



CITY OF EMPORIA

Ordinance No. 2025-01

ORDINANCE

An Ordinance to Amend Chapter 90. Zoning and Subdivision Ordinance of the City of Emporia, Virginia Code of Ordinances

AN AMENDMENT

BE IT ENACTED by the City Council of the City of Emporia, Virginia that:

- 1) **Article VI, Division 3. Use Matrix, Section 90-344. Matrix, Table 6.1, Residential** be amended to:

Add Dwelling, Townhouse as a “by-right” use in the Downtown District (DT).

See attached Table 6.1/Use Matrix (Residential).

- 2) **Article VII, Use Performance Standards, Division 2. Residential Use Standards, Sec. 90-375. Dwelling, townhouse, subsection (b) Architectural Treatment of Townhouse** be amended as follows:

Sec. 90-375. Dwelling, townhouse.

- (a) *Placement.* No more than eight adjoining townhouse units may be constructed in a single row.
- (b) *Architectural treatment of townhouses.* The facades of each unit of a townhouse structure shall be varied to visually distinguish them as individual dwelling units by changing front yard depth and utilizing variations in materials or design. No more than four abutting townhouse units shall have the same front yard depth or the same, or essentially the same, architectural treatment of facades and roof lines. In identified historic districts, proposed designs shall incorporate architectural elements of the surrounding structures and character of the district.
- (c) *Vehicular access.* Each townhouse unit shall have unencumbered access from a dedicated public street.
- (d) *Pedestrian access.* Pedestrian access shall be provided with a sidewalk, or similar paved surface if approved by the administrator, to all common area elements, including mail kiosks, parking lots, refuse collection areas, recreational amenities and to adjoining properties and along public roadways.
- (e) *Roads and private pavement.* All roads and private pavement shall have concrete curb and gutter.



CITY OF EMPORIA

- (f) *Landscaping and buffer.* Landscaping and/or transitional buffers shall be installed as required in article VIII, community design standards, of this ordinance.
- (g) *Screening of mechanical equipment and refuse collection.* Whether ground-level or rooftop, any refuse collection or mechanical equipment visible from adjacent property or roads shall either be integrated into the architectural treatment of the building or screened from view in accordance with article VIII, community design standards, of this ordinance.
- (h) *Open space and amenities.* In any townhouse project resulting in the creation of any open space and amenities thereon, broadly defined, the maintenance and upkeep of such areas and elements shall be provided for by an arrangement acceptable to the city and in compliance with this article or applicable state statutes.
 - (1) In any townhouse project consisting of open space and amenities related to the project in such manner that the Condominium Act, Code of Virginia, §§ 55.1-1900—55.1-1907, is applicable, the project shall conform to the requirements of that Act.
 - (2) In any townhouse project consisting of open space and amenities related to the project in such manner that the Condominium Act, Code of Virginia, §§ 55.1-1900—55.1-1907, is not applicable, the developer shall meet the following requirements:
 - a. Establish a nonprofit entity according to the provisions of the Virginia Nonstock Corporation Act, Code of Virginia, §§ 13.1-801—13.1-946, as amended, whose membership shall be all the individuals or corporations owning residential property within the townhouse project and whose purpose shall be to hold title in fee simple to, and be responsible for maintenance and upkeep of such open space;
 - b. Hold title to and be responsible for such open space until such time as conveyance to such a nonprofit entity occurs. Such conveyance shall occur when at least 75 percent of the townhouse units have been sold; and
 - c. Provide proper agreements and covenants running with the land and in favor of the citizens of the city, requiring membership in such a nonprofit entity. Such agreements and covenants shall include, among other things, that any assessments, charges, and cost of maintenance of the open space shall constitute a pro rata lien upon the individual townhouse lots, inferior in lien and dignity only to taxes and bona fide duly recorded first and



CITY OF EMPORIA

second mortgages or deeds of trust on the townhouse lot. Covenants shall also prohibit the denuding, disturbing or defacing of said open space without prior approval of the city council after recommendation of the planning commission.

- (3) All open space shown on the approved site plan is binding as to location and use proposed.

3) **Article I, In General, Section 90-2. Definitions to amend the use name and definition for Outdoor Sales, Seasonal/Temporary** to Outdoor Sales as follows:

Outdoor sales, ~~seasonal/temporary~~ means any business or use (primary or accessory) that is conducted primarily out of doors, which may include but not be limited to: retail sales of fruits, vegetables, plants, flowers, Christmas trees, fireworks; or retail sales of used goods, such as rummage sales or garage sales.

4) **Article VII. Use Standards, Division 4. Commercial, Section 7-4-10 Outdoor Sales, Seasonal/Temporary** to change the use to allow outdoor sales and display as a customary, accessory use to commercial retail development, as follows:

Sec. 90-410. Outdoor sales, ~~seasonal/temporary~~.

- (a) **Seasonal/Temporary Permits.** Each stand for the retail sale of seasonal/temporary goods, including Christmas trees or fireworks, shall obtain a seasonal/temporary outdoor sales permit by the administrator prior to setup and sales.

- (1) No more than six permits shall be issued for the same lot during a calendar year.
- (2) No permit shall be issued to an applicant, unless or until:
- a. A minimum of 30 consecutive days after a permit issued to that applicant for the same or an adjacent lot or parcel has expired.

(b)(3) Time limits.

- (1)a.** Seasonal sales (fireworks, Christmas trees, etc.) shall be permitted for a period not to exceed 60 _____ consecutive days.

- (2)b.** Temporary sales (rummage sales, yard sales, sidewalk sales, etc.) shall be permitted for a _____ period not to exceed three consecutive days.

- (e)(4) Setbacks.** The outdoor sales stand or display shall be setback at least 15 feet from any public right-of-way and outside any required landscape buffer.

- (d)(5) Parking.** Parking shall be supplied on the site of the primary use and not along the public right-of-way.



CITY OF EMPORIA

~~(e)~~(6) *Signs.* Signs for the use shall be in accordance with article VIII, community design standards, of this _____ ordinance.

(b) Outdoor sales and display (as a primary use or an accessory use to a commercial retail use)

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- (1) Outdoor sales and display shall only be permitted within an area not greater than 800 square feet or 10 percent of the gross floor area of the ground floor of the building, which is greater.
- (2) Outdoor sales and display shall be located at least 25 feet from a residential use or a residentially zoned property.
- (3) Outdoor sales and display shall meet the primary building setbacks of the underlying zoning district.
- (4) Stacked items shall not exceed 5 feet.
- (5) No outdoor sales and display shall be allowed in areas set aside, required, or designated from driving aisles, driveways, maneuvering areas, emergency access ways, off-street parking, or unloading/loading.
- (6) Outdoor sales and display of items shall be located on a "hard and durable" surface.
- (7) All items shall be maintained in a neat and orderly fashion, and in good condition.

This ordinance shall be effective immediately upon adoption.

Signed by:

Chairman, City Council

Date:

4/1/25

Jessie S. Wilk

City Clerk (witness)

Date:

4/1/25

Approved as to form:

City Attorney

W. R. Kuyper

Table 6.1/Use Matrix (Residential)

Use	Districts									Use Standards
	R-1 Low Density Residential	R-2 Medium Density Residential	R-3 High Density Residential	R-MH Manufactured Home Residential	DT Downtown District	C-1 General Commercial	C-2 Highway Commercial	I-1 Light Industrial	I-2 Heavy Industrial	R-PRD Planned Residential Development
	B = By-Right	CUP = Conditional Use	Permit Blank = Not Permitted							
<i>Residential</i>										
Adaptive reuse residential					CUP					7-2-1
Bed and breakfast	CUP	CUP	CUP		B	B			CUP	7-2-2
Dwelling, manufactured home				B						7-2-3
Dwelling, multi-family			B		CUP				B	7-2-4

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	B = By-Right CUP = Conditional Use Permit Blank = Not Permitted										
Dwelling, single family	B	B	B							B	
Dwelling, two-family			B							B	
Dwelling, townhouse			B		B					B	7-2-5
Family health care structure, temporary	B	B	B	B						B	7-2-6

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	B = By-Right CUP = Conditional Use Permit Blank = Not Permitted										
Family day home (1—4 individuals)	B	B	B	B						B	
Family day home (5—12 children)	CUP	CUP	CUP	CUP						CUP	
Group home, large			CUP								
Group home, small	B	B	B	B						B	

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	B = By-Right CUP = Conditional Use Permit Blank = Not Permitted										
Home occupation	B	B	B	B	B					B	7-2-7
Life care facility			B				CUP			B	
Manufactured home park				B							7-2-8
Shelter, residential					CUP	CUP		CUP			
Short-term rental	CUP	B	B		B	B				B	7-2-9