

SJT
6/30/15

9.a.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE amending and reordaining Section 36.2-311, Use table for residential districts; Section 36.2-312, Dimensional regulations for residential districts; Section 36.2-315, Use table for multiple purpose districts; Section 36.2-316, Dimensional regulations for multiple purpose districts; Section 36.2-322, Use table for industrial districts; Section 36.2-326, Procedural requirements for planned unit development districts; Section 36.2-327, Use table for planned unit development districts; Section 36.2-405, Bed and breakfast; repealing Section 36.2-412, Group care facilities; amending and reordaining Section 36.2-418, Motor vehicle or trailer painting and body repair; Section 36.2-429, Temporary uses; Section 36.2-540, Zoning amendments; Section 36.2-560, Special exceptions; Section 36.2-561, Variances; Section 36.2-562, Appeals to board of zoning appeals; Section 36.2-563, Appeals from board of zoning appeals; Section 36.2-571, Zoning violations; Section 36.2-644, Overall tree canopy requirements; repealing Section 36.2-645, Street yard trees; amending and reordaining Table 652-2, Required Parking Spaces; Section 36.2-653, Maximum parking; Section 36.2-654, Parking and loading area standards; Table 654-1, Parking and Loading Area Standards; Table 668-1, Type, Number, and Size of On-Premises Signs; Section 36.2-669, Changeable copy signs and electronic readerboard signs; Section 36.2-834, Quorum and vote; Section 36.2-836, Rules and records; Section 36.2-837, Powers and duties; Section 36.2-841, Powers and duties; Appendix A, Definitions; Appendix B, Submittal requirements, B-1, Basic Development Plan; of Chapter 36.2, Zoning, of the Code of the City of Roanoke (1979), as amended; for the purposes of amending and reordaining, combining and renumbering, adding or repealing, the following code sections to update, clarify and make the City's zoning ordinance easier to use for its citizens

Sec. 36.2-312. Dimensional regulations for residential districts.

District	RA	R-12	R-7	R-5	R-3	RM-1	RM-2	RMF

* * *

Where a maximum lot frontage is specified for a district, such maximum shall apply to only one frontage of a corner lot.

A numeric entry means the dimension shall apply based on the unit of measurement indicated.

“Yes” means the requirement applies.

“No” means the requirement does not apply.

“None” means there is no requirement.

* * *

Sec. 36.2-315. Use table for multiple purpose districts.

District	MX	CN	CG	CLS	D	IN	ROS	UF	Supplemental Regulation Section

* * *

Accommodations and Group Living

Campground			S	S			S	S	
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* * *

Group care facility, congregate home, elderly	S								36.2-412
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Group care facility, nursing home	S								36.2-412
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Assembly and Entertainment Uses

* * *

Place of worship		P	P	P	P	P		P	
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Accessory Uses

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Homestay	S	P	P	P	P			P	36.2-405
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Sec. 36.2-316. Dimensional regulations for multiple purpose districts.

		MX	CN	CG	CLS	D	IN	ROS	UF
Lot area (square feet)	Minimum	5,000	5,000	10,000	43,560	None	None	None	None
	Maximum	None	87,120	130,680	None	None	217,800	None	87,120 130,680

* * *

		MX	CN	CG	CLS	D	IN	ROS	UF
Height maximum (feet)	Property abutting a residential district	45	45	45	1 foot for each foot of setback from any abutting residential lot	1 foot for each foot of setback from any abutting residential lot	40	35	60
	Property not abutting a residential district	45	45	None	None	None	40	3560	60
					* * *				
Impervious surface area maximum (percentage of lot area)		70	100	85	80	100	80	4580	100
					* * *				

*Except townhouses and multifamily dwellings, minimum façade transparency for these uses is 20 percent.

Where a maximum lot frontage is specified, the maximum shall apply only to a primary street frontage as determined by application of Section 36.2-319(b).

A numeric entry means the dimension shall apply based on the unit of measurement indicated.

“Yes” means the requirement applies.

“No” means the requirement does not apply.

“None” means there is no requirement.

* * *

Sec. 36.2-322. Use table for industrial districts.

District	I-1	I-2	AD	Supplemental Regulation Section
<i>Assembly and Entertainment Uses</i>				
Amphitheatre	P		P	

District	I-1	I-2	AD	Supplemental Regulation Section
Entertainment establishment, abutting a residential district	P		P	
Entertainment establishment, not abutting a residential district	P		P	
* * *				
Park or playground	P	P	P	
Recreation, outdoor	P	P	P	
<i>Accessory Uses</i>				
* * *				
Outdoor recreation facility lighting or sports stadium lighting	P	P	P	36.2-403
* * *				

Sec. 36.2-326. Procedural requirements for planned unit development districts.

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- (i) The procedure for establishing or amending a PUD plan shall be as prescribed in Sections 36.2-540, Zoning Amendments; and 36.2-541, Conditional Rezonings, if applicable.

Sec. 36.2-327. Use table for planned unit development districts.

	MXPUD	INPUD	IPUD	Supplemental Regulation Section
* * *				
<i>Accommodations and Group Living</i>				
* * *				
Campground	P	P		
* * *				
Group care facility, congregate home, elderly.	P	P		36.2-412
Group care facility, congregate home, not otherwise listed		P		36.2-412
Group care facility, group care home		P		36.2-412
Group care facility, halfway house		P		36.2-412

Group care facility, nursing home	P	P	36.2-412
Group care facility, transitional living facility		P	36.2-412

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Sec. 36.2-405. Bed and breakfast and homestay establishments.

- (a) *Applicability.* The supplemental regulations set out in this section shall apply to bed and breakfast and homestay establishments permitted by this chapter as of right or by special exception.
- ~~(b) Location requirements. In any zoning district in which bed and breakfast establishments are permitted, such establishments shall be located within a single-family detached dwelling.~~
- ~~(e)(b) General Standards for bed and breakfast establishments.~~
 - (1) Such establishments shall be located within a single-family detached dwelling.
 - ~~(1)(2)~~(2) No exterior changes to the single-family detached dwelling occupied by the bed and breakfast shall be permitted unless such change is required by the Zoning Administrator for safety purposes or such change can be shown to be in harmony with the structure's architectural and historic value.
 - ~~(2)(3)~~(3) The owner of the single-family detached dwelling occupied by the bed and breakfast establishment shall reside in the dwelling.
 - ~~(3)(4)~~(4) No more than six (6) guest sleeping rooms shall be utilized for a bed and breakfast establishment and the number of guest occupants shall not exceed twelve (12).
 - ~~(4)(5)~~(5) Rooms shall be rented only on a daily basis.
 - ~~(5)(6)~~(6) One (1) sign attached to the building shall be permitted. Such sign shall have a sign area not exceeding two (2) square feet and shall not be illuminated.
 - ~~(6)(7)~~(7) Only accessory uses or structures which are incidental and subordinate to a single-family detached dwelling shall be permitted in conjunction with a bed and breakfast establishment.
- (c) Standards for homestay establishments.
 - (1) No changes shall be made to the exterior of the building occupied by the homestay.
 - (2) The homestay shall have no more than two (2) bedrooms for guests and shall accommodate no more than four (4) total guests.
 - (3) Rooms shall be rented only on a daily or weekly basis. Stays shall not exceed 14 days.
 - (4) The owner or leaseholder shall also occupy the dwelling unit during guest stays.

* * *

Sec. 36.2-412. ~~Group care facilities. (Reserved)~~

~~(a) Purpose. The intent of the regulations of this section is to permit the development of group care facilities in appropriate locations throughout the City, to ensure compatibility of these uses within the neighborhoods in which they are located, and to establish standards to encourage an adequate quality of service to the users of such facilities.~~

~~(b) Applicability. The supplemental regulations of this section shall apply to any group care facility permitted by this chapter.~~

~~(c) Standards:~~

~~(1) No group care facility shall be located closer than one thousand five hundred (1,500) feet to another group care facility. This spacing requirement shall apply to any group care facility on a separate lot, regardless of whether or not the group care facilities are under common ownership, except that such spacing requirement shall not apply to a group care facility in an Institutional Planned Unit Development (INPUD). The applicant shall provide a sealed map of the lot lines for the subject property and the lot lines for the nearest group care facility as part of any application for a special exception, development plan approval, or a zoning permit.~~

~~(2) The maximum number of occupants of a group care facility, including supervisory personnel and family members living on the premises, shall be based on the following schedule:~~

Zoning District	Square Footage of Facility Required per Occupant
RM-2	800
RMF	500
MX	400
INPUD, MXPUD	300

~~(3) A group care facility shall provide one hundred (100) square feet of usable open space per occupant.~~

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Sec. 36.2-418. Motor vehicle or trailer painting and body repair.

* * *

- (c) *Additional standards in the I-1 and I-2 Districts.* In addition to the general standard set forth in subsection (a), above, a motor vehicle or trailer painting and body repair establishment in the Light Industrial District (I-1) or the Heavy Industrial District (I-2) shall be subject to the following requirements:

* * *

- (2) The outdoor storage area shall be accessory to a building on the same lot and shall have a maximum area of no greater than eighty (80) percent of the gross floor area of the building. ~~and~~

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Sec. 36.2-429. Temporary uses.

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- (e) **Public events.** For purposes of this section, a "public event" means an event, series of events, or organized activities for a historical, social, educational, cultural, or special theme, held for a limited period of time and open to the public. Temporary public events shall include, without limitation, carnivals, festivals, exhibits, outdoor dance, fundraisers, fairs, and concerts. Camping areas for tents and recreational vehicles may be established on properties within 1,000 feet of the public event for the duration of the public event. Public events, including associated temporary structures such as tents, shall be permitted as set forth in Table 429-1, except that:

- (1) The following public events shall be exempt from the requirements of a zoning permit:
- (A) Events that use no tents or air-supported structures that:
 - (i) Cover an area greater than nine hundred (900) square feet; or
 - (ii) Have an occupant load greater than fifty (50) persons.
 - (B) Events that use no temporary structures greater than one hundred twenty (120) square feet in area;
 - (C) Events that are accessory in nature to the primary use of the property on which the event is being held;
 - (D) Events that do not use amusement devices requiring a building permit; and
 - (E) Events lasting four (4) days or less.

- (2) A temporary structure, including any tent, may be permitted to remain on site for a period of not more than two (2) calendar days following the time period for which the zoning permit for the temporary public event is issued;
- (3) Adequate provision shall be made for utility services; and
- (4) Such public event shall not occur between the hours of 2:00 a.m. and 6:00 a.m.

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Sec. 36.2-540. Zoning amendments.

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- (f) Notice of hearing. Prior to conducting any public hearing required by this chapter before the City Council or the Planning Commission, notice shall be given as required by Section 15.2-2204 of the Code of Virginia (1950), as amended. The expense of advertising shall be borne by the applicant. Fees for such advertisements shall be as set forth in the City of Roanoke's Fee Compendium and as adopted by City Council in accordance with Section 15.2-107 of the Code of Virginia (1950), as amended. Any affidavits required by Section 15.2-2204, Code of Virginia (1950), as amended, shall be filed with the City Clerk. In addition, and as a courtesy to the general public, at least ten (10) business days prior to the public hearing before the Planning Commission, the Zoning Administrator shall erect a sign indicating the zoning district requested, identification of the subject property, and the time, date, and place of such public hearing as set forth in the schedule below:

Scope of Rezoning Application	Sign Posting Requirements
Application to rezone 1—25 tax parcels, or portion thereof	1 sign per street frontage of contiguous subject tax parcels
Application to rezone 26—100 tax parcels, or portion thereof	1 sign per intersection constituting the perimeter of the area proposed to be rezoned
Comprehensive rezoning (over 100 properties)	No sign posting required

Failure by the zoning administrator to comply with the requirement of posting a sign on the subject property shall not be a ground for cancelling, rescheduling or continuing a public hearing at the request of any applicant or interested person or entity on any matter otherwise properly advertised for public hearing in accordance with Section 15.2-2204 of the Code of Virginia (1950), as amended. No decision or recommendation by either the Planning Commission for the City of Roanoke, the City Council for the City of Roanoke or the Board of Zoning Appeals for the City of Roanoke shall be subject to challenge

solely on the ground that the zoning administrator failed to comply with the requirement of posting a sign on the subject property.

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Sec. 36.2-560. Special exceptions.

* * *

(b) Procedures.

- (1) Applications for special exceptions may be made by any property owner, tenant, government official, department, board, or bureau. Such application shall be filed with the Zoning Administrator in accordance with rules adopted by the Board of Zoning Appeals. Upon receipt of a complete application for a special exception, the Board of Zoning Appeals shall hold a public hearing after giving notice as provided in Section 15.2-2204, Code of Virginia (1950), as amended. However, when giving any required notice to the owners, their agents, or the occupants of abutting property and property immediately across the street or road from the property affected, the Board may give such notice by first class mail rather than by registered or certified mail. In addition to meeting the requirements of Section 15.2-2204, and as a courtesy to the general public, the Zoning Administrator shall erect a sign indicating the nature of the special exception requested, identification of the subject property, and the time, date, and place of such public hearing at least ten (10) business days prior to the public hearing before the Board of Zoning Appeals. Failure by the zoning administrator to comply with the requirement of posting a sign on the subject property shall not be a ground for cancelling, rescheduling or continuing a public hearing at the request of any applicant or interested person or entity on any matter otherwise properly advertised for public hearing in accordance with Section 15.2-2204 of the Code of Virginia (1950), as amended. No decision or recommendation by either the Planning Commission for the City of Roanoke, the City Council for the City of Roanoke or the Board of Zoning Appeals for the City of Roanoke shall be subject to challenge solely on the ground that the zoning administrator failed to comply with the requirement of posting a sign on the subject property. The expense of legal advertisement required by Section 15.2-2204 shall be borne by the applicant. Fees for such advertisements shall be as set forth in the City of Roanoke's Fee Compendium and as adopted by City Council in accordance with Section 15.2-107 of the Code of Virginia (1950), as amended.

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Sec. 36.2-561. Variances.

* * *

(b) Procedures.

- (1) Applications for variances may be made by any property owner, tenant, government official, department, board, or bureau. Such application for a variance shall be filed with the Zoning Administrator. Upon receipt of a complete application for a variance, the Board of Zoning Appeals shall hold a public hearing after giving notice as provided in Section 15.2-2204, Code of Virginia (1950), as amended. However, when giving any required notice to the owners, their agents, or the occupants of abutting property and property immediately across the street or road from the property affected, the Board may give such notice by first class mail rather than by registered or certified mail. No variance shall be ~~authorized~~ considered except after such appeal, notice, and public hearing. The expense of legal advertisement shall be borne by the applicant. Fees for such advertisements shall be as set forth in the City of Roanoke's Fee Compendium and as adopted by City Council in accordance with Section 15.2-107 of the Code of Virginia (1950), as amended.

* * *

(c) Standards for considering a variance. Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, and

- (1) the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;
- (2) the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;
- (3) the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance;
- (4) the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and
- (5) the relief or remedy sought by the variance application is not available through a special exception process or the process for

modification of a zoning ordinance at the time of the filing of the variance application.

~~(e) Standards for considering a variance. Whenever a property owner can show that the owner's property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the effective date of the ordinance, or where by reason of exceptional topographic conditions or other extraordinary situation or condition of the piece of property, or of the condition, situation, or development of property immediately adjacent thereto, the strict application of the terms of the ordinance would effectively prohibit or unreasonably restrict the utilization of the property or where the board is satisfied, upon the evidence heard by it, that the granting of the variance will alleviate a clearly demonstrable hardship, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of the ordinance.~~

~~No such variance shall be authorized by the board unless it finds:~~

- ~~1. That the strict application of the ordinance would produce undue hardship relating to the property;~~
- ~~2. That the hardship is not shared generally by other properties in the same zoning district and the same vicinity; and~~
- ~~3. That the authorization of the variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.~~

~~No variance shall be authorized unless the board finds that the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance.~~

(d) Conditions and guarantees. In granting~~authorizing~~ a variance the board may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.

(e) Conforming status. Notwithstanding any other provision of law, general or special, the property upon which a property owner has been granted a variance shall be treated as conforming for all purposes under state law and the zoning ordinance; however, the structure permitted by the variance may not be expanded unless the expansion is within an area of the site or part of the structure for which no variance is required under the zoning ordinance. Where the expansion is proposed within an area of the site or

part of the structure for which a variance is required, the approval of an additional variance shall be required.

Sec. 36.2-562. Appeals to board of zoning appeals.

* * *

(b) Procedures.

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- (3) Upon receipt of a notice of appeal, the Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal and make its decision within ninety (90) calendar days of the filing of the appeal. Notice of the public hearing shall be given as provided by Section 15.2-2204, Code of Virginia (1950), as amended. However, when giving any required notice to the owners, their agents, or the occupants of abutting property and property immediately across the street or road from the property affected, the Board may give such notice by first-class mail rather than by registered or certified mail. Fees for such advertisements shall be as set forth in the City of Roanoke's Fee Compendium and as adopted by City Council in accordance with Section 15.2-107 of the Code of Virginia (1950), as amended.

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Sec. 36.2-563. Appeals from board of zoning appeals.

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- (d) If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take evidence as it may direct and report the evidence to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

* * *

- (f) In the case of an appeal by a person of any decision of the Board of Zoning Appeals that denied or granted an application for a variance, ~~or application for a special exception,~~ the decision of the Board of Zoning Appeals shall be presumed to be correct. The petitioner may rebut that presumption by proving by a preponderance of the evidence, including the record before the board of zoning appeals, that the board of zoning appeals erred in its decision. ~~showing to the satisfaction of the court that the Board of Zoning Appeals applied erroneous principles of law, or where the discretion of the Board of Zoning Appeals is involved, the decision of the Board of Zoning Appeals was plainly wrong and in violation of the purpose and intent of the zoning ordinance.~~

(g) In the case of an appeal by a person of any decision of the board of zoning appeals that denied or granted application for a special exception, the decision of the board of zoning appeals shall be presumed to be correct. The petitioner may rebut that presumption by showing to the satisfaction of the court that the board of zoning appeals applied erroneous principles of law, or where the discretion of the board of zoning appeals is involved, the decision of the board of zoning appeals was plainly wrong, was in violation of the purpose and intent of the zoning ordinance, and is not fairly debatable.

(g)(h) Costs shall not be allowed against the Board, unless it shall appear to the court that it acted in bad faith or with malice in making the decision appealed from. In the event the decision of the Board is affirmed and the court finds that the appeal was frivolous, the court may order the person or persons who requested the issuance of the writ of certiorari to pay the costs incurred in making the return of the record pursuant to the writ of certiorari. If the petition is withdrawn subsequent to the filing of the return, the Board may request that the court hear the matter on the question of whether the appeal was frivolous.

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Sec. 36.2-571. Zoning violations.

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(b) *Procedures upon discovery of violation.* If the Zoning Administrator finds that any provision of this chapter is being violated, the Zoning Administrator shall provide a written notice to the owner or the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it.

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Sec. 36.2-644. Overall tree canopy requirements.

(a) *Definition of tree canopy.* For purposes of this section, "tree canopy" shall include all areas of coverage by existing plant materials exceeding five (5) feet in height, and the extent of planted tree canopy at maturity shall be based on the "canopy at 20 years" as set forth in Table 642-1. Where an existing tree is not listed in Table 642-1, "canopy at maturity" shall be based on the published reference text, Manual of Woody Landscape Plants, fifth edition, 1998, by Michael A. Dirr.

(b) *Applicability.*

(1) This section shall apply to any development that requires submission of a comprehensive development plan or a basic

development plan, except that: ~~dedicated school sites, playing fields, and other nonwooded recreation areas, and other facilities and uses of a similar nature, shall be exempt from the requirements of this section.~~

(A) Dedicated school sites, playing fields, and other nonwooded recreation areas, and other facilities and uses of a similar nature, shall be exempt from the requirements of this section.

(B) Construction of an addition to or accessory structure associated with an existing single family or two-family dwelling, provided that no required trees are removed as part of the project, shall be exempt from the requirements of this section.

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Sec. 36.2-645. ~~Street yard trees--(Reserved)~~

~~Deciduous trees, as set forth in Section 36.2-642, Table 642-1, shall be provided between the building line and any street right of way when such building line is twenty five (25) feet or more from the abutting street right of way. One (1) such tree shall be provided for each fifty (50) feet of lot frontage, or portion thereof, exclusive of any perimeter parking area landscaping strips as required in Section 36.2-648(b)(5).~~

Table 652-2. Required Parking Spaces

Use	Minimum Number of Parking Spaces Required Calculated as 1 Space for Each Specified Unit	Maximum Parking
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* * *

Public, Institutional or Community Facilities

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Community garden	None	∞
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Sec. 36.2-653. Maximum parking.

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(d) Maximum parking standards may be exceeded with the approval of the Board of Zoning Appeals, subject to the following provisions:

* * *

(3) The total number of parking spaces created for any use shall be established by the Board, but in no case shall the total number of parking spaces provided exceed two hundred (200) ~~one hundred seventy five (175)~~ percent of the minimum number of spaces required; and

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Sec. 36.2-654. Parking and loading area standards.

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- (b) *Construction and location standards.* Parking and loading areas shall comply with the construction standards listed below and as shown in Table 654.1:

* * *

~~(5) In the Neighborhood Design Overlay District (ND), no parking spaces, if provided, shall be permitted between the right-of-way of a street and the principal building. In the case of a corner lot, this regulation shall only apply to the street frontage containing the primary building façade.~~

(6)(5) In any PUD District, the parking and loading area standards will be established on the development plan.

Table 654-1. Parking and Loading Area Standards

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Dimensional Standards:

* * *

Front yard coverage: 30 percent of the lot area No maximum
 Maximum area of driveways between the right-of-way and
 and parking areas in the building line
 established front yard

Exception:

The maximum area specified shall not apply to any areas where a permeable paver system is used.

Width: Cumulative width of all driveway entrances at frontage Cumulative width of driveway entrances shall not exceed 30 percent of the lot frontage Cumulative width of driveway entrances shall not exceed 30 percent of the lot frontage

Exception: 18 feet minimum width for all lots
Exceptions:

10 feet minimum width for all lots

The maximum width specified shall not apply to any areas where a permeable paver system is used.

Width: Minimum individual driveway width (applies between right-of-way and building line)	10 feet 7 feet	R-12, R-7, R-5, R-3, R-A, RM-1
	Exception: Actual paved width of driveway may be reduced to 8.5 feet for solid paving and 7 feet for ribbon driveways (width considered 10 feet for purpose of calculations)	One way: 10 feet Two way: 18 feet
		RM-2, RMF, all multiple purpose districts One way: 12 feet Two way: 15 feet
		Industrial districts One way: 12 feet Two way: 18 feet
Width: Maximum individual driveway width (applies between right-of-way and building line)	20 feet or half of the front lot line length, whichever is less	R-12, R-7, R-5, R-3, R-A, RM-1 One way: 12 feet Two way: 24 feet
	Exceptions:	
	For lots having a primary street frontage of 90 feet or greater, the maximum width shall be 30 feet.	RM-2, RMF, all multiple purpose districts One way: 15 feet Two way: 24 feet
	Maximum driveway width shall not apply to any areas where a permeable paver system is used.	Industrial districts One way: 18 feet Two way: 30 feet

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Table 668-1. Type, Number, and Size of On-Premises Signs

District	Type Permitted	Maximum Number of Signs	Maximum Sign Area	Maximum Sign Area	Maximum Height	Permitted Characteristics
* * *						
CLS	Freestanding	1 sign structure per for first 200 linear feet of lot frontage. 1 additional sign for each additional 200 feet of lot frontage up to 4 signs	1 sf per lf of lot frontage	150 sf per sign structure	25 ft	Illuminated Changeable copy Electronic readerboard

District	Type Permitted	Maximum Number of Signs	Maximum Sign Area	Maximum Sign Area	Maximum Height	Permitted Characteristics
CLS	Building-mounted	None	32 sf plus 1 sf per lf of building face or storefront over 32 lf, plus additional area per § 36.2-677	None	Not Applicable	Illuminated Changeable copy Electronic readerboard
	Upper-story	None	10% of façade area, maximum 300 sf	None	Not Applicable	Illuminated

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Sec. 36.2-669. Changeable copy signs and electronic readerboard signs.

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- (b) Electronic readerboard signs shall be subject to these requirements:

* * *

- (3) An electronic readerboard in a CN, D, IN, or CG District shall not exceed twenty-five (25) square feet in sign area.

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Sec. 36.2-834. Quorum and vote.

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- (c) The board shall offer an equal amount of time in a hearing on any case to the applicant, appellant or other person aggrieved that it offers to the staff of the City of Roanoke.

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Sec. 36.2-836. Rules and records.

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- (d) Ex parte communications, proceedings.
- (1) The non-legal staff of the governing body may have ex parte communications with a member of the board prior to the hearing but may not discuss the facts or law relative to a particular case. The applicant, landowner or his agent or attorney may have ex parte communications with a member of the board prior to the hearing but may not discuss the facts or law relative to a particular case. If any ex parte discussion of facts or law in fact occurs, the party engaging in such communication shall inform the other party as soon as practicable and advise the other party of the substance of such communication. For purposes of this section, regardless of whether all parties participate, ex parte communications shall not include (i) discussions as part of a public meeting or (ii) discussions prior to a public meeting to which staff of the governing body, the applicant, landowner or his agent or attorney are all invited.
 - (2) Any materials relating to a particular case, including a staff recommendation or report furnished to a member of the board, shall be made available without cost to such applicant, appellant or other aggrieved person, as soon as practicable thereafter, but in no event more than three business days of providing such materials to a member of the board. If the applicant, appellant or other aggrieved person requests additional documents or materials be provided by the locality other than those materials provided to the board, such request shall be made pursuant to Section 2.2-3704 of the Code of Virginia (1950), as amended. Any such materials furnished to a member of the board shall also be made available for public inspection pursuant to subsection F of Section 2.2-3707 of the Code of Virginia, (1950), as amended.
 - (3) For the purposes of this section, "non-legal staff of the governing body" means any staff who is not in the Office of the City Attorney for the City of Roanoke, or for the board, or who is appointed by special law or pursuant to Section 15.2-1542 of the Code of Virginia (1950), as amended. Nothing in this section shall preclude the board from having ex parte communications with any attorney or staff of any attorney where such communication is protected by the attorney-client privilege or other similar privilege or protection of confidentiality.
 - (4) This section shall not apply to cases where an application for a special exception has been filed pursuant to Section 36.2-560.

Sec. 36.2-837. Powers and duties.

- (a) Appeals to the Board. The Board shall have the power to hear and decide appeals from any order, requirement, decision, or determination made by the Zoning Administrator in the

administration or enforcement of this chapter, pursuant to the procedures of Section 36.2-562. The decision on such appeal shall be based on the board's judgment of whether the zoning administrator was correct. The determination of the zoning administrator shall be presumed to be correct. At a hearing on an appeal, the zoning administrator shall explain the basis for his or her determination after which the appellant has the burden of proof to rebut such presumption of correctness by a preponderance of the evidence. The board shall consider any applicable ordinances, laws, and regulations in making its decision. For purposes of this section, determination means any order, requirement, decision or determination made by the zoning administrator. Any appeal of a determination to the board shall be in compliance with this section, notwithstanding any other provision of law, general or special.

- (b) *Variances.* Notwithstanding any other provision of law, general or special, ~~the~~The Board shall have the power to authorize variances from the terms of this chapter, pursuant to the procedures and standards set forth in Section 36.2-561. The burden of proof shall be on the applicant to prove by a preponderance of the evidence that his application meets the standards for a variance as defined in Appendix A and the criteria set forth in Section 36.2-561.

* * *

Sec. 36.2-841. Powers and duties.

* * *

- (c) *Modifications.* The Zoning Administrator shall have the authority to grant a modification from any provision of this chapter with respect to physical requirements on a lot, including but not limited to size, height, location, or features of or related to any building, structure, or improvements, pursuant to the procedures and standards set forth below.

* * *

- (3) The Zoning Administrator shall authorize a modification only if the Zoning Administrator finds in writing all three (3) of the following:
- (A) That the strict application of this chapter would unreasonably restrict the utilization of the property ~~produce undue hardship relating to the~~ property:

- (B) That such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and
- (C) That the authorization of such modification will not be of substantial detriment to adjacent property and that the character of the zoning district will not be changed by the granting of the modification.

Appendix A. Definitions

* * *

Campground: an establishment that provides campsites for temporary occupancy by recreational vehicles, tents, or other such enclosures designed as temporary living quarters, and that provides on-site restroom and bathing facilities.

* * *

Homestay: an establishment that offers for compensation a portion of any dwelling unit for overnight stays to guests, and not meeting the definition of a bed and breakfast.

* * *

Variance: a reasonable deviation from those provisions regulating the shape, size or area of a lot or parcel of land, or the size, height, area, bulk or location of a building or structure when the strict application of the zoning ordinance would unreasonably restrict the utilization of the property, ~~result in unnecessary or unreasonable hardship to the property owner,~~ and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the ~~intended spirit and purpose of the ordinance, and would result in substantial justice being done.~~ It shall not include a change in use which change shall be accomplished by a rezoning or by a conditional zoning.

* * *

Appendix B. Submittal requirements

* * *

B-1. Basic Development Plan

* * *

- (b) A basic development plan submitted for approval shall include a completed application form, accompanied by payment of the required fees, and three (3) copies of a survey plot plan or a basic site plan drawing outlining the following information:

* * *

(10) Delineation of all landscaping required pursuant to the regulations of Article 4 and Article 6 of this chapter, including:

(A) Location, size, and description of all required planting areas and planting materials; however, such details on required tree canopy need not be specified and may be substituted by a statement on the plan indicating the amount (square feet) of required overall tree canopy to be provided before a certificate of occupancy is issued.

* * *

2. This ordinance will become effective immediately upon adoption.
3. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk