apartment, which are herein separately defined. The term "motel" includes "motor court," "motor hotel," or "motel lodge." The term "hotel" includes "apartment hotel." A hotel or motel shall be deemed to include any establishment which provides residential living accommodations for transients on a short-term basis.

Live entertainment. An accessory use allowing live performances but not limited to, music performances involving amplified music or more than one live instrument, a disc jockey, any form of dancing, karaoke, solo artists and comedians.

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Loading space. A space within the main building or on the same lot therewith providing for temporary parking of motor vehicles while transferring, loading or unloading goods, merchandise, or products.

Lodging house. Same as "boardinghouse."

Lot. A portion or parcel of land devoted to a common use, or occupied by a principal building or group of buildings devoted to common use, together with the customary accessories and open spaces belonging to same, and having its principal frontage on a public street or a private street of record.

Lot, area. The total horizontal area within the lot lines of the lot.

Lot, corner. A lot abutting upon two or more streets at their intersection.

Lot, depth of. The distance from the front street line to the rear lot line, measured in the mean direction of the side lot lines.

Lot, interior. A lot whose side line or lines do not abut upon any street.

Lot, through. An interior lot having frontage on two streets.

Lot of record. A lot which has been recorded in the office of the clerk of the Hustings Court of the City of Petersburg or the Circuit Court of Dinwiddie or Prince George County.

Lot, width. The distance between the side lot lines measured at the required front yard line.

Micro-brewery, micro-distillery, micro-winery and/or micro-cidery. A facility for the production and packaging of alcoholic beverages for distribution, retail or wholesale, on- or off-premises and which meets all Virginia Alcoholic Beverage Control laws and regulations. The facility may include other uses such as retail sales, tasting rooms and restaurants.

Mini-storage facility, mini-warehouse, or self-storage facility. A facility consisting of individual, small, self-contained units or areas within a building which are rented individually for storage, that is used or is designed to be used for storing household goods, business records or supplies, vehicles or recreational vehicles.

Mobile food unit. A restaurant that is mounted on wheels and readily movable from place to place by an internal engine or that is towed from place to place by a motor vehicle. Mobile food unit shall not include vending carts or other conveyances which are designed to be moved by either human or animal power.

Mobile home. An industrialized building unit which is eight feet or more in width and 32 feet or more in length and is constructed on a chassis for towing to the point of use and designed to be used with or without a foundation for occupancy as a dwelling when connected to required utilities; or two or more such units, separately towable, but designed to be joined together at the point of use to form a single dwelling, and which is designed for removal to and installation or erection on other sites.

Mobile home park. Any plot of ground upon which two or more mobile homes, occupied for dwelling sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations.

Mobile home space. A plot of ground within a mobile home park designed for accommodation for one mobile home.

Mobile home subdivision. Any division of land into three or more lots, for the intended purpose of occupation of the resultant lots by mobile homes. Each lot to be occupied by no more than one mobile home at any one time.

Modular home or unit. An industrialized building assembly or system of building subassemblies, including the necessary electrical, plumbing, heating, ventilating and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, as a

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finished building or as a part of a finished building, comprising two or more industrialized building units and not designed for ready removal to or installation or erection on another site. For the purpose of this article, a modular unit shall be deemed a single-family dwelling and shall not be deemed a mobile home.

Nightclub. An establishment where entertainment, live or otherwise, predominates over food service, becoming the principal use for at least during part of the business' operations, with or without dancing, and typically involving a cover or other charge for admission and event advertising. An establishment that serves alcoholic beverages, that provides live entertainment with live music, a disc jockey and a dance floor and that operates late in the evening later than 11:00 p.m.

- (1) A nightclub shall not serve food or beverages to customers between the hours of 2:00 a.m. and 6:00 a.m.
- (2) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- (3) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.
- (4) The establishment shall maintain a current, active business license at all times while in operation.
- (5) The establishment shall remain current on all food beverages taxes and business personal property taxes which may become due while it is in operation.
- (6) The area devoted to dance floor shall not exceed 250 square feet or ten percent of total floor area (exclusive of food preparations and service area), whichever is greater.

Nonconforming use. Any building or land lawfully occupied by a use at the time of passage of this article, or amendment thereto, which does not conform after the passage of this article, or amendment thereto, with the use regulations of the district in which it is located.

Parking space, off-street. An all-weather surfaced area, not in the street or alley, and having an area of not less than 180 square feet, exclusive of driveways, permanently reserved for the temporary storage of one automobile, and connected with a street or alley by an all-weather surfaced driveway which affords satisfactory ingress and egress for automobiles.

Premises. A lot, together with all buildings and structures thereon.

Private club. An establishment of a private not-for-profit organization, including fraternal organizations, which provides social, physical, recreational, educational or benevolent services. Such establishment shall not be operated for the purpose of carrying on a trade or business, and no part of the net earnings shall inure to the benefit of any member of such organization or any other individuals, although regular employees may be paid reasonable compensation for services rendered.

Private nursery school. A school operated primarily for the educational instruction of children three to five years of age, at which [school] children three or four years of age do not attend in excess of four hours per day and children five years of age do not attend in excess of six and one-half hours per day.

Private plaza. A multi-purpose area that allows flexibility of space within its boundaries, to include planned and passive activities such as festivals, art events, outdoor movies, staged musical or theatrical entertainment, which may also include fountains, benches, temporary installations, including temporary stages, lighting and sound equipment, recreational facilities, outdoor furniture and seating areas and outdoor seating for restaurants and other eating establishments that surround the plaza.

Proffer. A condition voluntarily offered by a developer that limits or qualifies how the property in question will be used or developed.

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Recreational Substances. Recreational substances includes the following:

- (1) Any product made of tobacco including cigarettes, cigars, smokeless tobacco, and pipe tobacco.
- (2) Any noncombustible product containing nicotine or vaping fluid that employs a heating element, power source, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from a solution or other form.
- (3) Any product, including any raw materials from hemp that are intended to be consumed by inhalation.

Recreational Substances Retail, Off-Site Use: Any establishment, facility, or location whose business operation involves (i) the retail sale of Recreational Substances and (ii) includes Recreational Substances as 25% or more of its total inventory or 15% or more of its total display shelf area.

Recreational Substances Retail, On-Site Use. Any establishment, facility, or location whose business operation allows the on-site use of Recreational Substances.

Restaurant. An establishment where food and beverages are prepared and sold for consumption both on and off the premises, and with customer seating provided on the premises.

Restaurant, carry out. An establishment where food and beverages are prepared for consumption off the premises, and with no customer seating on the premises.

Restaurant, coffee or ice cream shop. A small restaurant, typically no more than 2,000 square feet in area, where the principal business is either the sale of coffee and other hot beverages or the sale of ice cream, frozen yogurt or other related confections. Pastries, baked goods, cold beverages, sandwiches and other light fare may also be sold incidental to the service of coffee, and other confections, but no alcohol is served, no entertainment takes place and no significant cooking, other than the application of heat by microwave, electric burner, espresso machine, the heating of soup or the boiling of water, typically takes place.

Rooming house. Same as "boardinghouse."

Sign. A sign is any structure, or part thereof or any device attached to, painted on, or represented on a building, fence or other structure, upon which is displayed or included any letter, work, model, banner, flag, pennant, insignia, decoration, device or representation used as, or which is in the nature of an announcement, direction, advertisement or other attention-directing device. A sign shall not include a similar structure or device located within a building, except illuminated signs within show windows.

Sign area. That area within a line including the outer extremities of all letters, figures, characters and delineations, or within a line, including the outer extremities of the framework or background of the sign, whichever line includes the larger area. The support for the sign background, whether it be columns, a pylon or a building, or part thereof shall be included in the sign area.

Sign, flashing. Any illuminated sign on which the artificial or reflected light is not maintained stationary and constant in intensity and color at all times when in use. Any revolving illuminated sign shall be considered a flashing sign.

Sign, illuminated. Any sign designed to give forth artificial light, or designed to reflect light from one or more sources of artificial light erected to provide light for the sign.

Small box discount store. Retail sales uses with a floor area less than 12,000 square feet that offer for sale a combination and variety of convenience shopping goods and consumer shopping goods; and continuously offer a majority of the items in their inventory for sale at a price less than \$10.00 per item.

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Solar panel, small. Non-commercial/industrial solar energy harvesting equipment designed to be affixed to a pre-existing structure to supplement a primary energy source. The use is permitted in all zoning districts and must conform to any current or future laws and regulations regarding electrical energy harvesting, storage, and distribution. If the proposed location is within a historic district, the use is subject to review by the architectural review board. All solar facilities must comply with Code of Virginia title 15.2, chapter 22, article 7, § 15.2-2288.7.

Solar farm. Commercial/industrial solar energy harvesting equipment designed to function as standalone structures to provide solar energy as a primary source of electric energy. The use is permitted in A, M-1, and M-2 Zoning Districts, pursuant to an approved special use permit and must conform to any current or future laws and regulations regarding electrical energy harvesting, storage, and distribution. If the proposed location is within a historic district, the use is subject to review by the architectural review board. All solar facilities must comply with Code of Virginia title 15.2, chapter 22, article 7, § 15.2-2288.7.

Specified anatomical area. As used herein, specified anatomical areas means and includes any of the following:

- (1) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areolae; or
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities. As used herein, specified sexual activities means and includes any of the following:

The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;

Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;

Masturbations, actual or simulated; or

Excretory functions as part of or in connection with any of the activities set forth in subdivisions (1) through (3) of this subsection.

Stand-alone used vehicle sales. A business which is not a part of and not on the same parcel as a franchised new vehicle sales business, but which is subject to licensing by the Virginia Department of Motor Vehicles as a vehicle dealership.

Stand-alone vehicle repair shop. A business which is engaged in the provision of general repairs to motor vehicles, including the serving or rebuilding of engines and transmissions, vehicle suspensions, vehicle electrical, hydraulic, or fuel systems, or the provision of major overhauls and maintenance, or minor repairs and routine maintenance to vehicles or parts thereof, and the washing or waxing of vehicles either through the use of automated devices or by hand. The term "stand alone vehicle repair shop" shall not include the painting of vehicles, bodywork or framework performed on vehicles. Neither shall the term "stand alone vehicle repair shop" apply to the service shops of franchised new vehicle dealerships licensed as such by the Virginia Department of Motor Vehicles Dealer Services Division.

Story. That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it; or if there be no floor above it, then the space between such floor and the ceiling next above it.

Story, half. A space under a sloping roof at the top of a building, the floor of which is not more than two feet below the plate, shall be counted as a half-story when not more than 60 percent of said floor area is used for rooms, baths or toilets. A half-story containing an independent apartment or living quarters shall be counted as a full story.

Street. A public thoroughfare which affords the principal means of access to abutting property.

Street line. A dividing line between a lot, tract, or parcel of land and a contiguous street.

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Structure. Anything, other than a fence, constructed or erected, which requires location on the ground, or attached to something having a location on the ground, including, but not limited to, advertising signs, billboards and posterboards.

Structural alterations. Any change in the supporting members of a building, including, but not limited to, bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

Tourist court, auto court. Same as "motel."

Tractor-trailer. A truck equipped with a coupling device to pull trailers, tankers, or semi-trailers, and having a gross vehicular weight of more than five tons. The term "tractor-trailer" shall include, but not be limited to, "tractor truck," and "semi-trailer."

Tractor-trailer service station or truck stop. Any establishment having pumps and storage at which fuels and oils for tractor-trailers, trucks, or buses are dispensed or sold at retail. The facility may also have provisions for the following; tractor trailer, truck, or bus parking; automobile fueling; repair or maintenance of automobiles, trucks, buses, or tractor-trailers; sleeping accommodations; sanitation facilities; or sale of parts or accessories for automobiles or tractor trailers, trucks or buses.

Trailer park, auto trailer camp or mobile home court. That area of land on which two or more trailers or mobile homes being used for living purposes are parked.

Travel trailer. A vehicular, portable structure built on a chassis and designed to be used for temporary occupancy for travel, recreational or vacation use; with manufacturers' permanent identification, "travel trailer," thereon and when factory-equipped for the road, being of any weight, provided its gross weight does not exceed 4,500 pounds; or being of any length provided its overall length does not exceed 32 feet.

Truck. A vehicle with a gross weight of more than five tons.

Vehicle demolisher. Any person whose business it is to crush, flatten, or otherwise reduce a vehicle to a state where it can no longer be considered a vehicle.

Vehicle rebuilder. Any person who acquires and repairs, for use on the public highways, two or more salvage vehicles within a twelve-month period.

Vehicle removal operator. Any person who acquires a vehicle for the purpose of reselling it to a demolisher, scrap metal processor, or salvage dealer.

Vehicle salvage dealer. Any person who acquires any vehicle for the purpose of reselling any parts thereof.

Vehicle tow lot or storage lot. The use of a parcel or lot for the temporary storage of damaged, disabled, inoperative, or impounded motor vehicles or machinery. Except as noted below, temporary storage shall be limited to a maximum of 30 days per vehicle unless the vehicle has been abandoned by its owner. Abandoned vehicles may remain on the lot a maximum of 90 days. Maximum storage times shall be extended up to six months if the owner submits certification to the zoning administrator and to the Bureau of Police that legal obligations preclude removal of such vehicles. The term vehicle tow lot or storage lot shall not include junkyards; nor any vehicle or machinery storage on the same property or portion of property as and directly related to any permitted motor vehicle sales, service, repair and rental use, automobile service station, body shop or similar use and permitted as part of that use. The term vehicle tow lot or storage lot shall include the storage of vehicles in association with the operation of wreckers or similar vehicles, and the parking of wreckers whether or not attached to wrecked, damaged, disabled, inoperative, or impounded vehicles.

Yard. An open space, other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this article.

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Yard, front. A yard extending across the front of a lot between the side yard lines; and being the minimum horizontal distance between the street line and the main building, or any projections thereof: other than the projections of uncovered steps, uncovered balconies, terraces, or uncovered porches. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

Yard, rear. A yard extending across the rear of the lot between the side lot lines, and measured between the rear lot lines and the rear of the main building or any projection other than steps, unenclosed porches, or entrance ways.

Yard, side. A yard between the main building and the side line of the lot; extending from the front lot line to the rear yard; and being the minimum horizontal distance between a side lot line and side of the main building, or any projection thereof.

ARTICLE 23. SUPPLEMENTARY USE REGULATIONS—SPECIAL USES

Section 1. Procedure for obtaining special use permit.

Recognizing that certain uses may be desirable when located in the community, but that these uses may be incompatible with other uses permitted in a district, certain special uses listed in section 4, below, when found to be in the interest of the public health, safety, morals and general welfare of the community, may be permitted in any district from which they are prohibited. Before the location or establishment thereof, or before any change of use of the premises existing at the time of the effective date of the regulations, or permitted as herein provided, is made, preliminary plans in sufficient detail, and a statement as to the proposed use of the buildings, structures and premises, shall be submitted to the planning commission. The commission shall hold a public hearing as provided in article 28, and shall review such plans and statements and shall, after a careful study thereof and of the effect that such buildings, structures or uses will have upon the surrounding territory, submit a recommendation to the city council within thirty (30) days following said hearing. Following receipt of the commission's report, the city council may permit such buildings, structures or uses, where requested; provided, that the public health, safety, morals, and general welfare will not be adversely affected, that ample off-street parking facilities will be provided, and that necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.

Section 2. Qualification of nonconforming use as special use.

Any special use listed in section 4, below, existing at the effective date of these regulations, shall be considered a nonconforming use, unless it has qualified as provided above, and has been approved as a "special use" by the city council.

Section 3. Additions or alterations to special uses.

When [such changes are] found to be in the interest of the public health, safety, morals, and general welfare, the board of zoning appeals is hereby authorized to approve any and all additions or structural alterations to special uses after they have qualified and have been approved by the city council.

Section 4. Special uses enumerated.

The following special uses may be approved by the council, as provided in this article:

- (1) Airports and landing fields;
- (2) Circus or carnival grounds, temporary for a specified period;
- (3) Drive-in theater;
- (4) Fairgrounds;
- (5) Public utilities or public service uses, buildings, structures or appurtenances thereto, including limited off-street parking adjoining, or adjacent to, the property when located in a residence district; provided no business involving the repair, servicing or sale, or display of vehicles shall be conducted on such parking area; and no structures, including signs, will be erected on the parking area; and no charge will be made for parking within the premises; and the parking will be set back from the street in keeping with the existing front and side yard regulations of the residence district;
- (6) Public or government buildings;
- (7) Hospitals or sanitariums;

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- (8) Cemetery;
- (9) Sports arena or stadium;
- (10) Race track;
- (11) Radio or television tower or broadcasting station;
- (12) Child care centers in residential district.
- (13) Bed and breakfast inn in R-3, R-4, R-5, and RB districts meeting the following requirements:
 - (a) Permitted capacity of two (2) persons per sleeping room, not to exceed a maximum of twenty (20) persons per structure;
 - (b) One-half (½) off-street parking space per sleeping room;
 - (c) Resident-manager on premises;
 - (d) Permitted sign area not to exceed two (2) square feet;
 - (e) Other requirements as deemed necessary to provide for the protection of surrounding property, persons, and neighborhood values.
- (14) Operations involving shredding, cutting or otherwise processing of used or discarded tires, or operations involving the storage, distribution, or sale of used tires or discarded tires if more than two hundred (200) such tires are located on site, even if such operation is ancillary to the main use of the site. Notwithstanding any other regulations within this article, these uses may only be permitted in M-1 and M-2 zoning districts.
- (15) Nightclub in B-2 and M-1 zoning district only.
- (16) Boarding, rooming, or lodging houses such to be permitted only in R-5 and B-2 zoning districts.
- (17) Convalescent and nursing homes such to be permitted only in R-5 and B-2 zoning districts.
- (18) Adult book store, adult entertainment establishment, adult motion picture theater and adult video store such to be permitted only in the B-2 zoning district.
- (19) Vehicle rebuilder, such to be allowed only in the M-1 and M-2 zoning districts.
- (20) Vehicle removal operator, vehicle storage lot, or vehicle tow lot, such to be permitted within the M-1 and M-2 zoning districts only.
- (21) Auto body shop and vehicle painting operations not accessory to a new-vehicle dealership such to be permitted only in the B-2, M-1, and M-2 zoning districts only.
- (22) Stand-alone used vehicle sales not associated with a new-vehicle dealership or not located upon the same parcel as such new-vehicle dealership, if located upon parcels of less than one acre in area, such to be permitted within the B-2 and M-1 zoning districts only.
- (23) Stand-alone vehicle repair, to include general automobile repair shops, truck repair shops, transmission repair shops, engine repair shops, car washes or car washing and detailing operations, and similar facilities, such to be permitted within the B-2 and M-1 zoning districts only.
- (24) Small engine repair shop to be allowed within the B-2 and M-1 zoning districts only.
- (25) Tractor-trailer service station, to be allowed within the B-2, M-1, and M-2 zoning districts only.
- (26) Automobile service stations, to be permitted within the B-2, M-1, and M-2 zoning districts only.
- (27) Boat, semi-trailer truck, or recreational vehicle dealerships, to be allowed in the B-2 and M-1 zoning districts only.

PART II - CODE
APPENDIX B - ZONING

- (28) Contractor storage yards such to be permitted within the M-1 and M-2 zoning districts only.
- (29) Mulching or composting facilities or yards such to be permitted within the M-1 and M-2 zoning districts only.
- (30) Mini-storage facilities or self-storage facilities such uses permitted within the B-2, M-1, and M-2 zoning districts only.
- (31) Homeless shelter.
- (32) Private Jails, halfway houses, or private prisons, whether for-profit or non-profit, such to be permitted within the B-2 zoning district only.
- (33) Hotels and motels providing fewer than forty-five (45) guest rooms, such to be permitted within the B-1, B-2, B-3, and MXD-2 Districts only.
- (34) Mobile home sales or the sales, storage, or display of modular housing units or mobile homes, such to be permitted within the M-1 District only.
- (35) Height waiver for commercial uses including, but not limited to, hotels, offices, and other retail or commercial uses that have been determined by city council to promote and further the city's long-term economic needs and which have been determined by city council to be consistent with the city's strategic plan and goals.
- (36) Multiple dwellings as authorized in and controlled by the "R-5" Multiple Dwelling, such special use permits to be allowed only in the B-2 and B-3 districts.
- (37) **Recreational Substances Retail (both off-site and on-site use) located at least 1,000 linear feet from the property line of any child day care center or public, private, or parochial school, such to be permitted within the B-1, B-2, and M-1 Districts only.**

Section 4.1. Special use permits for communication towers; criteria and procedures.

- (1) *Definitions.*
 - a. *Antenna.* Any exterior apparatus designed for radio, telephone or television communications through the sending and/or receiving of electromagnetic waves.
 - b. *Co-locate.* To locate on an existing structure with another user of that structure. For this purpose, structure includes but is not limited to existing telecommunication towers, power or telephone poles, light poles, water towers, buildings, or similar structures.
 - c. *Communication tower.* A free-standing structure more than six feet in height, or a structure erected on a building and extending more than ten feet above the roof line thereof on which are mounted antennas, receivers, transmitters or other devices for the receipt or transmission of broadcast of cable television, microwave, radio, telephone, open video, PCS (personal communication system) or other communication signals. For purposes of this section, single use, noncommercial antennas shall be excluded from this definition and shall be limited in accordance with other applicable provisions of this Ordinance.
- (2) *Special use permit requirement.* Notwithstanding Section 4 of Article 23, or any other provision of this zoning ordinance, no communications tower shall be erected on any property in any zoning district until a Special Use Permit has been issued for such tower. No such permit shall be required to co-locate an antenna on an existing structure so long as the addition of said antenna shall not add more than ten (10) feet to the height of said structure and shall not require additional lighting pursuant to FAA or other applicable requirements.

PART II - CODE
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- (3) *Criteria.* In evaluating an application for a Special Use Permit for a telecommunications tower the Planning commission shall apply criteria set forth in the document titled "Guidelines for Use by the Petersburg Planning Commission for the Siting of Telecommunications Towers Through the Special Use Permit Process." Said document is incorporated by reference into this ordinance. In addition, the Planning Commission and the City Council shall examine and apply the following criteria:
- a. The availability and technical and economic feasibility of using existing communications towers in the city or neighboring localities to co-locate the communications facilities required by the applicant.
 - b. If the proposed tower is freestanding, the feasibility of using an alternate location on top of an existing multi-store structure.
 - c. The visual and economic impact of the proposed tower on adjoining and nearby residential and commercial properties.
 - d. The proximity of the proposed location to designated historic structures or districts, within the guidelines of Section 106 of the National Historic Preservation Act of 1966.
- (4) *Site plan required.* A site plan to scale shall be filed with the application for a Special Use Permit. The application, including the site plan, shall be submitted to the Clerk of Council. Said site plan shall be signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, radio frequency, tower height requirements, tower type, guy anchors (when used), buildings, scaled elevations and other supporting drawings, calculations and documentation of other accessory uses; vehicular access, parking, fencing and screening, landscaping, zoning, ownership, and use of adjoining properties and any other information deemed appropriate by the Director of Planning. In addition, applicant shall provide actual photographs of the site which include a simulated photographic image of the proposed tower in its proposed setting.
- (5) *Insurance and bond.* Any Special Use Permit granted under this section shall be conditioned on the applicant's providing (a) evidence of casualty and liability insurance to protect adjacent property owners, the City, and other parties in the event of collapse, and (b) a bond in an amount sufficient to guarantee the safe and efficient removal of the communications tower in the event its use for communications purposes is discontinued for a continuous period of one year.
- (6) *Non-discrimination among providers; access to service.* It is the intent of City Council that all types of communications service be made available to citizens of the City, and that competition among providers of such services be encouraged. In applying the provisions of this section, the Planning Commission and City Council shall not unreasonably discriminate among providers of functionally equivalent communications services. No action under this section shall prohibit or have the effect of prohibiting the provision of personal wireless services or any other type of communications service.
- (7) *Prompt consideration.* All requests for Special Use Permits under this section shall be acted upon within a reasonable time after they are filed with the Clerk of Council, taking into account the nature and scope of the requests. In the case of any application for a communications tower to provide "personal wireless services" as defined in federal law, the Planning Commission shall conduct its public hearing at the first possible meeting that the request can be heard by the Planning Commission after the application is received by the Clerk of Council, and shall promptly forward its recommendation to the City Council which will take action thereon.

Failure of the Planning Commission to act on an application for a telecommunications facility within ninety days of its submission to the Commission shall be deemed recommendation for approval of the application by the Commission unless the City Council has authorized an extension of time for consideration or the applicant has agreed to an extension of time. The City Council may extend the time for action by the Planning Commission for no

more than sixty additional days. If the Commission has not acted on the application by the end of the extension, or by the end of such longer period as may be agreed to by the applicant, the application is deemed recommended for approval by the Commission. Except as may otherwise be required by State or Federal law, the time limitations contained in this subsection shall be the sole controlling limitations relating to Planning Commission consideration of requests for permits for communication towers.

- (8) *Explanation of denial.* If the City Council denies an application for a permit under this section, it shall furnish the applicant a written explanation of its reasons, citing specific evidence in its or the Planning Commission's written records, and including measures, if any, which the applicant may take in order to make the proposed communications tower location acceptable to the City Council

Section 5. [Restrictions upon accessory buildings, cellars and basements.]

No accessory building shall be constructed upon a lot until the construction of the main use building has been actually commenced.

No accessory building shall be used unless the main building on the lot is also being used. No cellar or basement shall be used as a dwelling prior to substantial completion of the dwelling of which it is a part.



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: July 30, 2024

TO: The Honorable Mayor and Members of City Council

THROUGH: Naomi Siodmok, Director of Planning and Community Development

FROM: March Altman, Jr.

RE: **Public Hearing and Consideration of an Ordinance to Approve Adoption of Article 38, Site Plan Review, and Amendment and Readoption of Article 31, Permits, Plats, and Filing Fees as Set Forth in the Zoning Ordinance of the City of Petersburg Pertaining to Site Plan Review Standards and Fees (2nd Reading)**

PURPOSE: To codify the City’s site plan review process, stipulate when a site plan is required, what must be included on a site plan, and the procedures for site plan review and compliance.

REASON: City policy is to require site plans for certain projects such as new commercial, industrial, or multifamily construction or extension of utilities or public infrastructure. These projects are unable to be permitted and begin until a site plan has been reviewed and approved by the City’s Development Review Team. While site plan review has been the practice of the City for some time, there is currently no language in the City’s Zoning Ordinance that speaks to requirements for site plans or the process for review. The subject text amendment has been proposed to capture current practices in City Code and ensure that the City’s site plan review process is applicable and enforceable.

RECOMMENDATION: On June 6, 2024, Planning Commission recommended approval.

BACKGROUND: May 2, 2024 – Staff presented a discussion item covering the proposed changes and the Planning Commission moved to hold a public hearing on a potential text amendment.
 June 6, 2024 - Planning Commission held a public hearing and recommended approval of the proposed text amendment.

COST TO CITY:

BUDGETED ITEM:

REVENUE TO CITY:

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES:

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. 24-ZTA-05 Memo
2. 24-ZTA-05
3. Ordinance 24-ZTA-05
4. Tracked Changes Combined



City of Petersburg

Department of Planning and Community Development
135 N Union St, Room 304
Petersburg, VA 23803
(804) 733-2308

MEMORANDUM

DATE: July 2024

TO: Mayor, Vice Mayor, and Council

FROM: Planning and Community Development

RE: 2024-ZTA-05: A Public Hearing and consideration of an ordinance to approve adoption of Article 38, Site Plan Review, and amendment and readoption of Article 31, Permits, Plats, and Filing Fees as set forth in the Zoning Ordinance of the City of Petersburg pertaining to site plan review standards and fees.

EXECUTIVE SUMMARY:

The goal of the amendment is to codify the City's site plan review process and would stipulate when a site plan is required, what must be included on a site plan, and the procedures for site plan review and compliance. Planning Commission recommended approval on June 6, 2024.

CHRONOLOGY OF EVENTS:

1. May 2, 2024 – Staff presented a discussion item covering the proposed changes and the Planning Commission moved to hold a public hearing on a potential text amendment.
2. June 6, 2024 – A public hearing was held and the Planning Commission recommended approval of the proposed text amendments on June 6, 2024.

BACKGROUND:

Presently, City policy is to require site plans for certain projects such as new commercial, industrial, or multi-family construction or extension of utilities or public infrastructure. These projects are unable to be permitted and begin until a site plan has been reviewed and approved by the City's Development Review Team. While site plan review has been the practice of the City for some time, there is currently no language in the City's Zoning Ordinance that speaks to requirements for site plans or the process for review. The subject text amendment has been

proposed to capture current practices in City Code and ensure that the City's site plan review process is applicable and enforceable.

The proposed amendment would add Article 38, "Site Plan Review" to the Zoning Ordinance. Article 38 would comprise the following components:

- 1) Stating the purpose of site plans and specifying which developments and uses would require a site plan. These would include the following:
 - a. Planned unit developments
 - b. Uses permitted by approval of a special use permit
 - c. Commercial and industrial buildings and uses
 - d. Religious assembly and institutions, public and private schools, child-care centers, hospitals, nursing homes and government offices
 - e. Multiple-family dwelling developments
 - f. Any development where the area of land disturbance will be 10,000 square feet or greater, or 2,500 square feet or greater in a Chesapeake Bay Preservation Area
 - g. Any development that involves the provision of public improvements, such as streets, curbs, water, sewer, or stormwater management facilities
 - h. Any parking lot or parking facility which is to contain more than ten spaces
 - i. Additions to existing multiple-family, commercial, or industrial buildings, if the addition exceeds ten percent of the existing floor area or results in the need for ten or more additional parking spaces
- 2) Stipulating what information must be represented on a site plan, including the following:
 - a. An overview of the property, including the location, area, zoning district, owner proposed developer, and adjoining properties
 - b. Existing conditions, including property boundaries, topography, streets and utilities, structures, easements, and environmental features
 - c. The proposed use and layout of the property, including structures, infrastructure, access and traffic flow, parking, signage, and waste receptacles
 - d. Information on proposed buildings, including height, square footage, setbacks from property lines, and number of units
 - e. Plans for erosion and sediment control, stormwater management, utilities, grading, lighting, and landscaping
 - f. In certain instances, a traffic impact analysis demonstrating the development's effect on existing street networks
- 3) Detailing the review and approval process for site plans:
 - a. Applicants are encouraged to attend a pre-application meeting with the Development Review Team which includes the Departments of Planning, Public Works, Neighborhood Services, Police, and Fire
 - b. Plans are submitted to the Planning Department and routed to the Development Review Team; comments and corrections are then returned to the applicant by the Planning Department within a defined timeline

- c. When all outstanding comments are addressed, plans are submitted for approval and signature; if a site plan is disapproved, an applicant may appeal the City's decision to the Circuit Court within 60 days
 - d. An approved site plan is valid for five years at which time the plan will expire unless development has begun
- 4) Setting standards for ensuring compliance with an approved site plan:
- a. Bonds or sureties are required to cover certain public improvements such as sidewalks or utilities as well as erosion and sediment control measures
 - b. Any building permit for a project must be in conformance with the approved site plan
 - c. Inspections are carried out throughout the development of a site to certify compliance with the approved site plan
 - d. As-built plans demonstrating compliance with the approved site plan are required following the completion of development

The proposed text amendment would also feature a minor change to Article 31 "Permits, Plats, and Filing Fees" to clarify the application fees for site plan review.

COMPREHENSIVE PLAN CONSIDERATIONS

The Comprehensive Plan has limited specific guidance regarding the site plan review process; the Comprehensive Plan's focus is centered on long-range planning where site plans are typically a tool for implementation of the current zoning ordinance. The Comprehensive Plan does state the importance of having multiple City Departments, particularly emergency services, involved in site plan review to ensure developments fit within the City's long-term plans for services and infrastructure. The Comprehensive Plan also notes the importance of site plans for development of environmentally sensitive properties, particularly those located with the Chesapeake Bay Protection Area or dam inundation zones.

RECOMMENDATION: Planning Commission recommended approval on June 6, 2024.

CITY COUNCIL

JULY 2024



2024-ZTA-05:

A public hearing and consideration of an ordinance to approve adoption of Article 38, Site Plan Review, and amendment and readoption of Article 31, Permits, Plats, and Filing Fees as set forth in the Zoning Ordinance of the City of Petersburg pertaining to site plan review standards and fees.

Background

- Site plans are drawings used to represent improvements or construction on a property; used to ensure orderly and harmonious development in the interest of public welfare.
- City currently reviews site plans for new construction projects, including commercial, industrial, and multi-family developments.
- Currently “de facto” enforcement of requirements – no written ordinance specifying when site plan is required or what it should include.

Components of the Amendment

- A. Stipulate when a site plan is required for new construction.
- B. Specify procedures for preparation and required information on site plans.
- C. Detail review and appeal process.
- D. Introduce standards for compliance.

City Development Review Team

- Planning & Community Development
- Public Works
 - Engineering
 - Utilities
 - Stormwater
- Neighborhood Services (Code Compliance)
- Police
- Fire Marshall
- Economic Development
- Plans routed to outside agencies as needed (e.g. VDOT, DEQ, electric companies)

Projects Requiring Site Plan

- Planned unit developments.
- Uses permitted special use permit.
- Commercial/industrial buildings and uses.
- Religious assembly and institutions, public and private schools, child-care centers, hospitals, nursing homes and government offices.
- Multiple-family dwelling developments.
- Any development land disturbance will be 10,000 square feet or greater, or 2,500 square feet or more in a Chesapeake Bay Preservation Area.
- Any development that involves providing public improvements - streets, curbs, water, sewer, or stormwater management facilities.
- Any parking lot/parking facility with more than 10 spaces.
- Additions to existing multiple-family, commercial, or industrial buildings, if the addition exceeds ten percent of the existing floor area or results in the need for ten or more additional parking spaces.

Required Information on Plan

- Overview (location, area, zoning, adjoining properties, owner/developer)
- Existing conditions (boundaries, topography, streets and utilities, buildings/parking, easements, environmental considerations)
- Proposed use and layout of property, including structures, access, traffic flow, parking, signs, and dumpsters
- Height, square footage, setbacks, number of units for each building
- Erosion and sediment control, stormwater management, utility, and grading plans
- Plans for landscaping and lighting
- Traffic impact analysis

Review and Approval Process

- Pre-development meeting encouraged.
- Plans submitted to Planning Department, routed to Development Review Team.
- Comments/corrections returned to applicant within timeline defined by State Code (60 days maximum).
- Once outstanding comments addressed, plans submitted for approval.
- Approved site plan valid for five years.
- If site plan is not approved, applicant may appeal to City Circuit Court within 60 days.

Compliance with Approved Plans

- Bonds required for public improvements and E&S control measures – released upon satisfactory completion.
- Building permits issued in conformance with approved plan.
- Responsible departments will inspect sites during and following construction to certify compliance with approved plan.
- As-built plans required following construction.

Comprehensive Plan Considerations

- Multiple City Departments, particularly emergency services should be involved in site plan review to ensure developments fit within the City's long-term plans for services and infrastructure
- Site plans are essential for development of environmentally sensitive properties, particularly those located with the Chesapeake Bay Protection Area or dam inundation zones

Considerations

- Immediate goal is to codify current practice and make standards enforceable.
- Fee schedule to be updated to clarify cost of site plan review.
- Introduction of more robust site plan review standards planned for Zoning Ordinance overhaul.

Recommendation

Planning Commission recommends approval to adopt Article 38, Site Plan Review, and amend and readopt Article 31, Permits, Plats, and Filing Fees as set forth in the Zoning Ordinance of the City of Petersburg pertaining to site plan review standards and fees.

AN ORDINANCE TO APPROVE ADOPTING ARTICLE 38. - SITE PLAN REVIEW AND AMENDING AND READOPTING ARTICLE 31. - PERMITS, PLATS, AND FILING FEES AS SET FORTH IN THE ZONING ORDINANCE OF THE CITY OF PETERSBURG, TO CODIFY SITE PLAN REVIEW STANDARDS AND CLARIFY FEES

WHEREAS, the City wishes to promote the good arrangement and orderly development of certain activities in the City and to ensure that such activities are developed in a manner harmonious with surrounding properties and in the interest of the general public welfare; and

WHEREAS, the City of Petersburg currently requires site plan review and approval for certain uses and developments; and

WHEREAS, the City of Petersburg Zoning Ordinance does not presently include language specifying the requirements for site plans or the process for review; and

WHEREAS, The City seeks to adopt Article 38. – Site Plan Review to codify its site plan review standards and procedures to ensure applicability and enforceability of said standards and procedures; and

WHEREAS, Article 38 will specify which uses and developments require site plan approval, stipulate what information must be included on site plans, detail the site plan review and approval processes, and set standards for ensuring compliance with approved site plans; and

WHEREAS, the City of Petersburg Zoning Ordinance includes Article 31. – Permits, Plats, and Filing Fees; and

WHEREAS, the purpose of this section is to establish a fee schedule for certain permits and applications; and

WHEREAS, the City seeks to amend Article 31 – Permits, Plats, and Filing Fees to clarify the application fee for site plan review; and

WHEREAS, pursuant to the requirements of Titles 15.2-2204 and 15.2-2285 of the Code of Virginia, as amended, a public hearing was advertised and held, in accordance with applicable laws.

NOW THEREFORE BE IT ORDAINED that the City Council does hereby approve adopting Article 38. – Site Plan Review and amending and readopting Article 31. –Permits, Plats, and Filing Fees as indicated in Exhibit A.

ARTICLE 31. PERMITS, PLATS, AND FILING FEES

Section 1. Permits.

No building shall be erected, constructed, altered, moved, converted, extended, or enlarged without the owner or owners having obtained a building permit therefor from the building inspector; such permit shall require conformity with the provisions of this ordinance. When issued, such permit shall be valid for a period of six (6) months.

No building permit by the building inspector, lawfully issued prior to the effective date of this ordinance or of any amendment hereto, and which permit by its own terms and provisions is in full force and effect at said date, shall be invalidated by the passage of this ordinance or any such amendment; but shall remain a valid and subsisting permit subject only to its own terms and provisions, and ordinances, rules, and regulations appertaining thereto and in effect at the time of the issuance of said permit; provided, that all such permits shall expire not later than sixty (60) days from the effective date of this ordinance, unless actual construction shall have theretofore begun and continued, pursuant to the terms of said permit.

Section 2. Plats.

All applications for building permits shall be accompanied by a drawing or plat, in duplicate, or as required by the building inspector, showing, with dimensions, the lot lines, the building or buildings, the location of buildings on the lot, and other such information as may be necessary to provide for the enforcement of these regulations, including, if necessary, a boundary survey and a staking of the lot by a competent surveyor, and complete construction plans. The drawings shall contain suitable notations indicating the proposed use of all land and buildings. A careful record of the original copy of such applications and plats shall be kept in the offices of the building inspector, and a duplicate copy shall be kept at the building at all times during construction.

Section 3. [Filing Fees.]

(1) Fee schedule:

Home occupation permits: \$50.00

Zoning permits: ~~\$100.00~~ **\$50.00**

Zoning confirmation letters: \$100.00 (\$500.00 expedited)

Site plans: \$800.00 + \$50.00 **for every acre or part thereof disturbed more than one acre**

Site plan re-review: \$250.00

DMV zoning confirmation: \$100.00

Temporary sign permit: \$75.00

Permanent signs: \$150.00

Zoning ordinance amendment: \$1,500.00

Rezoning: \$1,500.00

Special use permit: \$1,500.00

Plan amendments: \$1,500.00

Variance: \$500.00

Appeal of zoning administrator: \$500.00

Special exception: \$500.00

- (2) The submission of fees at the time of application and the payment of fees prior to application is required.
- (3) Prior to the initiation of an application any delinquent real estate taxes, nuisance charges, stormwater management utility fees, and any other charges that constitute a lien on the subject property, that are owed to the locality and have been properly assessed against the subject property, have been paid.

ARTICLE 38. SITE PLAN REVIEW

Section 1: – Purpose

The purpose of these requirements is to promote the good arrangement and orderly development of certain activities in the City and to ensure that such activities are developed in a manner harmonious with surrounding properties and in the interest of the general public welfare. All features and elements of the site plan required by this article shall in all respects conform to all applicable provisions and standards of the Code of Virginia and U.S. Code and this Code.

Section 2: - Developments and uses requiring a site plan

- 1) Site Plans for the following developments and uses shall be submitted and reviewed in accordance with the requirements and procedures of this article:
 - a) Planned unit developments;
 - b) Uses permitted by approval of a special use permit;
 - c) Commercial and industrial buildings and uses;
 - d) Religious assembly and institutions, public and private schools, child-care centers, hospitals, nursing homes and government offices;
 - e) Multiple-family dwelling developments;
 - f) Any development where the area of land disturbance will be ten thousand (10,000) square feet or greater, or two thousand five hundred (2,500) square feet or greater in a Chesapeake Bay Preservation Area, unless otherwise specifically exempted within the Petersburg City Code;
 - g) Any development that involves the provision of public improvements, such as streets, curbs, water, sewer and stormwater facilities;
 - h) Any parking lot or parking facility which is to contain more than ten spaces;
 - i) Additions to existing multiple-family, commercial, or industrial buildings, except that additions of less than ten (10) percent of the total square footage are permitted without a site plan unless such additions result in the need for ten (10) or more additional parking spaces per the requirements of this ordinance.
- 2) Except as identified in Section 2.1(f), accessory buildings shall be exempted from requiring a site plan, subject to providing a scaled sketch or drawing, which complies with all requirements of this ordinance.
- 3) Except as identified in Section 2.1(f), construction of a single detached single-family dwelling or two-family dwelling shall be exempted from requiring a site plan, subject to providing a scaled sketch or drawing, which complies with all requirements of this ordinance.

Section 3: - Changes of use of existing buildings or structures:

Excluding Section 2 of this article, where a change of use of an existing building or structure can be accomplished without adding or constructing parking spaces or constructing additional public improvements, the Planning Director may waive site plan review, subject to the following:

1. The applicant shall prepare and submit to the Planning Director an as-built plan which contains the following information:

- a. Size, location and use of existing buildings;
 - b. Total number of existing parking spaces and their location in relationship to the existing buildings. Parking spaces which are not paved shall not qualify as existing parking;
 - c. Location of existing utilities;
 - d. Ingress and egress to the property;
2. The Planning Director, or the Director's designee, shall review and approve or disapprove as-built plans.
 3. In instances where an approved development plan or site plan exists, such plan may be used to determine compliance with this article. An existing plan may be used only if the site was constructed substantially in accord with the approved plan.

Section 4: - Procedures for preparation

1. Site plans shall be formatted in accordance with the policies set forth by the Department of Planning and Community Development.
2. Site plans or any portion thereof involving engineering, architecture, landscape architecture or land surveying shall be certified by an engineer, architect, landscape architect or land surveyor authorized by the commonwealth to practice as such.
3. If more than one sheet is used to supply the information required, the sheets shall be numbered, and match lines shall be provided when appropriate, to clearly indicate where the plans join.

Section 5: Required Information

Every site plan shall contain the following information:

1. Name and location of the proposed development;
2. The name and address of the property owner and/or developer of the site, if different than the owner and the name and address of the person or firm preparing the site plan;
3. Area and present zoning of the site proposed for development;
4. Adjacent and abutting properties with information on ownership, tax parcel number, zoning and current use;
5. Location of the lot or parcel by vicinity map. Site plans shall also contain a north arrow, original date, revision dates and graphical scale;
6. The names, locations, and width of existing and proposed public or private streets, alleys and easements on or adjacent to the site. The center lines or boundary of adjacent rights-of-way shall also be shown;
7. The exact location of buildings or structures existing on or proposed for the site, including their setbacks from property lines, and the distance between buildings or structures;
8. The existing topography of the parcel prior to grading and the proposed finished contours of the site with a maximum of two-foot contour intervals;

9. Boundary/Property lines of the parcel(s) proposed for development, including the distances and bearings of these lines. If only a portion of a parcel is proposed for development, a limit of development line shall also be shown;
10. The tax parcel number(s) of parcels proposed for development and depicted on the site plan;
11. The name of adjacent property owners and the owners of any property on which any utility or drainage easement may be required in conjunction with the development;
12. The nature of the land use(s) proposed for the site;
13. The location, type, and size of site access points such as driveways, curb openings, and crossovers. Sight distances at these access points shall be provided. If existing median cuts will serve the site they shall be shown. If new median cuts are proposed, their location shall also be shown;
14. All proffers accepted by City Council as a condition of a rezoning or conditions placed on an approved special use permit;
15. Off-street parking areas and parking spaces including handicapped spaces, loading spaces, and walkways indicating type of surfacing, size, angle of stalls, width of aisles, and a specific schedule showing the number of spaces provided and the number required by this ordinance;
16. The number of stories, floor area, and building height of each building proposed. If more than one land use is proposed the floor area of each land use shall be provided. Floor area shall be calculated on the basis of parking required for the use(s).
17. For residential developments, the type of dwelling unit shall be stated along with the number of units proposed. Where necessary for determining the number of required parking spaces, the number of bedrooms in each unit shall also be provided;
18. The location of proposed or required fire lanes and signs;
19. Detailed utility plans and calculations shall be submitted for sites for which public water or sewer will be provided or for sites on which existing utilities will be modified. The Director of Public Works or designee shall have the authority to set the standards for such plans;
20. An erosion and sedimentation control plan and detail sheet shall be submitted for site developments involving the grading disturbance of greater than 2500 square feet of area, or 1,000 cubic yards of material. A narrative shall be submitted, including a schedule for maintenance and removal of measures
21. A detailed storm water management plan and calculations shall be submitted. The City Engineer or designee shall determine the requirements for such plans;
22. The location of existing and proposed freestanding signs on the parcel;
23. The location and type of proposed exterior lighting, including height of poles and type of fixtures. A photometric detail shall be provided;
 - a. Streetlights shall be provided in accordance with the City's Subdivision Ordinance
 - b. On-site lighting shall be provided for off-street parking areas if parking spaces are to be used at night. Light sources are to be shielded to minimize glare on adjacent properties or streets and the foot-candle for lighting shall not exceed 1.0 at the property line
24. The location of any 100-year flood plain and floodway on the site and the relationship of buildings and structures to this floodplain and floodway;
25. All environmentally sensitive features including wetlands, steep slopes, shrink swell soils, historic sites, gravesites and location of endangered species;
26. The location of required or proposed buffer yards, screening, fencing, and site landscaping and irrigation. The type and size of the plant materials and screening to

be used shall be provided. In addition, the relationship of these materials to physical site improvements and easements shall be provided. The preferred trees and shrubs will be native or direct cultivars of native plants (Nativars) to Virginia. The Director of Planning & Community Development, in consultation with the Police Department, shall approve a landscape plan as part of the site plan for the development. To ensure survival, the landscaping shall be bonded or a guarantee provided by a nursery for a period of one (1) year after installation.

27. The location of dumpsters, trash compactors and screening materials;
28. The location of sidewalk, curb, and gutter, including appropriate corresponding detail;
 - a. Where they do not exist, curbs, gutters, and sidewalks shall be installed along the streets abutting any property subject to a site plan. The applicant shall be responsible for the installation of the curbs, gutters and sidewalks, which shall conform to the applicable requirements of the City Code
 - b. Existing curbs, gutters, and sidewalks along the streets abutting any property subject to a site plan shall be brought into conformance with applicable requirements of the City Code
29. A traffic impact analysis whenever a proposed site plan substantially affects transportation on City Streets through traffic generation. This requirement may be waived by the Director of Public works.

Section 6: Procedures, Administrative Site Plan Review

1. Prior to submission of a site plan, the applicant is advised to review plans in general or sketch form with the City's development review team.
2. When these regulations require site plan review, a preliminary site plan shall be submitted to the Department of Planning and Community Development for review of the plans for compliance with the regulations of this Article. The applicant shall submit hard copies of the plans as required by the development review team and a digital file of the same.
3. The Department of Planning and Community Development shall transmit said plans to other such staff and agencies as may be necessary for the review. The development review team shall examine the preliminary site plan with respect to the requirements of this ordinance in effect upon the date of submittal and in general with the objective of ensuring a durable, harmonious, and appropriate use of the land in accord with the objectives of the comprehensive plan.
4. Following review, the plans shall be returned to the applicant with relevant comments in accordance with Code of Virginia § 15.2-2259. The applicant is responsible for revising the site plan in a timely manner addressing all relevant comments to the satisfaction of the development review team. The City's comments or commitments on a preliminary site plan that has not achieved final approval shall be valid for a period of six months from the date that the comments are rendered, unless extended for a period of 15 days due to extenuating circumstances by the Planning Director, not to exceed 30 days.
5. If specified conditions or comments are met in revised plans within the time period specified and the plans meet the requirements of this Article, a final site plan shall be submitted and approved. After approval, the City shall require that all approved plans be submitted in digital format.

6. Nothing in this section shall be interpreted to permit a grant of a variance or exception to the regulations of this ordinance or to abridge the procedures or requirements of the laws and ordinances governing the subdivision of land.
7. The City shall require as-built plans of public improvements. As-built plans may be required for other site improvements as deemed necessary by the City.

Section 7: Procedures, Administrative Site Plan Review

The Planning Director may approve minor revisions to an approved site plan, providing that City requirements and specifications are not affected. Major revisions shall require that a new site plan be drawn and the review and approval process begun anew.

Section 8: Appeals

If a site plan is disapproved and the applicant contends that such disapproval was not properly based on this article or was arbitrary and capricious, the applicant may appeal to the City of Petersburg Circuit Court which shall hear and determine the case as soon as may be practicable, provided that his appeal is filed with the circuit court within sixty (60) days of the written disapproval by the Planning Director.

Section 9: Agreement and bond for construction of certain improvements

Prior to the issuance of a building permit, there shall be executed by the applicant an agreement to construct such required physical improvements located within the public right-of-way or easements connected to any public facility in form and substance as approved by the City. Such agreement shall be accompanied by a bond with surety or conditions acceptable to the City in the amount of the estimated cost of the required physical improvements as determined by the departments, divisions, or agencies responsible for such improvements.

The aforesaid agreement and bonds or conditions shall be provided for the completion of all work covered thereby within the time specified. The time period may be extended upon written application by the applicant, signed by all parties, including the sureties, to the original agreement.

The adequacy, conditions and acceptability of any bond hereunder shall be determined by the Director of Public Works.

Section 10: Building Permits to comply with site plans.

1. Approval of a site plan submitted under the provisions of this article shall expire five (5) years from the date of approval unless building permits have been obtained for construction in accordance therewith. A single one-year extension may be given upon written request by the applicant within ninety (90) days before the expiration of the approved site plan.
2. No permit shall be issued for any structure in any area covered by a site plan that is required under the provisions of this article except in conformity to such a plan which has been duly approved.

Section 11: Compliance with approved site plan.

1. Unless otherwise specifically provided in this chapter, the construction standards for all off-site improvements and on-site improvements required by this article shall conform to City design and construction standards and the approved site plan.
2. Inspections during the installation of the off-site improvements and required on-site improvements shall be made by the department responsible for such improvements as are required to certify compliance with the approved site plan and applicable City standards.
3. The owner shall provide adequate supervision on the site during the installation of all required improvements and have a responsible superintendent or foreman, together with one (1) set of approved plans, profiles and specifications, available at the site at all times when work is being performed.
4. Upon satisfactory completion of the installation of the required improvements, the owner may request the release of any bond which may have been furnished for the guarantee of satisfactory installation of such improvements or parts thereof.
5. The installation of improvements as required in this article shall in no case serve to bind the City to accept such improvements for the maintenance, repair or operation thereof, but such acceptance shall be subject to the existing regulations concerning the acceptance of each type of improvement.



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: July 30, 2024

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: Leon Glaster - Interim CFO

RE: **Public Hearing and Consideration to Create & Transfer Initial Funding to the Budget Stabilization Fund (BSF) (2nd Reading)**

PURPOSE: To establish a Budget Stabilization Fund which shall be considered a part of the City's Committed Fund Balance, with an initial transfer of \$4,719,246.

REASON: The City of Petersburg Financial Policy Guidelines state that a Budget Stabilization Fund (BSF) shall be established as part of the City's Committed Fund Balance. The BSF shall be used for unforeseen, emergency expenditures or unplanned, unforeseen declines in revenues.

RECOMMENDATION: Approve the ordinance to transfer funds from the Unassigned Fund Balance to the Budget Stabilization Fund (BSF).

BACKGROUND: The City of Petersburg Financial Policy Guidelines Section 5.2 states: “The City shall separately establish a Budget Stabilization Fund, which shall be considered a part of the City’s Committed Fund Balance. The Budget Stabilization Fund shall be used for unforeseen, emergency expenditures or unplanned, unforeseen declines in revenues. The Budget Stabilization Fund shall be initially established at an amount equal to 5% of General Fund Budgeted Revenues & Expenditures.”

COST TO CITY:

BUDGETED ITEM:

REVENUE TO CITY:

CITY COUNCIL HEARING DATE: 7/16/2024

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES:

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. Ordinance - BSF Creation

AN ORDINANCE TO ESTABLISH A BUDGET STABILIZATION FUND AS OUTLINED IN THE FINANCIAL POLICY GUIDELINES FOR THE CITY OF PETERSBURG

WHEREAS, the City of Petersburg Financial Policy Guidelines state that the City shall separately establish a Budget Stabilization Fund, as noted in Section 5.2; and

WHEREAS, The Budget Stabilization Fund shall be initially established in an amount equal to 5% of General Fund Budgeted Revenues & Expenditures; and

WHEREAS, the City needs to transfer funds from the Unassigned Fund Balance to the Budget Stabilization Fund; and

WHEREAS, the Budget Stabilization Fund shall be used for unforeseen, emergency expenditures or unplanned, unforeseen declines in revenues

NOW THEREFORE BE IT ORDAINED that City Council does hereby approve and adopt the ordinance to transfer \$4,719,246 from the Unassigned Fund Balance to the Budget Stabilization Fund.



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: July 30, 2024

TO: The Honorable Mayor and Members of City Council

THROUGH:

FROM: Anthony Williams

RE: **Public Hearing and Consideration of an Ordinance to Adopt Section 2-193 of the Petersburg City Code Pertaining to Staff in the Office of the City Attorney (2nd Reading)**

PURPOSE: Having qualified, competent, and experienced, and skilled legal staff with significant institutional knowledge is imperative to the ability of the Office of the City Attorney to defend, prosecute, pursue, and advise City Council and the City's Administration in legal matters affecting the operations of the City.

Internal transfers of staff within the Office of the City Attorney have a substantial impact on the Office due to the small number of personnel working in this office. With the most recent transfer, the Office will be left without any permanent staff other than the City Attorney himself. The City has spent funds training staff within the City Attorney's Office in order to perform the functions specific to the needs of the Office of the City Attorney and it is difficult if not impossible for the Office with only two staff positions, to compete with the salaries and other jobs available given the large number of vacancies that the City currently has.

As the City Attorney's Office seeks to fill both of its currently open positions, the City Attorney is requesting that Council favorably consider the attached Ordinance which will enable him to (1) ensure continuity of staff so that his Office does not simply serve as a training ground for other positions within the City's organization; (2) ensure continuity and longevity of service and that funds expended on training personnel are not wasted; (3) enable the development of career development opportunities for City Attorney staff; (4) enable the City Attorney to effectively structure the positions to best serve the needs of the Office; and (5) ensure that the positions are funded sufficiently within appropriated funds in order to remain competitive with other positions both within and outside of the City.

REASON: Having qualified, competent, and experienced, and skilled legal staff with significant institutional knowledge is imperative to the ability of the Office of the City Attorney to defend, prosecute, pursue, and advise City Council and the City's Administration in legal matters affecting the operations of the City.

Internal transfers of staff within the Office of the City Attorney have a substantial impact on the Office due to the small number of personnel working in this office. With the most recent transfer, the Office will be left without any permanent staff other than the City Attorney himself. The City has spent funds training staff within the City Attorney's Office in order to perform the functions specific to the needs of the Office of the City Attorney and it is difficult if not impossible for the Office with only two staff positions, to compete with the

salaries and other jobs available given the large number of vacancies that the City currently has.

As the City Attorney's Office seeks to fill both of its currently open positions, the City Attorney is requesting that Council favorably consider the attached Ordinance which will enable him to (1) ensure continuity of staff so that his Office does not simply serve as a training ground for other positions within the City's organization; (2) ensure continuity and longevity of service and that funds expended on training personnel are not wasted; (3) enable the development of career development opportunities for City Attorney staff; (4) enable the City Attorney to effectively structure the positions to best serve the needs of the Office; and (5) ensure that the positions are funded sufficiently within appropriated funds in order to remain competitive with other positions both within and outside of the City.

RECOMMENDATION: Approve Ordinance as presented.

BACKGROUND: Having qualified, competent, and experienced, and skilled legal staff with significant institutional knowledge is imperative to the ability of the Office of the City Attorney to defend, prosecute, pursue, and advise City Council and the City's Administration in legal matters affecting the operations of the City.

Internal transfers of staff within the Office of the City Attorney have a substantial impact on the Office due to the small number of personnel working in this office. With the most recent transfer, the Office will be left without any permanent staff other than the City Attorney himself. The City has spent funds training staff within the City Attorney's Office in order to perform the functions specific to the needs of the Office of the City Attorney and it is difficult if not impossible for the Office with only two staff positions, to compete with the salaries and other jobs available given the large number of vacancies that the City currently has.

As the City Attorney's Office seeks to fill both of its currently open positions, the City Attorney is requesting that Council favorably consider the attached Ordinance which will enable him to (1) ensure continuity of staff so that his Office does not simply serve as a training ground for other positions within the City's organization; (2) ensure continuity and longevity of service and that funds expended on training personnel are not wasted; (3) enable the development of career development opportunities for City Attorney staff; (4) enable the City Attorney to effectively structure the positions to best serve the needs of the Office; and (5) ensure that the positions are funded sufficiently within appropriated funds in order to remain competitive with other positions both within and outside of the City.

COST TO CITY:

BUDGETED ITEM:

REVENUE TO CITY:

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES: Office of the City Attorney

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. ORDINANCE 2-193 - CITY ATTORNEY OFFICE STAFF

AN ORDINANCE TO AMEND THE PETERSBURG CITY CODE BY INCORPORATING SECTION 2-193 OF THE CITY CODE PERTAINING TO CITY ATTORNEY STAFF

WHEREAS, it is the desire of City Council to ensure that the Office of the City Attorney is able to provide effective and efficient legal services to City Council, the City's Administration, and the citizens of the City of Petersburg; and

WHEREAS, the Office of the City Attorney is currently undergoing restructuring which may include certain career development programs for staff of the City Attorney; and

WHEREAS, the City Attorney has recommended the incorporation of Section 2-193 of the Petersburg City Code to further these efforts.

NOW therefore be it ORDAINED that the Petersburg City Code is hereby amended and re-adopted to include Section 2-193 as follows:

2-193. – City Attorney Staff – Transfers; Separation; Salaries; and Job Descriptions.

- (a) Upon separating from the Office of the City Attorney, employees shall not be eligible for re-hire with the City of Petersburg or internal transfers to other departments within the City for one year after separation without the written consent of the City Attorney.
- (b) The City Attorney is authorized to incorporate career development programs for his staff within the annual budget allocations made by City Council to the Office of the City Attorney;
- (c) The City Attorney may, at his discretion, amend as necessary, the job description of employees working in the Office of the City Attorney. Copies of any such amendments shall be promptly provided to the City Manager and Human Resources Director for their official files.
- (d) The City Attorney's budget shall be included in the annual budget submission to Council made by the City Manager. The City Attorney may elect to submit a separate budget, including employee salaries, for the Office of the City Attorney to Council in lieu of inclusion in the annual budget submission made by the City Manager upon prior written notification to the City Manager and Council on or before April 1st of any budget year. The City Attorney shall not be required to obtain authorization from the City Manager or his staff for expenditures of funds appropriated by Council to the Office of the City Attorney.



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: July 30, 2024

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: Christopher Magann

RE: **Public Hearing for the Consideration of an Appropriation Ordinance for the Virginia Office of Emergency Medical Services – Four-for-Life Grant, Carryover of Funds from FY 24 to FY 25 Budget for \$135,183.36 (2nd Reading)**

PURPOSE: The Commonwealth of Virginia, Office of Emergency Medical Services established a fund for licensed emergency medical services agencies under the Code of Virginia §46.2-694.

REASON: This funding will assist with medical training, medical equipment, and supplies beyond normal budgetary means.

RECOMMENDATION: The Council approve the ordinance for the Virginia Office of Emergency Medical Services – Four-for-Life funding in the amount of \$135,183.36 to the Department of Fire, Rescue, and Emergency Services’ FY25 budget.

BACKGROUND: The City of Petersburg Department of Fire, Rescue and Emergency Services received financial assistance through the Virginia Office of EMS to support EMS training and equipment as determined applicable by the Code of Virginia.

Revenue to the City is \$135,183.36.

CITY COUNCIL HEARING DATE: 7/30/2024

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES: Department of Fire, Rescue and Emergency Services.

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. Council Resolution - FY 2024 4-4-life FY25 Carryover (No Agenda)

**AN ORDINANCE, AS AMENDED, SAID ORDINANCE
MAKING APPROPRIATIONS FOR THE FISCAL YEAR
COMMENCING JULY 1, 2024, AND ENDING JUNE 30, 2025
FOR THE GRANTS FUND.**

BE IT ORDAINED by the City Council of the City of Petersburg, Virginia:

I. That appropriations for the fiscal year commencing July 1, 2024, in the Grants Fund are made for the following resources and revenues of the city, for the fiscal year ending June 30, 2025.

Previously adopted	\$0.00
ADD: Virginia Office of EMS – Four-for-Life Fund 3-200-024040-0615-0-206	<u>\$135,183.36</u>
Total Revenues	<u>\$135,183.36</u>

II. That there shall be appropriated from the resources and revenues of the City of Petersburg for the fiscal year commencing July 1, 2024 and ending June 30, 2025, the following sums for the purposes mentioned:

Previously adopted	\$0.00
ADD: Virginia Office of EMS – Four-for-Life Fund 4-200-032100-3190-0-206	<u>\$135,183.36</u>
Total Expenses	<u>\$135,183.36</u>



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: July 30, 2024

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: Christopher Magann

RE: **Public Hearing for the Consideration of an Appropriation to Carry Over the Virginia Department of Emergency Management – Radiological Emergency Preparedness Program Funding from FY24 to FY25 Budget (2nd Reading)**

PURPOSE: To carry over unspent funding from the Virginia Department of Emergency Management – Radiological Emergency Preparedness Program Fund for FY 2024 to the Department of Fire, Rescue and Emergency Services FY 2025 fiscal budget for \$2,723.53.

REASON: The Radiological Emergency Preparedness Program provides funding to support a comprehensive Emergency Management Program.

RECOMMENDATION: Recommend that Council approve an ordinance to carry over unspent funding from the Virginia Department of Emergency Management – Radiological Preparedness Program for \$2,723.53 to the Department of Fire, Rescue and Emergency Services FY 25 budget.

BACKGROUND: The City of Petersburg received annual funding from the Virginia Department of Emergency Management. These funds enhance Emergency Management and Operations during preparedness, response, mitigation, and recovery during significant incidents.

Revenue to the City is \$2,723.53.

CITY COUNCIL HEARING DATE: 7/30/2024

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES: Emergency Management and the Department of Fire, Rescue and Emergency Services.

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. 2024 Reappropriation carryover to Council

**AN ORDINANCE, AS AMENDED, SAID ORDINANCE
MAKING APPROPRIATIONS FOR THE FISCAL YEAR
COMMENCING JULY 1, 2024, AND ENDING JUNE 30, 2025
FOR THE GRANTS FUND.**

BE IT ORDAINED by the City Council of the City of Petersburg, Virginia:

I. That appropriations for the fiscal year commencing July 1, 2024, in the Grants Fund are made for the following resources and revenues of the city, for the fiscal year ending June 30, 2025.

Previously adopted	\$0.00
ADD: VDEM – Radiological Emergency Preparedness (3-200-24040-0615-0-212)	<u>\$2,723.53</u>
Total Revenues	<u>\$2,723.53</u>

II. That there shall be appropriated from the resources and revenues of the City of Petersburg for the fiscal year commencing July 1, 2024, and ending June 30, 2025, the following sums for the purposes mentioned:

Previously adopted	\$0.00
ADD: Emergency Management Performance Grant (4-200-32104-3190-0-211)	<u>\$2,723.53</u>
Total Expenses	<u>\$2,723.53</u>



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: July 30, 2024

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: Captain L. Mann

RE: **Public Hearing on the Consideration of Appropriation for the Fiscal Year Commencing July 1, 2024, and ending on June 30, 2025, for Gant 521288-FY25-School Resource Officer Grants - SRO**

PURPOSE: To request an Official Public Hearing Requesting approval from City Council to appropriate the funds for the School Resource Officer Grant.

REASON: Petersburg Bureau of Police was awarded \$186,154.00 for Grant 521288-FY25 - School Resource Officer Grants - SRO in schools, along with uniforms and equipment.

RECOMMENDATION: Recommended that the council accept the funds for the School Resource Officer Grant to be spent in the fiscal year.

BACKGROUND: The Petersburg Bureau of Police applied for and was awarded the School Resource Officer Grant. It will allow the addition of two School Resource Officers.

CITY COUNCIL HEARING DATE: 7/30/2024

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES:

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. 2024 SOGA signed
2. SRO 24-25 Grant Ordinance



COMMONWEALTH of VIRGINIA

Department of Criminal Justice Services

The Honorable Jackson H. Miller
Director

Tracy Louise Winn Banks, Esq.
Chief Deputy Director

Washington Building
1100 Bank Street
Richmond, Virginia 23219
(804) 786-4000
www.dcjs.virginia.gov

May 30, 2024

John Altman
City Manager
135 North Union Street
Petersburg, Virginia 23803

RE: 521288-FY25 - School Resource Officer Grants - SRO

Dear John Altman:

Congratulations on being a recipient of the above referenced grant program! Your DCJS grant award number is **25-238-C** and was approved for a total award of **\$234,900**, funded through Award Number **2025-FREE-GRANT**. The project period is **7/1/2024** through **6/30/2025**.

Included with this letter is your Statement of Grant Award/Acceptance (SOGA), Special Conditions, Reporting Requirements, and Projected Due Dates. In addition, there may be "Action Item" Special Conditions related to your grant award called *Encumbrances* that require your immediate attention. If there are any, please submit those documents via the On-line Grants Management System (OGMS) at <https://ogms.dcjs.virginia.gov/>. Additionally, if you cannot access your grant in OGMS, your application may be under negotiation. Please check your email and/or spam for OGMS correspondence and follow up with your DCJS Grant Monitor.

If you have not previously done so, you must register to use this web-based system. The instructions on *Registering for a New Account* and *Submitting Action Item Encumbrances* are posted here <https://www.dcjs.virginia.gov/grants/ogms-training-resources> along with other resources and training videos. All registrants will be approved within 3 – 5 business days.

We will be happy to assist you in any way we can to assure your project's success. To indicate your acceptance of the award and conditions, please sign the included SOGA and return it electronically within the next 60 days to grantsmgmt@dcjs.virginia.gov. If you have questions, contact your DCJS Grant Monitor **Michelle Miles** at **804-225-1846** or via email at Michelle.Miles@dcjs.virginia.gov.

Sincerely,

Jackson Miller

STATEMENT OF GRANT AWARD (SOGA)

Virginia Department of Criminal Justice Services
1100 Bank Street, 12th Floor
Richmond, Virginia 23219

521288-FY25 - School Resource Officer Grants - SRO

Subgrantee: Petersburg
 DCJS Grant Number: 25-238-C
 Grant Start Date: 7/1/2024
 Grant End Date: 6/30/2025

Indirect Cost Rate: _____% *If applicable

Federal Funds:
 State Special Funds: **\$186,154**
 Local Match: **\$48,746**

Total Budget: **\$234,900**

Project Director	Project Administrator	Finance Officer
Larry Mann Captain 37 East Tabb Street Petersburg, Virginia 23803 804-896-6206 Lmann@petersburg-va.org	John Altman City Manager 135 North Union Street Petersburg, Virginia 23803 804-733-2301 maltman@petersburg-va.org	Leon Glaster Chief Financial Officer 144 North Sycamore Street Petersburg, Virginia 23803 804-733-2337 lglaster@petersburg-va.org

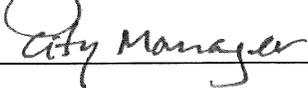
***Please indicate your ICR in the space provided, if applicable.** As the duly authorized representative, the undersigned, having received the Statement of Grant Awards (SOGA) and reviewing the Special Conditions, hereby accepts this grant and agree to the conditions and provisions of all other Federal and State laws and rules and regulations that apply to this award.

Signature:



 Authorized Official (Project Administrator)

Title:



Date:

6.7.2024

**AN ORDINANCE, AS AMENDED, SAID ORDINANCE
MAKING APPROPRIATIONS FOR THE FISCAL YEAR
COMMENCING JULY 1, 2024, AND ENDING JUNE 30, 2025
FOR “School Resource Officers”**

BE IT ORDAINED by the City Council of the City of Petersburg, Virginia:

I. That appropriations for the fiscal year commencing July 1, 2024, in the “Project Type” for the following resources and revenues of the city for the fiscal year ending June 30, 2025.

Previously adopted Revenue: \$0.00

ADD: RE: 521288-FY25 - School Resource Officer Grants - SRO Total Revenues \$186,154.00

II. That there shall be appropriated from the resources and revenues of the City of Petersburg for the fiscal year commencing July 1, 2024 and ending June 30, 2025, the following sums for the purposes mentioned:

Previously adopted Expenditures: \$0.00

ADD: Grant ID- 521288-FY25 - School Resource Officer Grants \$186,154.00



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: July 30, 2024

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: March Altman, Jr.

RE: **Consideration of an Ordinance to Appropriate Funding for the Sports Training Facility (Fieldhouse) at Petersburg High School in the Amount of \$500,000.00 (2nd Reading)**

PURPOSE: To appropriate funding for the Petersburg HS Sports Training Facility per City matching funds.

REASON: To appropriate funding for the Petersburg HS Sports Training Facility per City matching funds.

RECOMMENDATION: Hold public hearing and approve ordinance to appropriate funds.

BACKGROUND: Per the Memorandum of Agreement between the city, PCPS School Board, & the PHS Stadium Enhancement Committee, the City agreed to provide funds to the committee for the purpose of the Training facility project using the funds designated for future capital needs of PCPS.

CITY COUNCIL HEARING DATE: 7/30/2024

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES:

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. AN ORDINANCE TO APPROPRIATE FUNDING FOR THE SPORTS TRAINING FACILITY AT PETERSBURG HIGH SCHOOL

AN ORDINANCE TO APPROPRIATE FUNDING FOR THE SPORTS TRAINING FACILITY AT PETERSBURG HIGH SCHOOL

WHEREAS, there is an existing MOU between the City, Petersburg City School Board, and the PHS Stadium Enhancement Committee pertaining to the Stadium Enhancement Project; and

WHEREAS, the MOU memorializes the Agreement between the parties regarding funding of the project; and

WHEREAS, in accordance with the MOU, requests for funding by the City shall come from the funds designated for future capital needs of PCPS; and

WHEREAS, People's Advantage Federal Credit Union has previously contributed \$500,000.00 toward completion of the project; and

WHEREAS, the MOU requires that the Committee raise all funds necessary to complete the project estimated at \$5.4M; and

WHEREAS, the MOU further provides that upon the failure of the Committee to raise the funds to complete the project, the City has agreed to match funds raised up to the total cost to complete the project, not to exceed \$2.7 million of contribution by the City per 23-R-46; and

WHEREAS, the Stadium Committee and PHS have requested that the City appropriate \$500,000 toward the PHS Stadium Enhancement Project pursuant to the MOU; and

WHEREAS, the MOU contemplates appropriation of City funds only after the Stadium Committee has failed to raise sufficient funds necessary to complete the project, the City desires to assist moving this project forward by appropriating the requested funds without waiving its right to refrain from further appropriations absent full compliance by the Committee and PCPS with the requirements of the MOU;

NOW THEREFORE BE IT ORDAINED that City Council does hereby appropriate \$500,000 to the PHS Stadium Enhancement Project.