

# SITE REGULATIONS AMENDMENT NO. SR-2018-0003

## CITY OF NEWPORT NEWS

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### BACKGROUND

The request is to amend Chapter 33.02, Site Regulations, Article I, In General, Section 33.02-3, Definitions, Section 33.02-5, Administration of chapter, section 33.02-13, City action on plans, and Section 33.02-18, Inspection required; Article III., Site Plan Regulations and Standards, 33.02-52, Parking lot, traffic area, and loading and unloading area requirements; and Article IV, Violations and Penalties, Section 33.02-60, Notice of order to abate violations of chapter.

This amendment follows the administrative changes approved by City Council with the approval of the operating budget for fiscal year 18-19. Based on that approval, the City transferred the management of the site-plan review process from the department of engineering to the department of planning effective on July 1, 2018. This further allows alignment with the *One City, One Future 2040* comprehensive plan by relocating one of the Plan's implementation tools to the department of planning.

This change will not alter the procedure for those submitting site plans to the city, but will modify which department facilitates their review and approval. The amendment will change the administrator of the site regulations from the director of engineering to the director of planning.

On July 18, 2018, the Regulations Committee reviewed and recommended approval of the above referenced amendment

### STAFF RECOMMENDATION

**It is recommended that the City Planning Commission recommend to City Council adoption of Site Regulations amendment SR-2018-0003.**

## APPENDIX

**A-1 CHAPTER 33.02, SITE REGULATIONS, ARTICLE I., IN GENERAL, SECTION 33.02-3, DEFINITIONS, SECTION 33.02-5, ADMINISTRATION OF CHAPTER, SECTION 33.02-13, CITY ACTION ON PLANS, AND SECTION 33.02-18, INSPECTION REQUIRED; ARTICLE III., SITE PLAN REGULATIONS AND STANDARDS, 33.02-52, PARKING LOT, TRAFFIC AREA, AND LOADING AND UNLOADING AREA REQUIREMENTS; AND ARTICLE IV, VIOLATIONS AND PENALTIES, SECTION 33.02-60, NOTICE OF ORDER TO ABATE VIOLATIONS OF CHAPTER**

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 33.02, SITE REGULATIONS, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE I., IN GENERAL, SECTION 33.02-3, DEFINITIONS, SECTION 33.02-5, ADMINISTRATION OF CHAPTER, SECTION 33.02-13, CITY ACTION ON PLANS AND SECTION 33.02-18, INSPECTION REQUIRED; ARTICLE III., SITE PLAN REGULATIONS AND STANDARDS, SECTION 33.02-52, PARKING LOT, TRAFFIC AREA, AND LOADING AND UNLOADING AREA REQUIREMENTS; AND ARTICLE IV, VIOLATIONS AND PENALTIES, SECTION 33.02-60, NOTICE OF ORDER TO ABATE VIOLATIONS OF CHAPTER.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Newport News, Virginia:

That Chapter 33.02, Site Regulations, of the Code of the City of Newport News, Virginia, Article I., In General, Section 33.02-3, Definitions, Section 33.02-5, Administration of chapter, Section 33.02-13, City action on plans, Section 33.02-18, Inspection required; Article III, Site Plan Regulations and Standards, Section 33.02-52, Parking lot, traffic area, and loading and unloading area requirements; and Article IV, Violations and Penalties, Section 33.02-60, Notice of order to abate violations of chapter, be, and the same hereby is, amended and reordained as follows:

**CHAPTER 33.02**

**SITE REGULATIONS**

**ARTICLE I. IN GENERAL**

**Sec. 33.02-3. Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section:

*Accessory structure.* A structure subordinate to the principal building on the same lot or serving a purpose customarily incidental to the principal building.

*Accessory use.* Except as otherwise provided in the zoning district regulations, an "accessory use" is:

- (1) A use which is conducted on the same lot as the principal use to which it is related,

- (2) Clearly incidental to, and customarily found in connection with such principal use, and
- (3) Operated and maintained substantially for the benefit or convenience of the occupants.

*Adequate/reasonable.* Standards or specifications as promulgated and/or approved by the City of Newport News, the Commonwealth of Virginia or other regulatory agencies.

*Alteration.* Change, improvement and/or replacement of part(s) in buildings or structures not affecting the supporting members of such buildings or structures.

*Building.* Any structure for the housing, shelter, support or enclosure of persons, animals, chattels or property of any kind.

*Caliper.* The diameter of a tree trunk measured six (6) inches above ground level for nursery stock and four and one-half (4½) feet above grade for existing trees on-site.

*City.* The Corporation of the City of Newport News, Virginia.

*City manager.* The City Manager of the City of Newport News, Virginia.

*Committee.* The site plan review committee, an advisory body that reviews plans and provides recommendations to the director.

*Comprehensive plan.* All plans or parts thereof officially adopted by the city council pursuant to Virginia law for the physical development of the City of Newport News or any territory within its jurisdiction showing the long-range proposals for the general development of the city.

*Construction area.* The portion of a site on which a structure or improvements are made.

*Design Criteria Manual.* A formal document of design criteria, prepared by the department of engineering and approved by the council, that is used in the review of construction plans for and the design of public facilities (other than public water supply) and in the review of plans.

*Developer.* A person who owns or leases property being developed or such person's authorized agent.

*Director.* The ~~D~~irector of the ~~D~~epartment of ~~E~~ngineeringplanning ~~off~~or the City of Newport News, Virginia.

*Dripline.* A vertical projection to the ground surface from the farthest lateral extent of a tree leaf canopy.

*Durable landscape barrier.* Hedge, wall, anchored landscape timber or berm.

*Dwelling unit.* A single unit providing complete and independent living facilities for one (1) or more persons, to include permanent provisions for living, sleeping, cooking, eating, and sanitation.

*Dwelling, single-family.* A detached building containing one (1) dwelling unit.

*Dwelling, two-family.* A building containing two (2) dwelling units.

*Dwelling, multi-family.* A building containing more than two (2) dwelling units.

*Green area.* See landscape.

*Ground cover.* Any of a variety of living plants that lie close to and cover the ground.

*Impervious area.* A surface that is covered with material that is resistant to infiltration by water, including but not limited to most conventionally surfaced streets, roofs, sidewalks, parking lots and other similar structures.

*Interior property line.* Any property line that is not adjacent to a street.

*Landscape.* To cover, adorn or improve an area using living plants (such as trees, shrubs, vines, ground covers or grass), natural features (such as rock, stone, bark chips, wood shavings or land contouring) and/or structural features (such as fences or walls).

*Landscape treatment.* Rock, stone, bark chips, wood shavings or opaque durable barrier.

*Neotraditional Overlay District.* Neotraditional Overlay District is defined as that overlay district established in the Zoning Ordinance of the City Code which regulates that development of property defined as "neotraditional" in section 45-201 of the Zoning Ordinance.

*Parking garage.* A structure for parking vehicles.

*Parking lot.* An on-site area at finished grade for the parking of vehicles and any associated accessways, driveways, or loading and unloading areas; but, excluding parking garage.

*Person.* An individual, firm, association, partnership, or body politic and/or corporate.

*Plant materials.* All genera of the plant kingdom such as trees, shrubs, groundcover, annuals

and perennials.

*Plat.* Map or plan of a tract or parcel of land that is to be or has been developed; including the terms map, plan, plot, replat, replot, and any other term that can be reasonably construed to mean such.

*Property.* A lot, tract, parcel of land, or several of the same assembled for the purpose of development.

*Public facility.* A physical improvement, except for a commercial entrance, that by virtue of its use or ownership is under the control of the City of Newport News, the Commonwealth of Virginia or the United States of America.

*Public right-of-way.* A right-of-way that, by virtue of its use or ownership, is under the control of the City of Newport News, the Commonwealth of Virginia or the United States of America.

*Site.* The property being or to be developed. Said property may include a lot or group of lots or the leased portion of a lot.

*Site plan:*

- (1) *Class 1 site plan.* A plan that delineates the overall development of a site, showing phases if appropriate.
- (2) *Class 2 site plan.* A plan that delineates the minor development activity contemplated.

*Standard specifications.* A formal statement of terms, directions, provisions, requirements and specifications, prepared by the department of engineering and approved by the council, that is used in administering public construction contracts and in reviewing plans.

*Street.* The word "street" includes streets, avenues, boulevards, roads, alleys, lanes, viaducts, bridges and the approaches thereto and all other public highways in the city, and shall mean the entire width thereof between abutting property lines. It shall be construed to include a sidewalk or footpath, unless the contrary is expressed or such construction would be inconsistent with the manifest intent of the council.

*Street, private.* A street located entirely on private property.

*Street, public.* A street that, through its use or ownership, is under the control of the City of Newport News, the Commonwealth of Virginia or the United States of America.

*Structure.* Any construction or any production or piece of work artificially built or composed of parts joined together. The word "structure" specifically includes signs and billboards, but not paving such as driveways, walkways, patios, etc.

*Surface treatment.* One (1) application of prime coat and aggregate cover material and one (1) application of seal coat and aggregate cover material.

*Tree.* Unless the context in which the word is used indicates otherwise, a tree is any living, self-supporting woody plant that usually produces one (1) main trunk.

*Tree, height.* The distance measured vertically above ground to the uppermost branch joining the main stem(s) or trunk.

*Tree, multi-stem.* A tree having several stems emanating from the root mass or root crown.

*Tree, single-stem.* A tree with one (1) main central stem or trunk emanating from the root mass or root crown.

*Vehicular use area.* The parking area of a parking lot or parking garage, along with parking accessways, fire lanes and loading/unloading areas, but not including private streets.

*Wheel stop.* A limiting device that is anchored to a paved area to prevent vehicle wheels from being advanced.

### **Sec. 33.02-5. Administration of chapter.**

The director of the department of engineering shall administer this chapter for the city. All plans shall be submitted to the director, who shall coordinate site plan reviews with other city departments as necessary and shall approve, conditionally approve (with plan discrepancies) or not approve (with plan discrepancies) such plans according to the provisions of this chapter.

### **Sec. 33.02-13. City action on plans.**

(a) Site plans shall only be reviewed after having been properly submitted. Among other things, a site plan shall be deemed properly submitted only after all of the fees appropriate to the filing have been paid.

(b) There is hereby established a site plan review committee, which shall be an advisory body composed of representatives of city departments involved in the review of plans along with such other participants as the director may require in the review of a specific plan. The director shall chair such committee but, when desired, may designate a qualified representative from the

department of ~~engineering~~planning to conduct committee meetings.

(c) Although the committee may take the regulations of other regulatory or governing bodies into consideration while reviewing a site plan, the director's approval of a plan does not relieve the requestor from the responsibility for complying with the regulations of such other bodies.

(d) A Class 2 site plan is not eligible for conditional approval; however, the director may grant conditional approval of a Class 1 site plan if, in his/her opinion, the proposed development activity can be started while the property owner completes minor actions related to the plans review process. Such minor actions may include correcting notes on or omitted from the plan, finalizing a pending agreement for water service, or complying with administrative or engineering requirements that in the opinion of the director would not preclude the proposed development activity (such as vicinity map, street centerline indications, legal reference for the site, etc.).

**Sec. 33.02-18. Inspection required.**

Sites for which plans have been approved are subject to inspection by the city. An approved plan or a legible, full-sized copy of the approved plan must be located at the site during all phases of the construction of site improvements. No work shall begin until a city (~~department of engineering~~) civil construction inspector has been notified and has visited the site.

**ARTICLE III. SITE PLAN REGULATIONS AND STANDARDS**

**Sec. 33.02-52. Parking lot, traffic area, and loading and unloading area requirements.**

Parking lots, traffic areas, and loading and unloading areas shall be accessible, functional and meet all applicable requirements as set forth in the Zoning Ordinance and according to the following:

- (1) Parking lots, traffic areas, and loading areas shall be equipped with on-site lighting systems designed to provide illumination levels as specified in the Design Criteria Manual, provided that the director, at his/her discretion, may require other illumination levels (such as increased illumination at employee entrances and/or exits for personal safety reasons) in regard to a specific plan undergoing review. Required lighting shall be shielded to direct illumination inward and prevent glare on adjacent properties or public rights-of-way.
- (2) Parking lots, traffic areas, and loading and unloading areas shall be paved with bituminous concrete, equivalent paving subject to the prior approval of the director or pervious materials as necessary to comply with the Chesapeake Bay Preservation Ordinance. Surface treatment shall not be considered as equivalent paving. Such



facilities and areas shall be separated from transitional area and/or landscaping and green area by concrete curbing or other landscape barriers as shown on the approved site plan.

- (3) Parking design standards:
  - a. Parking garages and parking lots shall meet the minimum parking design standards as listed in Table 33.02-52-A, "Minimum Parking Garage and Parking Lot Design Standards."
  - b. For all uses with parking exceeding twenty (20) spaces as required by this chapter or the zoning ordinance, except residential uses not being served by a parking garage, an allowance of no more than thirty (30) percent of the spaces required by ordinance may be designed for compact cars provided such spaces meet the minimum parking design standards reflected in Table 33.02-52-B, "Minimum Design Standards for Compact Car Parking Facilities."
  - c. The design and number of accessible parking spaces to be provided for handicapped persons shall comply with current Americans with Disabilities Act Accessibility Guidelines (ADAAG).
- (4) Wheel stops (concrete or suitable substitute as approved by the director) shall be installed by the property owner or the developers, as applicable, in parking lot (areas) at all points necessary to prevent encroachment of vehicles into rights-of-way. The director may require the installation of wheel stops in addition to those proposed.

TABLE 33.02-52-A

**MINIMUM PAVING GARAGE AND PARKING LOT DESIGN STANDARDS**  
**(all dimensions in feet)**

<i>Orientation and Size</i>	<i>Stall Width Parallel to Aisle</i>	<i>Stall Depth to Wall</i> <sup>(1)</sup>	<i>Aisle Width</i> <sup>(2)</sup>		<i>Wall-to-Wall Module</i> <sup>(1), (2)</sup>		<i>Lane Movement</i> <sup>(3)</sup>
			<i>Garage</i>	<i>Lot</i>	<i>Garage</i>	<i>Lot</i>	
45 degrees: 8.5 stall 8.75 stall 9.0 stall	12.0 12.35 12.7	19.0 19.0 19.0	13.0 12.0 11.0	X X 12.0	51.0 50.0 49.0	X X 50.0	One-way One-way One-way
60 degrees: 8.5 stall 8.75 stall 9.0 stall	9.8 10.1 10.4	20.0 20.0 20.0	17.0 16.0 15.0	X X 16.0	57.0 56.0 55.0	X X 56.0	One-way One-way One-way
75 degrees: 8.5 stall  8.75 stall  9.0 stall	8.8  9.1  9.3	19.5  19.5  19.5	23.0  22.0  21.0	X  X  22.0	62.0  61.0  60.0	X  X  61.0	One-way or two-way  One-way or two-way  One-way or two-way
90 degrees: 8.5 stall  8.75 stall  9.0 stall	8.5  8.75  9.0	18.0  18.0  18.0	26.0  24.0  22.0	X  X  24.0	62.0  60.0  58.0	X  X  60.0	One-way or two-way  One-way or two-way  One-way or two-way

X= Not permitted

<sup>(1)</sup>For bumper overhang of six-inch curb, deduct one-and-one-half (1 ½) feet from stall depth to wall, or three (3) feet from wall-to-wall module if curb on both sides for 45- and 60-degree parking. The equivalent dimensions for 75- and 90-degree angles are two (2) and four (4) feet, respectively.

<sup>(2)</sup>Assumes similar design type on both sides. If dissimilar, aisle width dimension shall be based upon the most restrictive stall design type adjacent to that aisle.

<sup>(3)</sup>Two-way movement may be used for 45- and 60-degree parking if a minimum 22.0 aisle width is provided.

**TABLE 33.02-52-B**

**MINIMUM DESIGN STANDARDS FOR COMPACT CAR PARKING FACILITIES <sup>(1)</sup>  
(all dimensions in feet)**

<i>Orientation and Size</i>	<i>Stall Width Parallel to Aisle</i>	<i>Stall Depth to Wall <sup>(2)</sup></i>	<i>Aisle Width <sup>(3)</sup></i>		<i>Wall-to-Wall Module <sup>(2), (2)</sup></i>		<i>Lane Movement <sup>(3)</sup></i>
			<i>Garage</i>	<i>Lot</i>	<i>Garage</i>	<i>Lot</i>	
45 degrees: 8.0 stall	11.3	17.0	13.0	14.0	47.0	48.0	One-way
60 degrees: 8.0 stall	9.2	18.0	14.0	15.0	50.0	51.0	One-way
75 degrees: 8.0 stall	8.3	17.5	17.0	19.0	52.0	54.0	One-way
90 degrees: 8.0 stall	8.0	16.0	20.0	22.0	52.0	54.0	One-way or two-way

<sup>(1)</sup>Every compact car space shall be conspicuously surface-marked and signed at a height between six (6) and eight (8) feet above the parking surface at a rate of one (1) sign for every twelve (12) spaces.

<sup>(2)</sup>For bumper overhang of a six-inch curb, deduct one-and-one-half (1 ½) feet from stall depth to wall, or three (3) feet from wall-to-wall module if there is a curb on both sides, for 45- and 60-degree parking. The equivalent dimensions for 75- and 90-degree angles are two (2) and four (4) feet, respectively.

<sup>(3)</sup>Two-way movement may be used for 45-, 60- and 75-degree parking if a minimum aisle width of 20.0 and 22.0 is used, respectively, for parking garage and parking lot.

- (5) All parking facilities shall be indicated on the site plan and shall be marked, in accordance with the Design Criteria Manual, provided that parking facilities serving funeral homes shall not require marking other than handicap spaces.

- (6) All sites having more than one hundred thousand (100,000) square feet or having more than fifteen (15) parking spaces shall have landscaped islands or parking lot perimeter landscaping at each end of parking rows subject to the following requirements:
- a. Landscaped islands shall also be provided at the ends of parking rows to separate them from accessways. These islands must be a minimum of nine (9) feet in width for the full depth of the adjacent parking stalls.
  - b. Internal landscaped islands are required when the length of a parking row exceeds fifteen (15) regular spaces or seventeen (17) compact spaces. Internal islands must be a minimum of nine (9) feet of width for the full depth of the adjacent parking stalls. The director of ~~engineering~~ may permit, upon written request, relocation or reduction of internal islands to better conform to the physical characteristics of the site.
  - c. These landscaped islands may be omitted where handicapped spaces are parallel to entrances or entrance canopies to buildings.
  - d. All landscaped islands shall be raised at least five (5) inches above the adjacent parking surface.
  - e. Each landscaped island shall have a minimum of one (1) tree if the landscaped island is at least sixteen (16) feet long or a minimum of two (2) trees if it is at least thirty-two (32) feet long.
  - f. All landscaped islands shall be planted with ground cover or fully mulched or both.
  - g. The provisions of this subsection shall not be applicable within any parking garage or on the top deck of any multi-level parking garage.
- (7) Provisions for stormwater runoff shall be in accordance with the Design Criteria Manual.

#### **ARTICLE IV. VIOLATIONS AND PENALTIES**

**Sec. 33.02-60. Notice of order to abate violations of chapter.**

The director and any person assigned to the department of ~~engineering~~planning who has been appointed as a ~~special police officer~~conservator of the peace and has been given the duty to enforce

the regulations set forth in this chapter shall have the authority to serve a written notice of violation and to order the abatement of such violation. Such director and ~~special police officers~~conservator of the peace are each hereby granted the authority to issue a summons to the general district court to any person in the city who shall fail to obey a lawful order contained in such notice of violation.