

**AN ORDINANCE AMENDING APPENDIX "A" OF THE CHESAPEAKE CITY CODE, ENTITLED "ZONING," SECTIONS 7-200, 7-302.D., 7-302.F., 7-402.C., 7-402.E., 8-200, 8-302.B., 8-601.D. AND 18-202 THEREOF, AND ADDING SECTIONS 13-2500 AND 19-417 THERETO, TO PROVIDE SPECIAL REGULATIONS FOR RETAIL ESTABLISHMENTS EXCEEDING 50,000 SQUARE FEET OF GROSS FLOOR AREA.**

BE IT ORDAINED by the Council of the City of Chesapeake, Virginia, that Appendix "A" of the Chesapeake City Code, entitled "Zoning," Sections 7-200, 7-302.D., 7-302.F., 7-402.C., 7-402.E., 8-200, 8-302.B., 8-601.D. and 18-202 thereof be amended and reordained, and that Sections 13-2500 and 19-417 be added thereto, as follows:

**§ 7-200. Other development standards applicable to business developments.**

Specific design, development and performance standards, including lot configurations, public improvements, parking and traffic circulation, landscaping and buffering, are addressed in article 19 of this ordinance and in chapter 70 of the city Code, which governs subdivision and site plans. A number of other city standards may also apply to the development of a property. Those standards include but are not limited to those listed below and should be reviewed by a developer.

- A. Accessory uses and structures, including signs, are addressed in article 14.
- B. Floodplain standards for all developments are set out in chapter 26, article IV (section 26-86, et seq.), of the city Code.
- C. Erosion and sediment control standards are set out in chapter 26, article III (section 26-51 et seq.), of the city Code.

- D. Different or additional regulations may apply to a property, depending upon whether a site is located within an overlay district. Reference should be made to overlay maps available in the planning department. If a site is within a particular overlay district, those overlay district requirements shall apply. Overlay district regulations are set out in article 12 of this ordinance.
- E. Alternative development plans for business sites may be proposed through application for a planned unit development (PUD), as provided for in article 11. If a proposed business use requires a conditional use permit (as noted in the table of permitted and conditional uses at the end of this article), then the requirements of article 17 of this ordinance, governing conditional uses, must be met.
- F. The site plan approval process, including certain site plan requirements, is set out in article 18 of this ordinance.
- G. Special development regulations set out in article 13 of this ordinance.

§ 7-300. **B-1 neighborhood business district.**

§ 7-302. **Development standards.**

D. *Size of establishments within buildings.* No separate business establishment shall occupy more than 10,000 square feet of gross floor area in a building, except one drugstore or other store of general merchandise may occupy up to 30,000 square feet, and a food supermarket may occupy up to 50,000 square feet of gross floor area. In special circumstances, the planning commission may approve larger gross floor areas for business establishments located in the B-1 neighborhood business district, subject to such terms and conditions as the commission may set,

including, without limitation, restrictions on the uses permitted on the lot, the configuration of development on the lot and of structures and activities on the lot, in order to ensure that development is compatible with the surrounding neighborhood and in keeping with the intent of the B-1 neighborhood business district. Any retail establishment having a gross floor area exceeding 50,000 square feet shall be subject to the development criteria in section 13-2500 of this ordinance.

F. *Outside display, storage and sales areas.*

1. No outside display, storage or sale of retail or wholesale merchandise shall be permitted in the B-1 District except as an accessory use to a lawfully established principal retail use or except as otherwise may be permitted for temporary outside sales under section 7-302.F.4.b. of this ordinance, outdoor sales facilities under section 13-1401 of this ordinance, and special outdoor events under section 13-1504 of this ordinance.
2. No outside display of merchandise for sale shall be permitted in the B-1 district unless located within covered areas depicted for such use on an approved site plan for a principal retail use. The outside display of merchandise shall not be located in or encroach upon fire lanes, required parking spaces, or pedestrian walkways. All areas designated or used for outside display of merchandise shall conform with setbacks applicable to the principal building and all other requirements of this ordinance, including without limitation, restrictions

on signs and fencing; provided that, however, approved decorative fencing used to enclose outside display areas and located in conformance with the setbacks for the principal building, shall be exempt from the fence height restrictions in Article 14 of this ordinance.

3. No outside storage of merchandise shall be permitted in the B-1 district except in completely enclosed facilities approved as accessory structures. Whether merchandise is being stored or displayed for sale shall be determined by the Zoning Administrator based on such factors as quantities, location and accessibility to the general public. Merchandise which is stacked beyond the reach of the public or which is maintained in bulk quantities shall be presumed to constitute storage and shall be prohibited unless in an enclosed facility as described in subsection 7-302.F.2. above.
4. Outside sale of merchandise may be permitted in the B-1 district only in the following circumstances:
  - a. All areas used for permanent outside sales, defined herein as sales continuing longer than a fifteen (15) day period, shall be (i) depicted on an approved site plan for the principal retail use, (ii) in conformance with required setbacks for the principal building and all applicable provisions in this ordinance, including without limitation, restrictions on signs and fencing; provided that, however, approved decorative fencing used to enclose permanent outside sales areas and located in conformance with setbacks for the principal building, shall be exempt from the fence height restrictions in

Article 14 of this ordinance, (iii) screened from view from the public right-of-way in accordance with a screening plan approved by the director of planning or designee, and iv) located outside of fire lanes, required parking spaces, and pedestrian walkways.

- b. All areas used for temporary outside sales, defined herein as a special sales event continuing for no more than fifteen (15) days, shall be
  - (i) depicted on a use and location plan submitted to and approved by the Zoning Administrator, (ii) in conformance with required setbacks for the principal building and all other applicable provisions in this ordinance, including without limitation, sign regulations in section 14-704.H.1.b. and restrictions on fence height and placement, and (iii) located outside of fire lanes, required parking spaces, and pedestrian walkways. No temporary outside sales shall be conducted unless or until a permit is issued by the Zoning Administrator upon finding that the sale will conform with the regulations and restrictions contained herein. No more than two (2) such outside sales permits shall be issued for a commercial site in a calendar year. A third or subsequent outside sale lasting for fifteen days or less shall be considered a permanent outside sale subject to the requirements in section 7-302.F.4.a. above.
- c. No outdoor flea markets shall be permitted in the B-1 district.
5. The aggregate area used for storage or display of merchandise and temporary or permanent outside sales shall not exceed ten percent (10%) of the gross floor area of the principal retail building or 20,000 square feet,

whichever is less, unless a conditional use permit is issued for this purpose under article 17 of this ordinance.

6. All outside display, storage and sales areas shall be on the same lot or parcel as the principal retail business which such areas serve.
7. All refuse shall be contained in completely enclosed containers or structures, which shall be fully screened from public view, in accordance with the requirements of section 14-500 of this ordinance.
8. To the extent that these provisions are inconsistent with sections 13-1400 (outdoor sales facilities) and 13-1504 (special outdoor events) of this ordinance, the more stringent regulation shall apply.

§ 7-400. **B-2 general business districts.**

§ 7-402. **Development standards.**

C. *Size of establishments within buildings.* There shall be no limitation on the size of establishments within buildings located on a B-2 site. Notwithstanding the foregoing, any retail establishment having a gross floor area exceeding 50,000 square feet shall be subject to the development criteria in section 13-2500 of this ordinance.

E. *Outside display, storage and service areas.*

1. No outside display, storage or sale of retail or wholesale merchandise shall be permitted in the B-2 District except as an accessory use to a lawfully established principal retail use or except as otherwise may be permitted for temporary outside sales under section 7-402.E.3.b. outdoor sales facilities under section 13-1401 of this ordinance and special outdoor events under section 13-1504 of this ordinance.

2. The outside storage and display of merchandise which is accessory to the uses permitted in the B-2 district, including but not limited to retail building materials, construction equipment and materials, feed/seed items, garden centers, greenhouses, hothouses and miscellaneous materials for wholesale and retail sales, shall be permitted, subject to the following requirements:
  - a. All areas to be used for outside storage or display of merchandise shall be depicted on an approved site plan for the principal retail use and shall conform with all setbacks applicable to the principal building and all other requirements of this ordinance, including without limitation, restrictions on signs and fencing; provided that, however, approved decorative fencing used to enclose permanent outside storage or display areas and located in conformance with setbacks for the principal building shall be exempt from the fence height restrictions in Article 14 of this ordinance.
  - b. The outside display and storage area shall not be located in or encroach upon fire lanes, required parking spaces or pedestrian walkways.
3. Outside sale of merchandise may be permitted in the B-2 district only in the following circumstances:
  - a. All areas used for permanent outside sales, defined herein as sales continuing longer than a fifteen (15) day period, shall be
    - (i) depicted on an approved site plan for the principal retail use,
    - (ii) in conformance with required setbacks for the principal building and with all other applicable provisions in this ordinance, including without

limitation, restrictions on signs and fencing; provided that, however, approved decorative fencing used to enclose permanent outside sales areas and located in conformance with setbacks for the principal building, shall be exempt from the fence height restrictions in Article 14 of this ordinance, (iii) screened from view from the public right-of-way in accordance with a screening plan approved by the director of planning or designee, and (iv) located outside of fire lanes, required parking spaces and pedestrian walkways.

- b. All areas used for temporary outside sales, defined herein as special sales events continuing for no more than fifteen (15) days shall be (i) depicted on a use and location plan submitted to and approved by the Zoning Administrator, (ii) in conformance with required setbacks for the principal building and all other applicable provisions in this ordinance, including with limitation sign restrictions in section 14-704.H.1.b. and restrictions on fence height and placement, and (iii) located outside of fire lanes, required parking spaces, and pedestrian walkways. No temporary outside sales shall be conducted unless or until a permit is issued by the Zoning Administrator upon finding that the outside sale will conform with the regulations and restrictions contained herein. No more than two (2) such outside sales permits shall be issued for a commercial site in a calendar year. A third or subsequent outside sale lasting for fifteen (15) days or less shall be considered a permanent outside sale subject to the requirements in section 7-402.E.3.a. above.

- c. Outdoor flea markets shall require a conditional use permit under article 17 of this ordinance.
4. The aggregate area used for outside storage or display of merchandise and for temporary or permanent outside sales shall not exceed ten percent (10%) of the gross floor area of the principal retail building or 20,000 square feet, whichever is less, unless a conditional use permit is issued for this purpose under article 17 of this ordinance.
5. All outside display, storage and sales areas shall be on the same lot or parcel as the principal retail business which such areas serve.
6. All refuse shall be contained in completely enclosed containers or structures, which shall be fully screened from public view, in accordance with the requirements of section 14-500 of this ordinance.
7. To the extent that these provisions are inconsistent with sections 13-1400 and 13-1504 of this ordinance, the more stringent regulation shall apply.

**§ 7-500. B-5 urban business district.**

**§ 7-502. Development standards.**

A. *General site standards.*

8. *Size of establishments within buildings.* Unless otherwise stated herein, there shall be no limitation on the size of establishments; provided that, however, any retail establishment having a gross floor area exceeding 50,000 square feet shall be subject to the development criteria in section 13-2500 of this ordinance.

- 11.a. *Signs.* Signs in the B-5 district shall meet the general requirements of section 14-700 of the zoning ordinance, entitled "Signs," provided,

however, that regardless of any contrary provisions in section 14-700, the provisions set out below shall also apply.

- i. The total sign area for all signs on a premises shall not exceed one (1) square foot of sign area for each linear foot of public right-of-way frontage.
- ii. No sign shall extend above the roofline of the building face.
- iii. No freestanding signs shall be permitted when the front yard setback for the principal building is zero.
- iv. Overhanging signs, extending out from the building and overhanging a sidewalk, street, alley or other passageway, shall not be permitted unless specifically approved by the planning director and director of public works in accordance with established criteria. The size of such signs shall not exceed twelve (12) square feet.

12. Outside display, storage and sales areas shall be subject to the criteria set out in section 7-402.E. of this ordinance.

**§ 8-200. Other development standards applicable to industrial developments.**

Specific design, development and performance standards, including lot configurations, public improvements, parking and traffic circulation, landscaping and buffering, are addressed in article 19 of this ordinance and in chapter 70 of the city Code, which governs subdivision and site plans. A number of other city standards may also apply to the development of a property.

Those standards include but are not limited to those listed below and should be reviewed by a developer.

- A. Accessory uses and structures, including signs, are addressed in article 14.
- B. Floodplain standards for all developments are set out in chapter 26, article IV (section 26-86 et seq.), of the city Code.
- C. Erosion and sediment control standards are set out in chapter 26, article III (section 26-51 et seq.), of the city Code.
- D. Different or additional regulations may apply to a property, depending upon whether a site is located within an overlay district. Reference should be made to overlay maps available in the planning department. If a site is within a particular overlay district, those overlay district requirements shall apply. Overlay district regulations are set out in article 12 of this ordinance.
- E. Alternative development plans for industrial sites may be proposed through application for a planned unit development (PUD), as provided for in article 11. If a proposed business use requires a conditional use permit (as noted in the table of permitted and conditional uses at the end of this article), then the requirements of article 17 of this ordinance, governing conditional uses must be met.
- F. The site plan approval process, including certain site plan requirements, is set out in article 18 of this ordinance.
- G. Special development regulations set out in article 13 of this ordinance.

§ 8-300. M-1 light industrial district.

§ 8-302. Development standards.

B. ~~Related to~~ Retail sales on-site. Retail sales incidental or accessory to the permitted use on the site may occur on the same site on which an industrial operation is conducted, provided that not more than ten percent (10%) of the gross floor area of the building or buildings is devoted to the retail operation. Retail establishments located in industrial districts, whether as an accessory use permitted under this subsection or as a principal use permitted under section 8-600 of this ordinance, shall be subject to the development criteria in section 13-2500 of this ordinance where the gross floor area used in support of retail activities exceeds 50,000 square feet.

§ 8-600. Tables of permitted and conditional principal uses in industrial districts.

§ 8-601. Description.

D. *Retail uses in the industrial districts.* All permitted and conditional uses in the B-2 district not listed in the table of permitted and conditional principal uses below shall be permitted or conditional as specified in section 7-602 of this ordinance in all industrial districts subject to the conditions set out below. Where uses are listed in both section 7-602 and section 8-602, the classification of the use as permitted or conditional and all special conditions and parking requirements pertaining to the use shall be determined by reference to section 8-602.

General business (B-2) uses shall be allowed in industrial districts as follows:

- a. The property shall have frontage on one of the following arterial roads: Atlantic Avenue, Bainbridge Boulevard, Battlefield Boulevard, ~~Compestella~~ Campostella Road, Centerville Turnpike,

Dominion Boulevard, George Washington Highway, Indian River Road, Military Highway and Taylor Road.

- b. The use of the property for general business (B-2) purposes shall be limited to only that portion of the property located within the first 500 feet measured from the front lot line. The size and configuration of the portion of the property used for general business purposes shall comply with applicable requirements of this ordinance and other laws.
- c. The portion of the property uses for general business purposes shall comply with requirements for setbacks, parking, lot configuration, landscaping and all other development standards applicable to B-2 general business zoning districts as set out in this ordinance.
- d. A portion of the property shall be reserved for future industrial development, provided that the reserved area is of sufficient area and dimensions to meet the development standards of this article and that sufficient access is provided to the reserved area in accordance with the requirements of this ordinance,.
- e. Preliminary site plan review by the planning commission shall be required unless the planning commission has designated the planning director as the approval authority for the preliminary site plan under section 18-202 of this ordinance.

f. Retail establishments having a gross floor area exceeding 50,000 square feet shall comply with the development criteria in section 13-2500 of this ordinance.

**§ 13-2500. Retail establishments exceeding 50,000 square feet.**

**§ 13-2501. Purpose and intent.**

In the interest of enhancing and preserving the economic vitality of large retail facilities in the city, all retail establishments having a gross floor area exceeding 50,000 square feet shall conform with the development criteria contained herein. The intent of these regulations is to ensure that such retail establishments are designed, constructed and maintained in a manner that is compatible with surrounding development and that will contribute to the economic development goals and objectives of the city by attracting customers and generating revenues. These regulations will also serve to protect the public health, safety and welfare by minimizing adverse impact on city facilities and services and providing against hazards to pedestrians and vehicles that might otherwise arise in busy retail areas.

**§ 13-2502. Applicability.**

A. These regulations shall apply to all retail establishments having a cumulative gross floor area in excess of 50,000 square feet, whether such gross floor area is contained entirely within a freestanding building or is within two or more buildings that are connected by party walls, partitions, canopies, or walkways. In addition, the design, architectural and landscaping regulations set out or referenced in Section 13-2503 below will apply to any outparcel connected to a retail establishment by drive aisles, entrances or parking areas.

B. These regulations shall also apply to expansions and additions that increase the gross floor area of an existing retail establishment by more than 50% of the gross floor area

shown on the originally approved final site plan, such that the establishment exceeds 50,000 square feet. In such cases, these regulations shall apply to the existing and expanded portions of the retail establishment.

C. In calculating the gross floor area of a retail establishment, the zoning administrator shall include all customer, employee and storage areas, including without limitation, areas used for permanent outside display, storage and sales of merchandise.

D. The requirements of section 13-2500 shall be in addition to all other applicable ordinances, regulations and requirements; provided that should there be any conflict between the requirements of this section and any other city ordinance, regulation or requirement, the more stringent requirement shall control.

E. The use of the word "shall" or "must" as used in section 13-2500 denotes a mandatory requirement. The use of the word "should" or "may" as used in section 13-2500 denotes a voluntary provision; provided, however, that when any retail establishment proposed to exceed 50,000 square feet in gross floor area requires the approval of the city council, whether by rezoning, conditional zoning, conditional use permit or special exception, the city council shall, in determining whether or not to grant such approval, consider the extent to which the proposed retail establishment conforms to the voluntary provisions of this section; and provided further, that high-quality design elements not addressed by the provisions of this section shall be encouraged.

**§ 13-2503. Regulations.**

A. The following regulations apply to all retail establishments constructed or expanded so as to exceed 50,000 square feet in gross floor area:

1. Design, architecture and landscaping. All retail establishments, and all outparcels connected to such retail establishments by drive aisles, entrances and parking areas, should be designed, constructed and maintained in conformance with all guidelines and standards set out in that certain policy document entitled “Design Guidelines for Large Retail Establishments,” said policy document having been approved by City Council simultaneous with the adoption of this ordinance. Retail establishments located within the Transportation Corridor Overlay District (TCOD), should also comply with Appendix “B” of the Transportation Corridor Overlay District Policy for retail buildings greater than 50,000 square feet. In the case of conflict, the more stringent criteria shall apply.
2. Minimum parking. The retail establishment shall meet the minimum parking requirements set out in section 19-400 of this ordinance. Notwithstanding anything to the contrary in section 19-400, however, parking required by this ordinance may be reduced to one (1) space for every 250 square feet of gross floor area where pedestrian walkways meeting the requirements of paragraph 4 below are provided. The parking reduction shall be subject to the approval of the director of planning or designee.
3. Maximum parking area (parking lot scale). Areas devoted to parking shall not exceed one (1) parking space per 180 square feet of gross floor area unless the developer or applicant provides the director of planning with an independent study showing the need for a greater number of spaces. Such study shall be

based on the Institute of Transportation Engineers Manual or other accepted documented engineering standards. Based on the content and findings of this study, the director of planning or designee may determine that a specific number of additional parking spaces is warranted and approve same.

4. *Sidewalks and pedestrian walkways.* Sidewalks shall be installed along all public right-of-way frontages. The sidewalks shall be shown on preliminary and final site plans and shall be installed in accordance with the specifications of the director of public works prior to the issuance of a final certificate of occupancy for the retail establishment. In addition, pedestrian walkways should be installed to provide access from the sidewalks and parking area to the retail establishment. The walkways should be a minimum of five (5) feet in width and constructed in a manner that is readily distinguishable from driving surfaces by use of alternate materials conducive to customer convenience or by use of pavement colorized (not painted) in contrasting or complementary hues such as brick, gray, white and other similar neutral or nonobtrusive colors. The pedestrian walkways should also be landscaped in an attractive manner with trees, shrubs, flowerbeds and other vegetative or ornamental features. The location, size, materials, color and landscaping of the pedestrian walkways must be approved by the director of planning or designee in order to receive the benefit of reduced parking requirements. The parking reduction may only be approved by the director of planning or designee if found that internal pedestrian walkways will promote interconnectivity of pedestrian walkways throughout the site.

5. Shopping cart collection and storage areas. All corrals for the temporary collection of shopping carts and all shopping cart storage areas shall be designated on preliminary and final site plans. If these areas are not shown on the plan, the plan shall contain the following note: "There shall not be any shopping collection or storage areas permitted on the site." Shopping carts shall be removed from parking lots and collection corrals on a regular basis to avoid hazards to pedestrians and vehicular traffic or when collection corrals become unsightly. Shopping cart collection corrals should be painted dark green, brown, silver or black to complement the retail establishment. Shopping cart storage areas located adjacent to the front of the building should be fully screened from the public view by architectural features that match the principal building.
6. Outside display, storage and sales. Outside display, storage and sales areas in the B-1 zoning district shall meet the criteria set out in section 7-302 of this ordinance. Outside display, storage and sales areas in the B-2, B-5 and industrial zoning districts shall meet the criteria in section 7-402 of this ordinance. All permanent outside storage and display areas shall be enclosed on all sides by a high-quality decorative wall or fence. Chain link fences are strongly discouraged unless fully screened from exterior view by a decorative wall or fence. Approved decorative fencing that is used to enclose permanent outside storage and display areas and located within the setbacks for the principal building shall be exempt from fence height restrictions in Article 14 of this ordinance.
7. Outdoor vendors/vending machines. Outdoor vendors and vending machines shall be located only in areas designated for such purposes on the preliminary and

final plans. Vending machines shall be flush with established principal building lines and shall be screened from view from all public rights-of-way in a manner approved by the director of planning or designee. All outdoor vendors shall comply with the restrictions set out for outdoor sales in section 7-302 (to be applied in B-1 districts) and 7-402 (to be applied in B-2, B-5 and industrial districts). No vending machines or buildings, structures, vehicles or facilities used in connection with outdoor sales shall be located in parking areas, fire lanes, loading areas and pedestrian walkways.

B. All administrative approvals authorized by section 13-2503.A. above shall be subject to concurrence by the city council in cases where a conditional use permit or other city council approval is required for a proposed retail establishment.

C. Where a conditional use permit is required for a proposed retail establishment, the mandatory criteria set out in section 13-2503.A. above shall not be subject to waiver or variance.

**§ 13-2504. Special incentives.**

In order to provide incentive for compliance with voluntary provisions in section 13-2500, and to encourage the use and redevelopment of existing large retail facilities, the planning director shall have approval authority for preliminary site plans depicting the expansion of a retail establishment by more than fifty percent (50%) of existing gross floor area, such that the expanded retail establishment exceeds 50,000 square feet in cumulative gross floor area. Administrative approval may only be given if the planning director finds that the preliminary site plan meets the voluntary provisions in section 13-2503 above, including without limitation, the "Design Guidelines for Large Retail Establishments" and for properties located in the

Transportation Corridor Overlay District, Appendix "B" of the Transportation Overlay District Policy. The planning director shall also have approval authority for preliminary site plans for newly constructed retail establishments, provided that the planning director finds that the retail establishment is subject to proffers adopted by city council as part of a conditional rezoning which ensure compliance with the voluntary regulations in section 13-2503 above, including without limitation, the "Design Guidelines for Large Retail Establishments" and for properties located in the Transportation Corridor Overlay District, Appendix "B" of the Transportation Overlay District Policy. The planning director may allow exceptions from any provision of the "Design Guidelines for Large Retail Establishments" if found that due to physical surroundings, size, shape, topographical situation or condition of the specific property involved or development immediately adjacent thereto, the strict application of the voluntary regulations prohibit or restrict the utilization of the property, or where strict application of the terms of the voluntary regulations would constitute or produce an undue hardship. In no event shall such an exception be granted if the only hardship to be endured is financial in nature. In no event shall administrative approval be given where a conditional use permit is required for outside display, storage or sales areas or for other existing or proposed uses of the site that require a conditional use permit or an amendment thereto.

**§ 18-202. Review and approval authority for preliminary site plans.**

A. *Planning commission authority.* Unless otherwise provided in this ordinance, the planning commission shall have the authority for all preliminary site plan reviews and approvals.

B. *Designation of planning director as review authority.* The commission, at its discretion, may designate the planning director as the approval authority for certain types of

preliminary site plans. In all such instances, any applicant aggrieved by the final determination of the planning director may appeal such determination to the planning commission as the approval authority; provided, however, that the determinations of the planning director shall be final unless appeal is made within thirty (30) calendar days of the determination appealed from, on forms approved by the city.

C. *Administration review authority for certain commercial buildings.*

- (1) The planning director shall have approval authority for preliminary site plans ~~where the following condition is met: The preliminary site plan depicting only~~ the expansion of an existing commercial building by no more than 20,000 square feet in area, used for business purposes provided that no conditional use permit, or amendment of an existing conditional use permit, is required for any existing or proposed use of the site.
- (2) The planning director shall have approval authority for preliminary site plans depicting the expansion of a retail establishment, as described in section 13-2502 of this ordinance, by more than fifty percent (50%) of existing gross floor area, such that the expanded retail establishment exceeds 50,000 square feet in cumulative gross floor area. Administrative approval may only be given if the planning director finds that the preliminary site plan meets the voluntary provisions in section 13-2503 above, including without limitation, the "Design Guidelines for Large Retail Establishments" and for properties located in the Transportation Corridor Overlay District, Appendix "B" of the Transportation Overlay District Policy. The planning director shall also have approval authority for preliminary site plans for newly constructed retail establishments.

provided that the planning director finds that the retail establishment is subject to proffers adopted by city council as part of a conditional rezoning which ensure compliance with the voluntary regulations in section 13-2503 above, including without limitation, the "Design Guidelines for Large Retail Establishments" and for properties located in the Transportation Corridor Overlay District, Appendix "B" of the Transportation Overlay District Policy. The planning director may allow exceptions from any provision of the "Design Guidelines for Large Retail Establishments" if found that due to physical surroundings, size, shape, topographical situation or condition of the specific property involved or development immediately adjacent thereto, the strict application of the voluntary regulations would constitute or produce an undue hardship. In no event shall such an exception be granted if the only hardship to be endured is financial in nature. In no event shall this subsection apply where a conditional use permit or an amendment to a conditional use permit is required for outside display, storage or sales areas or for other conditional uses on the site.

Applicants ~~for such~~ requesting review under this subsection shall provide written notice to adjacent property owners on forms supplied by the planning department, with such notice advising that the proposed preliminary site plan may be reviewed prior to approval. Written certification shall be provided to the planning department by the applicant that such notice has been given prior to review by the planning director. In all such instances, any person aggrieved by the final determination of the planning director may appeal such determination to the planning commission as the approval authority; provided however, that the determination of the planning

director shall be final unless an appeal is made within fifteen (15) calendar days of the determination appealed from, on forms approved by the city.

D. *Administrative review authority in exchange for tree preservation.* The planning director shall have approval authority for preliminary site plans depicting the on-site voluntary preservation of mature trees in accordance with section 19-416 of this ordinance. This administrative review shall not apply to multifamily developments or to existing or proposed uses that require a conditional use permit or an amendment thereto.

E. *Administrative review authority for the expansion of certain churches and conditional uses.* The planning director shall have approval authority for preliminary site plans depicting the expansion of churches, other than those unlawfully established, those located in the B-5 Urban Business District, and those that cannot meet the AC Assembly Center District development regulations, as permitted under section 17-111 of this ordinance. The planning director shall also have approval authority for preliminary site plans depicting expansions of existing conditional uses for which a valid conditional use permit has been granted, provided that the expansion does not exceed twenty-five percent (25%) of the size of buildings and structures originally approved as set out in section 17-111 of this ordinance.

§ 19-400. *Off-street parking.*

§19-417. *Reduction in number of parking spaces in exchange for walkways at large retail establishments.*

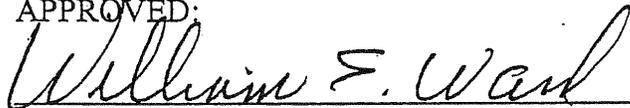
In accordance with section 13-2503 of this ordinance, the planning director or designee may approve a reduction in the required number of parking spaces for retail establishments having a gross floor area in excess of 50,000 square feet in exchange for landscaped pedestrian walkways. Such walkways shall meet the criteria set out in section 13-2503.A.4. of this ordinance. In any case where a conditional use permit or other city council approval is needed

for a proposed retail establishment, the planning director's approval of reduced parking shall be subject to the concurrence of city council.

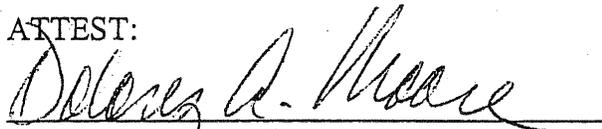
An emergency is deemed to exist and this ordinance shall become effective from the date of its adoption.

ADOPTED by the Council of the City of Chesapeake, Virginia, this 8th day of  
May \_\_\_\_\_, 2001.

APPROVED:

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Clerk of the Council

**DESIGN GUIDELINES**  
**FOR**  
**LARGE RETAIL ESTABLISHMENTS**

**Department of Planning**

Approved by City Council

May 8, 2001

## Statement of Purpose:

These guidelines represent the City's policy of design and construction technique preferences for retail establishments exceeding 50,000 square feet in gross floor area, including outparcels connected to such retail establishment by drive aisles, entrances and parking areas. These guidelines are intended to be utilized during the development or redevelopment process. It is encouraged that applicants use these guidelines when preparing applications for consideration by the City.

## Design Guidelines:

### 1. Existing Natural and Historic Features

- Existing natural conditions, environmentally sensitive areas and historic sites/structures should be identified and considered during the site design and building placement process. Natural features and environmentally sensitive areas include a significant stand of trees, outstanding trees, trees greater than 18" in diameter, watercourses, natural drainage patterns, floodplains, wetlands, buffers and rare or endangered plant material. Historic sites and structures include all properties and structures identified in the Reconnaissance and Intensive Survey of Architectural Resources in the City of Chesapeake (1999 and as amended).
- Impacts on existing natural conditions and environmentally sensitive areas should be minimized to the maximum extent possible by concentrating development on the most suitable portions of the site and reducing impervious cover only to what is necessary to accommodate the development.

### 2. Landscaping

- Existing vegetation and groves of mature trees should be retained wherever possible.
- Street trees spaced 25' on center should be planted along all public and private streets. Said trees should be large self-supporting woody plants of a species normally growing to a mature height of not less than 20 feet and having a mature crown spread of not less than 15 feet and particularly suited by habit of growth to be grown in proximity of streets.
- Berms used in combination with landscaping should be considered for the screening of objectionable features and parking areas and to create visual interest. Berms should be designed after considering the following:
  - The length, shape and height of berms should be varied so they appear natural rather than man-made. Breaks between berm should also be considered.
  - Berms and landscaping materials should not be so high as to prevent visibility to the site.
  - Berms should not be too steep as to create maintenance difficulties.

- Property lines that abut sensitive areas such as parkland, open space and residential uses may require additional landscaping and screening structures, such as walls and berms, to provide a continuous and effective buffer between such uses.
- The use of trees along the right-of-way, in addition to the placement of berms and landscaping, should only be done after taking into account the location and placement of all underground utilities. The placement of these features should not impinge on the utility owner's ability to maintain their facilities.
- Landscaping materials that exceed the Zoning Ordinance requirements in terms of quality and quantity are encouraged.
- Landscaping materials may be clustered to achieve a natural appearance.

### 3. Stormwater System Design

- Stormwater retention and detention systems may be designed as a roadway buffer, open space or landscape amenity. The design of the system should blend with the natural site features and become a design element of the overall development. Facilities should not appear man-made.
- Proposed stormwater detention ponds ¼ acre in size or larger should include fountain(s) that are of sufficient height to be visible from the right-of-way. The number and size of the fountains should be proportional to the size of the pond.
- Riparian buffers should be incorporated around all natural and manmade stormwater systems.
- When structural systems are provided, plant material should be used to soften the appearance.

### 4. Site Design

- The site should possess details that are pedestrian in nature. Amenity features such as public plazas, staggered storefronts, fountains, circular passenger drop-off points and distinctive storefront architecture should be included in the design.
- Loading docks, truck parking, outside storage, cargo containers, trash collection, utility meters, HVAC equipment, trash collection, and other service functions should be incorporated into the overall design and landscaping so that the visual and acoustical impacts of these functions are fully contained and out of view from adjacent properties (unless those adjacent uses are other loading areas, truck parking areas and storage areas) and public streets, and no attention is attracted to the functions by the use of screening materials that are different from or inferior to the principal materials of the building and landscape.

- Shopping cart storage areas that are adjacent to the front of the building should be well screened from public view by architectural features that match the building and or landscaping. Shopping cart collection corrals that are within the parking lot should be adequately screened by landscaping or painted silver, dark green, brown or black to compliment the retail establishment.

## 5. Access and Parking Areas

- Driveways onto adjacent roads should be limited and shared access with adjacent properties is strongly encouraged. Access between shared parking on separate lots should be accomplished through the use of ingress/egress easements. Individual curb cuts for each parking area is discouraged. Internal circulation roads and drive aisles on a parcel should be designed with stubs to adjoining undeveloped parcels that will provide for this future shared access.
- Pedestrian access should be provided between and within sites. Pedestrian connections between sidewalks and individual project areas should be provided.
- All internal pedestrian ways should be distinguished by materials conducive to customer convenience or by use of pavement colorized (not painted) in contrasting or complementary hues such as brick, gray, white and other similar neutral or nonobtrusive colors.
- Parking and other impervious areas may be broken-up into modules separated by landscaping, vegetated areas, pedestrian plazas or other features.
- Landscaping for the parking areas should be strategically located to provide visual relief, shading of the lot, green areas and screening while ensuring that the lines-of-site are maintained, both at the time of planting and at plant maturity.
- Bikeracks should be provided throughout the site and in close proximity to the main entrances of the retail establishments.

## 6. Building Design

- Projects (i.e. shopping centers, mixed-use areas) should be a consistent and distinct identity through the use of similar and compatible architecture and building materials. This also includes outparcels and lease-parcels. Compatibility may be achieved through the use of similar building massing, materials, scale, colors rooflines and other architectural features.
- A variety of materials, colors and exterior treatments are encouraged. Materials used on structures should be long-lasting, attractive and high quality. Building materials should be primarily brick, stucco, stone, stone-faced block or wood. Smooth-faced concrete block; smooth-faced tilt-up concrete panels, or pre-fabricated steel panels are examples of inappropriate materials

- Façade color should be low reflectance, subtle, neutral or earth tone colors. The use of high intensity colors, metallic colors, black or fluorescent colors are discouraged. Brighter, trademark colors should only be an accent.
- Variations in rooflines should be used to add interest to and reduce the massive scale of large buildings. The roof scape should be an integral part of the design with respect to form, material and colors. Acceptable roofing materials include wood, tin, slate, terra cotta, standing seam metal or dimensional fiberglass shingles.
- Rooftop mechanical units, flues, and vents should be screened from vehicular view from adjacent rights-of-way.
- Building facades visible from a public right-of-way and greater than 150 feet in length, measured horizontally, should incorporate wall plane projections or recesses having a depth of at least three (3) feet.
- Ground floors that face public streets should have arcades, display windows, entry areas, awnings or other such features. Each principal building on a site should have clearly defined, highly visible customer entrances featuring canopies or porticos, roof overhangs, recesses or projections, arcades, raised cornice parapets over the door, peaked roof forms, arches or outdoor patios
- No building exterior which would be visible to any property zoned or used for residential purposes or from a public streets should consist of architectural materials inferior in quality, appearance, or detail to any other exterior of the same building. Recommend finishes for rear elevations include stained split block to match color of front elevation or the same finish materials as provided on other elevations.
- Rears and sides of buildings adjacent to a public right-of-way should be screened with a minimum Buffer Yard "E", including a 3-foot berm.

## 7. Lighting

- Street and site lighting should be decorative and blend with the architectural style of the development. Provisions should be made during preliminary plan approval with the Director of Public Works for the maintenance of decorative streetlights that are more expensive to maintain than City standard streetlights.
- Lighting should be designed as an integral part of the building's architecture to be as unobtrusive as possible. The height of the lighting should be proportional to the height of the principal building located on the site. In no case, shall the lighting exceed 35 feet in height. Varied lighting techniques, such as up lighting of trees and walkway lighting should be employed to enhance the appearance of the site.

- Floodlighting on the rear of buildings should be designed and placed so that it does not direct or reflect any illumination on adjacent properties. Spillover lighting on adjacent property should be minimized. Full cutoff lighting or equivalent/improved technology should be provided on all exterior fixtures.

## 8. Signs

- Signs should be designed using colors and materials compatible with the architecture of the principal building.
- Freestanding signs should be incorporated into the landscaping plan for the development.
- For commercial shopping centers, a master sign plan should be submitted with the approval of the primary building or buildings. The style, size, color, and material of all signs within the commercial center should be coordinated to include any signs for outparcel development, freestanding signs, on-site directional signs and signs to be located on buildings. Colors and materials should be similar to those used on the primary building or buildings.

## 9. Maintenance of Lighting, Landscaping and Stormwater Detention Areas

- All exterior lighting fixtures should be maintained in an operative state
- The owner shall be responsible for the maintenance of all landscaping, landscaped areas, and stormwater detention areas. These areas shall be maintained as to present a safe and orderly appearance and shall be kept free of refuse and debris.