

ORDINANCE NUMBER 16-O-056**AN ORDINANCE TO AMEND CHAPTER 31, UNIFIED DEVELOPMENT ORDINANCE OF THE CODE OF THE CITY OF SUFFOLK, ARTICLE 4, ZONING, SECTION 31-406, USE REGULATIONS, ARTICLE 7, SUPPLEMENTAL USE REGULATIONS, SECTION 31-707, HOME OCCUPATIONS, AND APPENDIX A, DEFINITIONS; OA03-16**

WHEREAS, the City of Suffolk, Virginia has initiated the aforementioned amendments to Chapter 31, Unified Development Ordinance, for the purpose of updating and refining the Code of the City of Suffolk due to changes in circumstances and changes to the Code of Virginia; and

WHEREAS, the specified amendments to the Unified Development Ordinance as shown in Exhibit "B" are in compliance with the 2035 Comprehensive Plan, as adopted; and

WHEREAS, the Planning Commission has made a recommendation as stated in Exhibit "A"; and

WHEREAS, the procedural requirements for the consideration of this request by the Planning Commission have been met.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Suffolk, Virginia, that:

- Section 1. That Exhibit "A," "Planning Commission Recommendation," and Exhibit "B," "Amendments to Chapter 31, Unified Development Ordinance, Article 4, Zoning, Article 7, Supplemental Use Regulations, and Appendix A, Definitions, of the Code of the City of Suffolk, Virginia," which are attached hereto, are hereby incorporated as part of this ordinance.
- Section 2. That Chapter 31, Article 4, Zoning, Article 7, Supplemental Use Regulations, and Appendix A, Definitions of the Unified Development Ordinance of the City of Suffolk, Virginia, is hereby amended to read as referenced in Exhibit "B," attached.
- Section 3. All phrases, clauses, sentences, paragraphs, subsections, sections and chapters of the Code not amended hereby remain in full force and effect.

This ordinance shall be effective upon passage and shall not be published.

READ AND PASSED: JUNE 15, 2016

TESTE: 
Erika S. Dawley, MMC, City Clerk

**CITY OF SUFFOLK PLANNING COMMISSION
A RESOLUTION TO PRESENT A REPORT AND RECOMMENDATION
TO CITY COUNCIL RELATING TO AN ORDINANCE TO AMEND CHAPTER 31,
UNIFIED DEVELOPMENT ORDINANCE OF THE CODE OF THE CITY OF
SUFFOLK, ARTICLE 4, ZONING, SECTION 31-406, USE REGULATIONS, ARTICLE
7, SUPPLEMENTAL USE REGULATIONS, AND APPENDIX A, DEFINITIONS;
OA03-16**

WHEREAS, the Planning Commission of the City of Suffolk, Virginia has initiated the aforementioned amendments to Chapter 31 of the Unified Development Ordinance for the purpose of updating and refining the Code of the City of Suffolk due to changes in circumstances and changes to the Code of Virginia; and

WHEREAS, the specified amendments to the Unified Development Ordinance as shown in Exhibit "B" are in compliance with the 2035 Comprehensive Plan, as adopted; and

WHEREAS, the procedural requirements for the consideration of this request by the Planning Commission have been met.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Suffolk, Virginia, that:

Section 1. Findings.

The Suffolk Planning Commission finds that the proposed ordinance amendments are reasonable and warranted.

Section 2. Recommendation to City Council.

The Planning Commission recommends to the City Council of the City of Suffolk, Virginia that the proposed amendments be;

- a. Adopted as submitted without modification.
- b. Denied, and that Council not pass the proposed ordinance.
- c. Adopted with the modifications set forth on the attached listing of specific recommendations, and that Council adopt the proposed Ordinance with such modifications.

READ AND ADOPTED: 5/17/2016

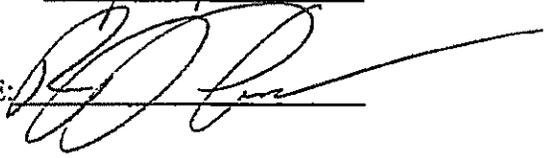
TESTE: 

EXHIBIT D
 Amendments to Chapter 31, Unified Zoning Ordinance, Article 4, Zoning,
 Article 7, Supplemental Use Regulations, and Appendix "A", Definitions,
 of the Code of the City of Suffolk, Virginia

Specific Use Type	Zoning Districts																						
	C	A	RR	RE	RL	RL M	RM	RC	RU	RU- 12	RU- 18	RU- 24	MIU C-40	B-1	B-2	VC	CBD	O-1	CP	M-1	M-2	PRRD	
INSTITUTIONAL, CIVIC, RECREATION AND ENTERTAINMENT:																							
Cultural uses, including museums, art galleries, opera houses	—	—	P	P	P	P	P	P	P	P	P	P	P	C	P	P	P	P	P	C	—	P	
Day care (family day home). 1 - 54 children	—	P	P	P	P	P	P	P	P	P	P	P	P	EP	P	EP	EP	P	P	—	—	P	
Day care (family day home). 65 - 12 children	—	C	C	C	C	C	C	C	C	C	—	—	—	C	PC	C	C	P	P	—	—	C	
Health club/physical fitness facility	—	—	—	—	—	—	—	—	C	C	C	C	C	EP	P	P	P	P	P	P	P	P	
Fitness Club, golf, tennis, swim	—	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	—	P	
Schools, dance/art/music schools	—	—	—	—	—	—	—	—	—	—	—	—	C	C	P	EP	EP	EP	P	—	—	EP	
COMMERCIAL AND RETAIL:																							
Retail Sales and Service (Generally, not otherwise enumerated)	—	—	—	—	—	—	—	—	—	—	—	—	C	C	C	P	C	C	—	—	—	C	
Bakeries (excluding factory or distribution warehousing) (at least 5,000/GFA)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P	P	EP	EP	EP	—	P	P	EP
Bakeries (excluding factory or distribution warehousing) (less than 5,000/GFA)	—	—	—	—	—	—	—	—	—	—	—	—	C	P	P	P	P	P	—	—	P	C	P
Pharmacy	—	—	—	—	—	—	—	—	—	—	—	—	P	P	P	P	P	C	—	—	—	P	
Photography Studio	—	—	—	—	—	—	—	—	—	—	—	—	P	P	P	P	P	P	—	—	—	P	
Fertilizer and seed sales	—	P	—	—	—	—	—	—	—	—	—	—	—	P	P	EP	EP	—	—	—	—	EP	
Tire recapping and storage (not junkyards)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	C	—	—	—	—	C	C	—	
Tobacco Store	—	—	—	—	—	—	—	—	—	—	—	—	C	P	P	P	P	P	—	—	—	P	
Truck repair	—	—	—	—	—	—	—	—	—	—	—	—	—	—	C	—	—	—	—	C	P	—	

SEC. 31-707. - HOME OCCUPATIONS.

(a) PURPOSES.

- (1) A home occupation is permitted as an accessory use in the districts shown in Table 707-1. The purpose of the home occupation regulations and performance standards are:
- A. To establish criteria for operation of home occupations in dwelling units within residential districts;
 - B. To permit and regulate the conduct of home occupations as an accessory use in a dwelling unit, whether owner or renter-occupied;
 - C. To ensure that such home occupations are compatible with, and do not have a deleterious effect on adjacent and nearby residential properties and uses;
 - D. To ensure that public and private services such as streets, sewers, water or utility systems are not burdened by the home occupation to the extent that usage exceeds that normally associated with residential use;
 - E. To allow residents of the community to use their residences as places to enhance or fulfill personal economic goals, under certain specified standards, conditions and criteria;
 - F. To enable the fair and consistent enforcement of these home occupation regulations;
 - G. To promote and protect the public health, safety and general welfare; and
 - H. No home occupation, except as otherwise provided herein, may be initiated, established, or maintained in the City except in conformance with the regulations and performance standards set forth in this Section.

- (b) **PERFORMANCE STANDARDS.** Home occupations are authorized if they comply with the following performance standards in Table 707-1. A check mark "✓" indicates that the performance standard applies in the applicable district.
- (c) **HOME OCCUPATIONS PERMITTED.** A home occupation shall be operated and maintained to not interfere with the peace, quiet and dignity of the neighborhood. The following are examples of uses which would be acceptable as home occupations: low volume office (insurance, realty), one-chair beauty shop, seamstress, instruction (as limited in paragraph 8 of Table 707-1) word processing and other computer applications.
- (d) **HOME OCCUPATIONS NOT PERMITTED.** The following types of uses shall not be permitted as home occupations in residential zoning districts: medical/dental office, motor vehicle repair or similar uses, temporary or permanent motor vehicle display for purposes of sale or lease, restoration or conversion, engine repair, furniture refinishing, gymnastic facilities, studios or outdoor recreation activities, medical/cosmetic facilities for animals including animal care or boarding facilities, machine shop/metal working, retail sales, commercial food preparation and catering, contractors shops, mortuaries, medical procedures, body piercing and/or painting, tattoos, or any type of physical or psycho therapy.

- (e) **HOME OCCUPATIONS EXEMPT FROM PERMIT REQUIREMENT.** All home occupations listed below shall be subject to all applicable home occupation regulations and standards of this Section, but shall not be required to obtain a home occupation permit as provided by Subsection (g) of this Section, provided that all persons engaged in such activities reside on the premises and the following conditions are satisfied:
- (1) Artists, sculptors, composers not selling their artistic product to the public on the premises;
 - (2) Craft work, such as jewelry-making and pottery with no sales permitted on the premises;
 - (3) Day care (family day home) 1- 4 children
- (f) **UNSAFE HOME OCCUPATIONS.** If any home occupation has become dangerous or unsafe, or presents a safety hazard to the public, pedestrians on public sidewalks or motorists on public right-of-way, or presents a safety hazard to adjacent or nearby properties, residents or businesses, the Administrator shall issue an order to the dwelling owner and/or tenant on the property on which the home occupation is being undertaken directing that the home occupation be immediately made safe or be terminated. The property owner and/or tenant shall be responsible for taking the necessary corrective steps or measures, but in the event of a failure to do so by the owner and/or tenant, after notice and a reasonable period of time, the Administrator may take any and all available enforcement actions to render the home occupation and dwelling safe. Costs incurred by the Administrator, if forced to take enforcement actions, shall be borne by the property owner and shall be treated as a zoning violation pursuant to Section 31-310 of this Ordinance.
- (g) **HOME OCCUPATION PERMIT.** No home occupation shall be established unless and until a home occupation permit is issued pursuant to Section 31-302(d) of this Ordinance. A home occupation permit shall lapse automatically if the property is used for non-residential purposes, if the dwelling is sold or rented, if the home occupation operator dies, if the home occupation permit lapses or is not renewed, or if the home occupation is discontinued for a period of one hundred eighty (180) days or more and is not renewed within 30 days of written notice from the Administrator.

include flammable, combustible or explosive materials								
Parking shall be provided only in driveway and shall not create hazards or street congestion	✓	✓	✓	✓	✓	✓	✓	✓
Outside storage of heavy equipment or material shall be prohibited.	✓	✓	✓	✓	✓	✓	✓	✓
No truck or van with a payload rating of more than 1½ ton shall be parked on the site.	✓	✓	✓	✓	✓	✓	✓	✓
Mechanized equipment shall be used only in a completely enclosed building	✓	✓	✓	✓	✓	✓	✓	✓
No generation of dust, odors, noise, vibration or electrical interference or fluctuation shall be that is perceptible beyond the property line.	✓	✓	✓	✓	✓	✓	✓	✓
Deliveries and pickups shall be those normally associated with residential services and shall: a. Not block traffic circulation b. Occur only between 8:00 a.m. and 8:00 p.m. Monday-Saturday	✓	✓	✓	✓	✓	✓	✓	✓

Note: For home occupations one sign not exceeding one square foot in area, non-illuminated and mounted flat against the wall of the residence is permitted.

APPENDIX "A" – DEFINITIONS

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BUILDABLE AREA: The portion of a lot which is within the envelope formed by the required yards, excluding easements for streets or utilities and critical areas. See "Yard, Required."

BUILDING: A combination of any materials, whether portable or fixed, having a roof to form a structure for the use or occupancy by persons, or property. ~~; however, farm buildings not used for residential purposes and frequented generally by the owner, members of his family and farm employees shall be exempt from the Ordinance;~~ Farm buildings not used for residential purposes shall not be exempt from any required zoning setback or yard provisions of this Ordinance. ~~but~~ Such buildings lying within a flood plain or in a mudslide-prone area shall be subject to flood proofing regulations or mudslide regulations, as applicable. The word "building" shall be construed as though followed by the words "or part or parts thereof" unless the context clearly requires a different meaning. For application of this Ordinance, each portion of a building which is complying with the Uniform Statewide Building Code shall be considered as a separate building. (Source: Uniform Statewide Building Code)

BUILDING, COMMUNITY: A public building designed or used for community activities of an educational, recreational or public service nature.

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GLOBAL POSITIONING SYSTEM: A satellite-based radio navigation system developed and operated by the U.S. Department of Defense (DOD). GPS permits land, sea, and airborne users to determine their three-dimensional position, velocity, and time. GPS consists of three segments: space, control, and user. The space segment, consists of operational satellites in circular orbits above the earth. The satellites are spaced in orbit so that at any time a minimum number of satellites will be in view to users anywhere in the world. The satellites continuously broadcast position and time data to users throughout the world. The control segment consists of a master control station with monitor stations and ground antennas located throughout the world. The monitor stations track all GPS satellites in view and collect ranging information from the satellite broadcasts. The monitor stations send the information they collect from each of the satellites back to the master control station, which computes satellite orbits. The information is then formatted into updated navigation messages for each satellite. The updated information is transmitted to each satellite via the ground antennas, which also transmit and receive satellite control and monitoring signals. The user segment consists of the receivers, processors, and antennas that allow land, sea, or airborne operators to receive the GPS satellite broadcasts and compute their precise position, velocity and time.

GOLF, TENNIS, SWIM, FITNESS CLUB: A club, including country clubs, that provides one or more of the following: indoor and/or outdoor golf, tennis, or swimming facilities, indoor

~~exercise or recreational rooms and equipment; and which may include a clubhouse with dining and banquet facilities; operated on a private membership basis and restricted to use by members and their guests.~~

GOVERNING BODY: The City Council of the City of Suffolk

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HAZARDOUS WASTE LANDFILL: A waste disposal facility or part of a facility where waste is placed in or on land and which is not a treatment facility, a surface impoundment or an injection well. (Source: Virginia Administrative Code)

HEALTH CLUB/PHYSICAL FITNESS FACILITY: An establishment that provides facilities for exercise activities, such as, running, jogging, aerobics, weight lifting, court sports and swimming, and/or engages in offering instruction in athletic activities to groups or individuals, such as, but not limited to, martial arts, gymnastics, cheering, crossfit training, and may include as well as locker rooms, showers, massage rooms, saunas and related accessory uses.

HEALTH DEPARTMENT: The Commonwealth of Virginia Department of Health or an authorized official thereof.

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PHASED SUBDIVISION APPLICATION OR PHASED SITE PLAN APPLICATION: An application for subdivision or site plan approval in which the applicant proposes to immediately subdivide or develop the property but will develop in one or more individual phase(s) over a period of time. A phased subdivision application may include an application for approval of, or conversion to, horizontal or vertical condominiums, non-residential development projects, planned unit developments, mixed-use projects, and residential developments. A phased subdivision application or phased site plan application must be filed as part of an application for a specific plan or master preliminary plan.

PHOTOGRAPHY STUDIO: Establishments primarily engaged in providing still, video, or digital portrait photography services with or without on-site photo finishing.

PHYSICALLY DISABLED PERSON: An individual who has a physical impairment, including impaired sensory, manual or speaking abilities, that results in a functional limitation in gaining access to and using a building or facility. (Source: Uniform Statewide Building Code)

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TIDAL WETLANDS: Vegetated and nonvegetated wetlands as defined in Section 28.2-1300 of the Code of Virginia or its successor regulations. (Source: Virginia Administrative Code)

TOBACCO STORE: Establishments primarily engaged in retailing cigarettes, cigars, tobacco, pipes, and other smokers' supplies which may include on-site consumption of tobacco products.

TOTAL PERMISSIBLE DWELLING UNITS OR SQUARE FOOTAGE: The total density or intensity of a project computed pursuant to Section 31-407 of this Ordinance.

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