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**ORDINANCE NO.** 7316-16

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 45, ZONING ORDINANCE, ARTICLE IV., SUMMARY OF USES BY DISTRICT, SECTION 45-402, SUMMARY OF USES BY DISTRICT, BY AMENDING USE "I" ENTITLED RECREATIONAL USES.

WHEREAS, Section 45-402 of the Code of the City of Newport News, Virginia, contains a comprehensive listing of uses permitted by the Zoning Ordinance of the City of Newport News, Virginia, in a "matrix" format; and

WHEREAS, the Newport News Planning Commission, in accordance with applicable law, has recommended an amendment, to Section 45-402, Summary of Uses by District, which would amend use "I.5. Amusement Arcade"; and

WHEREAS, the Council of the City of Newport News, after public notice and hearing as required by law, desires to approve the use by amending Section 45-402, use "I.5. Amusement Arcade" to "I.5. Amusement Establishment" which shall be permitted by right in the C2 General Commercial and C3 Regional Business Districts and permitted by conditional use permit in the R9 Mixed Use and C1 Retail Commercial Districts.

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

1. That Chapter 45, Zoning Ordinance, of the Code of the City of Newport News, Virginia, Article IV., Summary of Uses by District, Section 45-402, Summary of Uses by District, be, and the same hereby is, amended and reordained to "I.5. Amusement Establishment" which shall be permitted by right in the C2 General Commercial and C3 Regional Business Districts and permitted by conditional use permit in the R9 Mixed Use and C1 Retail Commercial Districts.

2. The rest and remainder of Section 45-402 shall not be affected by this amendment, shall remain effective as adopted, shall be deemed incorporated into this ordinance by reference as if fully set forth herein and shall be deemed reordained hereby.

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

That Chapter 45, Zoning Ordinance, of the Code of the City of Newport News, Virginia, Article XXXI., Overlay Zoning District and Regulations, Division 5., Special Zoning Regulations for the Oyster Point Urban Core, Section 45-3139, Permitted uses, be, and the same hereby is, amended and reordained as follows:

## ARTICLE XXXI. OVERLAY ZONING DISTRICTS AND REGULATIONS

## DIVISION 5. SPECIAL ZONING REGULATIONS FOR THE OYSTER POINT URBAN CORE

### Sec. 45-3139. Permitted uses.

(a) *Permitted uses*: In the Urban Core, buildings or premises may be used for any use normally permitted in the underlying zoning district regulations set forth in Article IV, Section 45-402. The real estate in the Urban Core is all subject to covenants and restrictions, and no use may be made of such real estate that is inconsistent with or violates those covenants <u>or restrictions.</u> In addition to those covenants and restrictions and those uses permitted in the underlying zoning district, the following uses shall also be permitted by right within the Urban Core (Sec. 45-402 matrix listing shown in parenthesis):

Amusement establishment (I.5)

Bicycle sales and service (J.5)

Billiard parlor (I.2)

Bowling alley (I.4)

Car wash (K.8); provided that the building housing the car wash use shall be located wholly within a parking garage

Coin-operated commercial laundry (H.4) as an accessory use to a multiple family residential use

Commercial parking lot or garage (L.3)

Convenience store without gasoline (J.12); provided that the convenience store without gasoline use shall not be permitted in a separate freestanding building

Food preparation, storage & distribution (M.5); provided that such use shall occupy less than 7,500 sq. ft.

Garden supply store (J.19); provided that such use shall occupy less than 15,000 sq. ft.

Grocery store (J.21); provided that such use shall occupy less than 10,000 sq. ft.

Hardware store (J.22); provided that such use shall occupy less than 10,000 sq. ft.

Home accessory store (J.23)

Medical center complex (C.2)

Motel/hotel (J.32)

Multiple-family (B.3); provided that the building housing this use shall be a minimum of four (4) stories in height

Nightclub as defined in this chapter

Off-site parking lot or garage (L.6)

Off-premise sale of alcohol in an establishment of less than 1,600 sq. ft. in size (J.35)

Other educational/group instruction (E.4)

Skating rink (I.12)

Theatre or stage (I.14)

Toy or hobby store (J.45)

Variety store (J.47)

(b) *Accessory uses*: Any use customarily incidental or accessory to any permitted use is permitted in this district when clearly established as an accessory use to a permitted use.

(c) *Signs*: Signs permitted in the Urban Core shall be those set forth in City Code Chapter 33.01, Sec. 33.01-4(e). Such signs shall be compatible with the Urban Core architecture and concept.

3. That this ordinance shall be in effect on and after the date of its adoption, October 25, 2016.

PASSED BY THE COUNCIL OF THE CITY OF NEWPORT NEWS ON OCTOBER 25, 2016

Mabel Washington Jenkins, MMC
City Clerk

McKinley L. Price, DDS
Mayor

A true copy, teste:

City Clerk