

DIVISION 7.2.

R-8 URBAN RESIDENTIAL DISTRICT

Sec. 114-413.10. Intent of district.

Pursuant to the general purposes of this chapter, the intent of the R-8 urban residential district is to preserve and enhance the established character of older urban residential neighborhoods in the inner areas of the city by ensuring that infill development, as well as redevelopment, will be consistent with the predominant existing development pattern of such neighborhoods. The district regulations incorporate form-based provisions that are designed to preserve the urban nature and sustainability of such neighborhoods as characterized by a mixture of detached and attached dwellings of two and three stories in height with a distinct orientation to the street, and situated on small lots with narrow yards, minimal setbacks from the streets and minimal interruption of the street frontages by open spaces, driveways, parking areas or accessory buildings visible from the streets. The district regulations are also intended to encourage traditional neighborhood development, as well as improvement and efficient use of older commercial-style buildings by enabling, through the conditional use permit process, commercial uses that are limited in location, type and scale and are intended to provide for the convenience of neighborhood residents within walking distance, to respect the primary residential character of the neighborhood and to avoid traffic, parking congestion, noise and other impacts that typically result from uses that draw patrons from outside a neighborhood.

Sec. 114-413.11. Permitted principal uses.

The following uses of buildings and premises shall be permitted in the R-8 district:

- (1) Any principal use permitted in the R-1 district as set forth in section 114-402.1.
- (2) Single-family attached dwellings, provided that:
 - a. Appropriate agreements and covenants approved by the city attorney provide for the perpetuation and maintenance of all areas to be held in common ownership by property owners within such developments.
 - b. Not more than four dwelling units shall be attached laterally in a series, provided that this provision shall not be applicable in the case of dwelling units existing on *(insert the effective date of the ordinance)*.

- c. A plan of development shall be required as set forth in article X of this chapter for any development with more than eight newly constructed single-family attached dwellings.
- (3) Two-family detached dwellings.
- (4) Two-family attached dwellings, provided that not more than three two-family dwellings shall be attached laterally in a series.

Sec. 114-413.12. Principal uses permitted by conditional use permit.

The following uses of buildings and premises may be permitted in the R-8 district by conditional use permit as set forth in article X of this chapter:

- (1) Multifamily dwellings, not to exceed four dwelling units, located on lots of not less than 1,500 square feet in area for each dwelling unit.
- (2) Live/work units, provided that:
 - a. Not more than one person who does not reside in the unit shall be employed at any one time in the conduct of the nondwelling activity.
 - b. Space devoted to the nondwelling activity within such unit shall not exceed 40 percent of the total floor area of the unit.
 - c. The nondwelling activity shall not involve the sale of products directly to customers on the premises, the housing of persons for compensation, or any group instruction or group assembly involving more than two patrons or clients at any one time.
 - d. There shall be no process or activity conducted or equipment operated in conjunction with the nondwelling activity that generates any noise, vibration, odor, smoke, fumes, glare or electrical interference discernable to the normal senses outside of the live/work unit. The use and/or storage of hazardous materials of such type or in such quantities not normally permitted in a residential structure shall be prohibited.
- (3) The following nondwelling uses occupying the ground floor of existing buildings, provided that the building devoted to any such use was, prior to *(May 19, 1943)*, originally constructed for or converted to commercial use, and provided further that drive-up facilities and facilities for dispensing motor fuels shall not be permitted in conjunction with any such use:

- a. Art galleries, including custom framing in conjunction therewith.
 - b. Barber shops and beauty salons, including manicure, spa, tanning and similar services in conjunction therewith.
 - c. Grocery stores, convenience stores and specialty food and beverage stores, including bakeries where products are sold principally at retail on the premises.
 - d. Laundromats and laundry and dry cleaning pick-up stations.
 - e. Offices, including business, professional and administrative offices, and studios of writers, designers and artists engaged in the arts.
 - f. Restaurants, tea rooms, cafes, delicatessens, ice cream parlors and similar food and beverage service establishments, including catering businesses in conjunction therewith, but not including establishments providing live entertainment or establishments where food or beverage is intended to be consumed on the premises outside a completely enclosed building.
 - g. Video rental stores.
- (4) Dwelling units occupying space above the ground floor of existing buildings devoted to uses specified in subsection (3) of this section, provided that a total of not more than four such dwelling units shall be located in a building and that each dwelling unit shall contain not less than 600 square feet of floor area.

Sec. 114-413.13. Permitted accessory uses and structures.

Accessory uses and structures, including the following, which are customarily incidental and clearly subordinate to permitted principal uses shall be permitted in the R-8 district (see article VI, division 9, of this chapter):

- (1) Any accessory use or structure permitted in the R-1 district as set forth in section 114-402.2.
- (2) One dwelling unit located in an accessory building, containing two or more stories, which is existing at the effective date of the ordinance from which this subsection is derived and which is located on the same lot as a single-family dwelling, provided that:

- a. The single-family dwelling shall not contain any accessory lodging units.
- b. There shall be no enlargement of the accessory building, except for ingress or egress improvements required by the Virginia Uniform Statewide Building Code.
- c. The lot shall meet the lot area requirement for a two-family dwelling.
- d. One off-street parking space shall be provided for the additional dwelling unit.
- e. Access to the accessory building shall be provided in accordance with requirements of the department of public works and department of fire and emergency services.

Sec. 114-413.14. Lot area and lot width.

Lot area and lot width regulations in the R-8 district shall be as follows (see article VI, division 3, of this chapter):

- (1) *Single-family detached dwellings.* Single-family detached dwellings shall be located on lots of not less than 3,000 square feet in area. Lot width shall be not less than 25 feet, provided that in any case where an existing lot of record is to be split or subdivided into two or more lots and where, exclusive of such lot, the average width of the lots on the block is greater than 25 feet, the width of each lot created by the lot split or subdivision shall be not less than such average. This lot width provision shall not be applicable in a case where all of the frontage on a block is proposed to be re-subdivided.
- (2) *Single-family attached dwellings.* Single-family attached dwellings shall be located on lots of not less than 2,200 square feet in area. Lot width shall be not less than 16 feet, except that the width of any lot at the end of a series of attached units shall be not less than 19 feet.
- (3) *Two-family detached and attached dwellings.* Two-family detached dwellings and two-family attached dwellings shall be located on lots of not less than 3,400 square feet in area with a width of not less than 28 feet.
- (4) *Maximum lot width for single and two-family dwellings.* No newly created lot devoted to single-family or two-family use shall exceed a width of 45 feet,

whether such lot is created by combination of existing lots or by subdivision of any parcel.

Sec. 114-413.15. Yards.

Yard regulations in the R-8 district shall be as follows (see article VI, divisions 4 and 9, of this chapter):

- (1) *Front yard.* There shall be a front yard with a depth of not less than 10 feet and not greater than 18 feet, provided that:
 - a. On an interior lot where an existing building is located on one adjacent lot and there is no building on the other adjacent lot, the front yard shall be the same as the front yard provided for such existing building, except that if 50 percent or more of the lots on the block are developed with buildings having front yards that are not the same as the front yard of the existing building, the average of the front yards provided for all buildings on the block shall be the required front yard.
 - b. On a corner lot where an existing building is located on the adjacent lot along the same street frontage, the front yard shall be the same as the front yard provided for such existing building.
 - c. Where existing buildings are located on both adjacent lots along the same street frontage, the front yard shall be the same as the front yard provided for the existing building closest to the street, except that if the front yard of the existing building furthest from the street more closely represents the average of the front yards for all buildings on the block, the front yard shall be the same as the front yard provided for the building furthest from the street.
- (2) *Side yards.* Side yards shall be provided as follows:
 - a. *Dwelling uses and buildings accessory thereto.* There shall be side yards of not less than three feet in width except where buildings are attached or where the zero-lot-line option is utilized.
 - b. *All other uses and buildings.* There shall be side yards of not less than five feet in width.
- (3) *Side yard: zero-lot-line option.* One side yard for a single-family detached dwelling may be equal to zero, provided that:

- a. The side yard on the opposite side of the same lot shall be not less than six feet in width, and in no case shall the separation between buildings on abutting lots be less than six feet.
 - b. Not less than 50 percent of the overall depth of the dwelling unit shall be provided along the designated zero-lot-line, and doors, windows or similar openings in the building wall facing the designated zero-lot-line shall comply with the requirements of the uniform statewide building code.
 - c. A perpetual easement of not less than five feet in unobstructed width shall be provided on the adjacent lot to permit maintenance of structures abutting a zero-lot-line, which easement shall provide for encroachment of siding, belt courses, eaves, gutters, normal roof overhangs and similar architectural features. Such easement and the buildable area of each lot shall be shown on the subdivision plat, if applicable, and shall be described in the deed for each property.
 - d. For purposes of this subsection, a margin of error of not greater than two-tenths of one foot shall be applicable to the location of a structure abutting a designated zero-lot-line, provided that any encroachment onto an abutting lot shall be accommodated by a recorded easement.
- (4) *Rear yard.* There shall be a rear yard with a depth of not less than five feet.
- (5) *Location of accessory buildings.* Except as provided in section 114-680.1 of this chapter, accessory buildings shall be located only in a rear yard as defined in article XII of this chapter, but not within five feet of the rear lot line.

Sec. 114-413.16. Lot coverage.

Lot coverage in an R-8 district shall not exceed 65 percent of the area of the lot.

Sec. 114-413.17. Building orientation to street, and first floor elevation.

(a) *Orientation to the street.* The architectural front of a building shall be oriented to the street and, in the case of a rectilinear street frontage, shall be parallel or nearly parallel to the street. In the case of a corner lot, such orientation shall be to the principal street frontage.

(b) *Two-family dwelling exterior entrances.* In the case of a newly constructed

two-family dwelling or conversion of an existing building to a two-family dwelling, there shall be not more than one exterior entrance oriented to a single street frontage, except in a case where an existing building contained more than one exterior entrance oriented to a single street frontage prior to conversion of the building to a two-family dwelling.

(c) *First floor elevation.* The finished elevation of the first floor of a building devoted to dwelling use shall be not less than two feet above the mean grade level at the building facade along the street frontage of the lot or, in the case of a corner lot, along the principal street frontage of the lot.

Sec. 114-413.18. Requirements for areas devoted to parking or circulation of vehicles.

(a) *Location of parking and circulation areas.* Areas devoted to the parking or circulation of vehicles, other than permitted driveways from a street, shall be located to the rear of buildings so as not to be visible from the street frontage of the lot. On a lot having more than one street frontage, the provisions of this subsection shall apply only along the principal street frontage of the lot.

(b) *Driveways from streets.* No driveway intersecting a street shall be permitted on a lot devoted to dwelling use when alley access is available to serve such lot. In the case of a corner lot, no such driveway shall be permitted intersecting a street which constitutes the principal street frontage of a lot when other street frontage or alley access is available to serve the lot. Permitted driveways within front yards of single-family and two-family dwellings shall not exceed nine feet in width.

(c) *Improvement requirements and landscaping standards.* In addition to the provisions of this section, parking areas shall be subject to the applicable improvement requirements and landscaping standards set forth in article VII, division 2.1 of this chapter.

Sec. 114-413.19. Height.

Height regulations in the R-8 district shall be as follows:

- (1) *Maximum height in general.* No building shall exceed three stories in height. For purposes of this section, story height as defined in article XII of this chapter and as applicable to dwelling uses shall be not less than ten feet and not greater than 12 feet. (see section 114-680.4 of this chapter)
- (2) *Maximum height in special cases.* Where 60 percent or more of the lots on a block are developed with main buildings of less than three stories in height, no building hereinafter constructed on such block shall exceed two stories in height, except that on a lot where a main building on an adjacent lot along the

same street frontage exceeds two stories in height, the height limit shall be three stories.

- (3) *Minimum height.* Every main building hereinafter constructed shall have a minimum height of not less than two stories, except that porches, porticos, attached garages and carports and similar structures attached to a main building may be of lesser height.
- (4) *Determination of number of stories.* For purposes of this section, the number of stories in a building shall be determined by application of the definition of “story” set forth in article XII of this chapter and shall be measured at the building facade along the street frontage of the lot or, in the case of a corner lot, shall be measured at the building facade along the principal street frontage of the lot.

(The following amendments to R-6 and R-7 District regulations are to provide consistency with the R-8 District “driveways from streets” provision.)

ARTICLE IV. DISTRICT REGULATIONS

DIVISION 7.

R-6 SINGLE-FAMILY ATTACHED RESIDENTIAL DISTRICT

(Add the following in Section 114-412.7)

Sec. 114-412.7. ~~Reserved.~~ Driveways from streets.

No driveway intersecting a street shall be permitted on a lot devoted to dwelling use when alley access is available to serve such lot. In the case of a corner lot, no such driveway shall be permitted intersecting a street which constitutes the principal street frontage of a lot when other street frontage or alley access is available to serve the lot. Permitted driveways within front yards of single-family and two-family dwellings shall not exceed nine feet in width.

DIVISION 7.1.

R-7 SINGLE- AND TWO-FAMILY URBAN RESIDENTIAL DISTRICT

(Add the following in Section 114-413.8)

Sec. 114-413.8. ~~Reserved.~~ Driveways from streets.

No driveway intersecting a street shall be permitted on a lot devoted to dwelling use when alley access is available to serve such lot. In the case of a corner lot, no such driveway shall be permitted intersecting a street which constitutes the principal street frontage of a lot when other street frontage or alley access is available to serve the lot. Permitted driveways within front yards of single-family and two-family dwellings shall not exceed nine feet in width.

(The following amendment to the R-63 District is to provide consistency with the R-8 District single-family attached dwelling lot width requirement.)

DIVISION 10.1.

R-63 MULTI-FAMILY URBAN RESIDENTIAL DISTRICT

Sec. 114-419.5. Lot area and width.

Lot area and lot width regulations in the R-63 district shall be as follows (see article VI, division 3, of this chapter):

- (1) *Single-family detached dwellings.* Single-family detached dwellings shall be located on lots of not less than 3,000 square feet in area with a width of not less than 25 feet.
- (2) *Single-family attached dwellings.* Single-family attached dwellings shall be located on lots of not less than 2,200 square feet in area. Lot width shall be not less than ~~18~~ 16 feet, except that the width of any lot at the end of a series of attached units shall be not less than ~~24~~ 19 feet.
- (3) *Two-family detached dwellings.* Two-family detached dwellings shall be located on lots of not less than 3,200 square feet in area with a width of not less than 27 feet.
- (4) *Two-family attached dwellings.* Two-family attached dwellings shall be located on lots of not less than 2,600 square feet in area. Lot width shall be not less than 20 feet, except that the width of any lot at the end of a series of attached units shall be not less than 23 feet.

- (5) *Multifamily dwellings.* Multifamily dwellings shall be located on lots of not less than 4,000 square feet in total area and not less than 1,000 square feet in area for each dwelling unit.

(The following amendments to Chapter 114 are to integrate the R-8 District into the Chapter and, where necessary, to provide consistency with other district provisions)

Sign Regulations

(In Article V, Division 2, District Sign Regulations, amend the following section as shown.)

Sec. 114-506. R-1, R-2, R-3, R-4, R-5, R-5A, R-6, ~~and~~ R-7 and R-8 districts.

In addition to the regulations set forth in this article applicable to signs in all districts, the following signs shall be permitted and the following sign regulations shall apply in R-1, R-2, R-3, R-4, R-5, R-5A, R-6, ~~and~~ R-7 and R-8 residential districts (see sections 114-502 through 114-504 and 114-505):

- (1) *Signs identifying nondwelling uses permitted by right.* Not more than two wall signs not exceeding an aggregate of 16 square feet in area on each building frontage along a street and one freestanding sign not exceeding 32 square feet in area on each site shall be permitted.
- (2) *Signs identifying nondwelling uses permitted by conditional use permit. Wall signs and awning or canopy signs not exceeding an aggregate of 16 square feet in area on each lot shall be permitted. Such signs shall not be illuminated.*
- (23) *Signs identifying residential neighborhoods and residential subdivisions.* One freestanding sign not exceeding 32 square feet in area at each entrance to a residential neighborhood or residential subdivision, but not more than a total of two such signs, shall be permitted.
- (34) *Freestanding sign limitations.* Freestanding signs shall not exceed a height of eight feet and shall not be located within five feet of any street line or within 15 feet of any other property line.

(In Article V, Division 3, Nonconforming Uses and Nonconforming Signs, amend the following section as shown.)

Sec. 114-524. Signs identifying nonconforming uses.

One wall sign identifying a nonconforming use located in an R-1, R-2, R-3, R-4, R-5, R-5A, R-6, ~~or R-7~~ or R-8 residential district shall be permitted, provided that such sign shall not exceed 12 square feet in area and shall not be illuminated. Signs identifying nonconforming uses located in districts other than an R-1, R-2, R-3, R-4, R-5, R-5A, R-6, ~~or R-7~~ or R-8 residential district shall conform to the sign regulations applicable in the district in which the use is located.

Supplemental Regulations

(In Article VI, Division 3, Lots and Lot Areas, amend the following sections as shown.)

Sec. 114-620.1. Lots recorded prior to effective date of requirements.

(a) *Lot area and density.* Minimum lot area and maximum density requirements set forth in this chapter for single-family dwellings shall not apply to lots legally recorded prior to the effective date of the ordinance from which such requirements are derived.

(b) *Lot width.* Minimum lot width requirements set forth in this chapter for single-family and two-family dwellings shall not apply to lots legally recorded prior to the effective date of the ordinance from which such requirements are derived.

(c) *Side yards on lots of substandard widths.* In any district except R-7, R-8 and R-63 districts ~~single- and two-family urban residential~~, a single-family detached or two-family dwelling on a lot less than 50 feet in width legally recorded prior to the effective date of the ordinance from which such requirements are derived shall have a side yard adjacent to each side lot line of not less than ten percent of the width of the lot, but in no case less than three feet. An addition to the area of a lot which increases the width of the lot shall be permitted and shall not be deemed to create a violation of a side yard requirement applicable to an existing building located on the lot.

(d) *Side yard for attached dwellings on lots of substandard width.* In any district except R-7, R-8 and R-63 districts ~~single- and two-family urban residential~~, a single-family or two-family attached dwelling at the end of a series of attached units and located on a lot less than 50 feet in width recorded prior to the effective date of the ordinance from which such requirements are derived shall have a side yard of not less than ten percent of the width of the lot, but in no case less than three feet.

Sec. 114-620.2. More than one main building on lot.

(a) More than one main building containing a permitted use, other than a single-family dwelling, or a two-family dwelling in an R-5A, R-6, ~~or R-7~~ or R-8 district, may be

erected on a lot, provided that the regulations applicable in the district are met.

(In Article VI, Division 4, Yards and Courts, amend the following sections as shown.)

Sec. 114-630.1. Required yards on lots having more than one street frontage.

(a) Except as provided in subsections 114-620.1(c) and (d), on a corner lot in a zoning district where a front yard is required there shall be a front yard along at least one street frontage, and on a corner lot on which side yards are required there shall be a street side yard of not less than ten feet along all other street frontages, provided that in the R-7 district such street side yard shall be not less than three feet, and in the R-8 district no street side yard shall be required, and provided further that:

- (1) There shall be a front yard along any street frontage adjacent to or across an alley from a side lot line of another lot located in any district in which a front yard is required. The depth of such yard shall be not less than the minimum required depth of the front yard on the adjacent lot.
- (2) There shall be a front yard along any street frontage opposite the architectural front of any dwelling use located on the lot.

(b) Where only one front yard is required on a corner lot having frontage on two streets, a rear yard as required in the district shall be provided at the opposite end of the lot from the front yard. Where more than one front yard is required on a corner lot, yards other than those along street frontages shall be considered side yards, and no rear yard shall be required.

(c) On through lots, there shall be a front yard as required in the district along each street frontage, and no rear yard shall be required.

(d) On a corner lot in an R-63 or B-6 district, no street side yard shall be required. On such lot, yards other than those along street frontages shall be considered side yards, and no rear yard shall be required.

Sec. 114-630.2. Exceptions to required front yards on lots where adjacent main buildings exist.

(a) Except in the R-8 district, A building or addition thereto erected within 100 feet of an existing main building adjacent on each side thereof shall have a front yard as required by the following:

- (1) On any lot on which a front yard is required and where one or both adjacent buildings have a nonconforming front yard, a building or addition thereto erected on such lot shall have a front yard with a minimum depth of not less than the average depth of the front yards of the adjacent buildings.
- (2) On any lot in an R or RO district where the adjacent buildings have front yards greater than or equal to that required by the district regulations, a building or addition thereto erected on such lot may project in front of an adjacent building not more than one foot for each four feet of distance between the newly erected building or addition and the adjacent building or may have a front yard with a minimum depth of not less than the average depth of the front yards of the adjacent buildings, whichever is the least restrictive. This subsection shall not be construed to permit a front yard less than the minimum required by the district regulations or to require a front yard greater than 100 feet in depth.
 - (b) Except in the R-8 district, A building or addition thereto erected within 100 feet of an existing main building adjacent on only one side thereof shall have a front yard as required by the following:
 - (1) On any lot on which a front yard is required and where the adjacent building has a front yard which is nonconforming or equal to that required by the district regulations, a building or addition thereto erected on such lot shall have a front yard with minimum depth of not less than the depth of the front yard of the adjacent building.
 - (2) On any lot in an R or RO district where the adjacent building has a front yard greater than required by district regulations, a building or addition thereto erected on such lot may project in front of the adjacent building not more than one foot for each four feet of distance between the newly erected building or addition and the adjacent building. This subsection shall not be construed to permit a front yard less than the minimum required by the district regulations or to require a front yard greater than 100 feet in depth.

Sec. 114-630.9. Permitted projections and encroachments in required yards and courts.

(a) Sills, siding, belt courses, eaves, gutters, normal roof overhangs, chimneys, pilasters and similar architectural features may project into any required yard or court pursuant to this chapter. Bay windows elevated not less than 18 inches above the adjacent finished floor level may project not more than two feet into any required yard or court.

(b) Fences and walls not exceeding 6 1/2 feet in height may be located within any required yard or court, except that in the R-6, ~~and R-7~~ and R-8 districts fences and walls located within required front yards shall not exceed four feet in height. In the R-63 district, no fence or wall located within any front yard shall exceed four feet in height. An additional 1 1/2 feet of height shall be permitted for posts, columns and gates for fences and walls in all districts. For purposes of this section, the height of a fence or wall shall be measured from the ground level at the base of the fence or wall.

(c) Permitted signs and poles, posts and other customary yard ornaments and accessories may be located within any required yard or court, provided that facilities for the deposit and collection of trash or refuse shall not be located within any required front or street side yard.

(d) Open or enclosed fire escapes and outside stairways required by law may project into required yards a distance of not more than four feet. Ramps providing means of ingress or egress required by law may project into required yards when such ramps cannot be located elsewhere in compliance with applicable yard and ingress or egress requirements.

(e) Unenclosed porches, balconies and steps may project into required front yards a distance of not more than ten feet, except that in the R-8 district such projection shall not exceed five feet. The width of such projection shall not extend beyond the sidewalls of the portion of the main building to which it is attached or into an extension of the required side yards on the lot, whichever is greater.

(f) Except in the R-7 and R-8 districts, ~~An~~ enclosed vestibule containing not more than 40 square feet in area may project into a required front yard a distance of not more than four feet.

(g) Open balconies and uncovered porches may project into required side and rear yards and required courts a distance not to exceed 20 percent of the required width of such yard or court.

(h) Except in the R-7 and R-8 districts, ~~An~~ unenclosed covered porch that projects into a required yard may be enclosed, provided that such porch was existing on April 25, 2005 and is attached to a single-family detached dwelling, except that when such porch is located on the architectural front of the dwelling, such enclosure shall not project more than ten feet into a required front yard and shall not contain more than 100 square feet of floor area may be enclosed for purposes of providing a vestibule or sheltered means of ingress to and egress from a dwelling, provided that such enclosed porch shall not be designed, equipped or arranged for habitable living space.

(No change to subsections (i) and (j) of this section)

(In Article VI, Division 9, Accessory Buildings, amend the following section as shown.)

Sec. 114-680.1. Location within required yards.

(a) In any zoning district except R-6, ~~and R-7~~ and R-8, a building accessory to a single-family or two-family dwelling and not exceeding 12 feet in height may be located within a required rear yard, but not within five feet of an alley, provided that where a rear yard abuts a side lot line of an adjoining lot, no such accessory building shall be located nearer such side lot line than a distance equal to the minimum side yard required on the adjoining lot.

(b) In R-6, R-7, R-8, R-48, R-53 and R-63 districts, a building accessory to a single-family or two-family dwelling and not exceeding 12 feet in height may be located within a required rear yard and/or the portion of a required side yard situated within 30 feet of the rear lot line.

(c) An accessory building not exceeding 12 feet in height may be located within a required side yard when attached to an accessory building on an adjacent lot by a common wall. Such accessory building shall be located not less than 15 feet behind that face of the main building which is nearest the street line.

~~(d) An accessory building located within ten feet of a main building on the same lot shall be considered as part of the main building for the purpose of determining required yards.~~

Off-Street Parking Regulations

(In Article VII, Division 2, Off-Street Parking Regulations, add the following section to address parking for commercial uses of existing buildings and dwelling units above.)

Sec. 114-710.2:5. Special off-street parking requirements in the R-8 district.

In the R-8 district, off-street parking shall not be required for nondwelling uses that are permitted by conditional use permit occupying the ground floor of existing buildings, except as may be provided as a condition of approval of a conditional use permit. Dwelling units occupying space above the ground floor of such buildings shall be provided with not less than one off-street parking space per unit.

Conditional Use Permits

(In Article X, Division 5.1, Conditional Use Permits, amend the following section as shown to address conditional uses on the ground floor of existing buildings in the R-8 District.)

Sec. 114-1045.6. Specific conditions applicable to particular uses.

The conditions set forth in this section shall be applicable to all the following uses as indicated when authorized by conditional use permit, provided that the city council may impose such additional or more stringent conditions as deemed necessary to ensure the use will comply with the standards set forth in this article and elsewhere in this chapter:

(No change to subsections (1) and (2) of this section. Add the following subsection)

- (3) Nondwelling uses occupying the ground floor of existing buildings in the R-8 district. The following conditions shall be applicable to nondwelling uses occupying the ground floor of existing buildings in the R-8 district:
- a. Before approving a conditional use permit for any such use, the city council shall make a finding that the location of the property, the type of use and the scale and operational characteristics of the use are such that, if approved, the use can reasonably be expected to primarily serve the adjacent neighborhood and be sustainable as a neighborhood convenience use, and will avoid traffic, parking congestion, noise and other impacts that more typically result from uses that draw patrons from outside a neighborhood.
 - b. Such use shall not be operated between the hours of 10:00 p.m. and 6:00 a.m.
 - c. Alterations to the exterior of the building, including facade treatment, fenestration, signage and lighting shall be designed to maximize compatibility with the residential character of the surrounding area. Elevation drawings of the building shall be submitted as part of the conditional use permit application.
 - d. No music or public address system shall be operated in such a manner that sound produced therefrom is audible beyond the portion of the building devoted to the use.
 - e. An operations plan, addressing not less than the following elements and providing such information as necessary to enable the city council to make the finding described in paragraph “a” of this subsection, shall be submitted as part of the conditional use permit application:
 - 1. Operational characteristics and features of the use, including: staffing levels; hours of operation; type of ABC license and

related restrictions, if applicable; floor plan showing general arrangement of the use and seating capacity of tables and other facilities for patrons, if applicable; description of intended use of the upper floor(s) of the building, including floor plans and plans for ingress and egress; provisions for containing trash and refuse generated by the use, including screening of containers, and means of preventing trash from blowing onto adjacent properties or streets; and provisions for off-street parking, if applicable.

2. Provisions for security, including procedures, features, arrangements and staffing levels for such for both the interior and exterior of the premises, and a plan and procedures for mitigating potential adverse impacts on nearby dwelling uses.

The planning commission may recommend and the city council may include as conditions, such elements of the operations plan as it deems necessary to satisfy the standards set forth in this section or in section 114-1045.5 of this chapter.