

ARTICLE IX-A. – Downtown Central Business District (B-1)

STATEMENT OF INTENT

The Central Business District is intended to provide an urban mix of retail, office, service, hotel, residential, and civic functions for the city's historic downtown business core. The location of the district requires that uses be compatible with nearby residential housing and with the area generally. The district is intended to be a predominantly pedestrian area with shops and storefronts close to the street, pedestrian in scale, and having street trees and limited off-street parking. The history of the area will be retained by promoting cultural heritage, preserving historic structures, and ensuring any exterior construction, alteration, or site improvements are sensitive to the architectural character of the district. The core of the downtown district should exude the vitality of the interaction of people and activities.

This district is intended for the conduct of business to which the public requires direct and frequent access, but which is not characterized either by constant heavy truck traffic, other than stocking and delivery of light retail goods, or by any other nuisance factors other than those occasioned by incidental light and noise from the congregation of people, passenger vehicles, business offices, retail stores, and restaurants.

A. USE REGULATIONS.

Structures to be erected and land to be used shall be only for the following uses:

1. Accessory Uses and Structures.
2. Accounting Services.
3. Advertising and Public Relations Agencies.
4. Antiques.
5. Apartments on the first floor of mixed-use buildings with Conditional Use Permit.
6. Apartments on second and subsequent floors of commercial and office buildings/uses containing an average unit size of seven hundred (700) gross square feet or greater.
7. Apartments on second and subsequent floors of commercial and office buildings/uses containing average square footage below seven hundred (700) gross square feet, with Conditional Use Permit.
8. Appliance Stores.
9. Architectural and Engineering Services.
10. Art Galleries, Framing and Supplies.
11. Artisan Workshop.
12. Assembly Hall with Conditional Use Permit.
13. Bakeries.
14. Barber and Beauty Shops.
15. Bed and Breakfast Establishments.

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16. Bookstores, except Adult bookstores.
17. Camera and Photo Supply Stores.
18. Casual and Formal Apparel Stores.
19. Child Care Services.
20. Churches.
21. Coffee Shops.
22. Commercial Banks and Financial Institutions, not to include check cashing establishments.
23. Commercial Kitchen, Shared.
24. Computer Sales and Service.
25. Convenience Store.
26. Craftbeer/Tap Room.
27. Credit Unions.
28. Dance Studios.
29. Delicatessen.
30. Dry Cleaners.
31. Farmer's Market.
32. Florist.
33. Gift, Stationary, and Card Shops.
34. Grocery Store.
35. Home Decorating Center and Interior Design Services.
36. Home Furnishings Store.
37. Home Health Care Services.
38. Home Occupation.
39. Hotels.
40. Individual and Family Consulting Services.
41. Insurance Agencies.
42. Jewelry Stores.
43. Law Offices.
44. Marinas, Public or Private.
45. Medical and Dental Offices.
46. Microbrewery.
47. Microbrewery/Restaurant.

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- 48. Micro-Cidery.
- 49. Micro-Distillery.
- 50. Micro-Winery.
- 51. Motion Pictures Theaters, excluding drive-in theaters and adult uses.
- 52. Multi-family dwellings, with Conditional Use Permit.
- 53. Municipal and Government Agencies and Offices.
- 54. Municipal and Private Utilities.
- 55. Museums.
- 56. Music Stores.
- 57. Offices, including business, professional and administrative.
- 58. Off-street parking is not required in this district.
- 59. Parking Decks and Garages, Public.
- 60. Performing Arts Center.
- 61. Pet Shops.
- 62. Pet Shops with incidental Boarding Kennel, with Conditional Use Permit.
- 63. Pharmacy.
- 64. Philanthropic and charitable institutions.
- 65. Photographic Studios.
- 66. Post Office
- 67. Print Shops.
- 68. Public Libraries.
- 69. Public Open Spaces and Uses owned and operated by a governmental agency
- 70. Real Estate Agencies.
- 71. Recreation and Fitness Centers.
- 72. Research, development and laboratory facilities related to medical, biotechnology, life sciences and other product applications.
- 73. Restaurants, consumer.
- 74. Schools, public or private with Conditional Use Permit.
- 75. Security Brokers and Dealers.
- 76. Sporting Goods.
- 77. Tailor Shops.
- 78. Tanning Salons.
- 79. Tax preparation services.

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- 80. Title Abstract and Insurance Offices.
- 81. Townhouses, with Conditional Use Permit.
- 82. Toys, Games, and Crafts.
- 83. Upholstery shops.
- 84. Video Rental Stores, not to include adult video establishments.

B. AREA REGULATIONS:

- 1. When permitted by Conditional Use Permit under Section A. above, area and density requirements shall be set as a condition of approval of the Conditional Use Permit.
- 2. All other uses – None.

C. LOT WIDTH REGULATIONS.

None.

D. SETBACK REGULATIONS.

- 1. Minimum front setback: From any street right-of-way or alley: None.
- 2. Maximum front setback: No building wall shall be setback more than the average of the two (2) adjacent structures on either side or more than 18 feet from the back of curb of the street, not including alleys, whichever is less.
 - a. Up to 33 percent of a building’s frontage may be exempt from this requirement when a park, courtyard, or similar common open space is provided adjacent to the street.

E. YARD REGULATIONS.

- 1. Side: None, except when a use is abutting a residential district, then there shall be a minimum side yard of five (5) feet.
- 2. Rear: None, except when a use is abutting a residential district, there shall be a minimum rear yard of twenty (20) feet.

F. HEIGHT REGULATIONS.

- 1. Maximum building height shall be fifty eight (58) feet from grade or four stories, whichever is less, unless otherwise approved by Conditional Use Permit.
- 2. Church spires, belfries, cupolas, chimneys, flues, flag poles, television antenna, radio aerials, and equipment penthouses are exempt from the provisions of this section.

G. REQUIREMENTS FOR PERMITTED USES.

- 1. Before a building permit shall be issued or construction commenced on any permitted use in the district or a permit issued for a new use, all requirements of Article XVI, Site Plan Requirements, shall be met.
- 2. All uses on private property shall be conducted entirely within an enclosed building with no outdoor storage with the following exceptions:

- a. Farmer’s Market;
- b. Restaurant with outdoor dining;
- c. Pet runs or exercise areas;
- d. Educational, cultural, and recreation areas;
- e. Temporary events; or,
- f. With approval of a Conditional Use Permit by City Council.

H. CERTIFICATE OF APPROPRIATENESS REQUIRED.

- 1. A certificate of appropriateness shall be required for all changes in the B-1 district in accordance with Article XXIII, Historic Preservation, except as otherwise provided herein.
- 2. The following guidelines shall be considered by the Architectural Review Board (ARB) in approving or denying any application for a Certificate of Appropriateness in addition to the criteria set forth in Article XXIII and the guidelines set forth in the Downtown Master Plan, as amended.
 - a. The rehabilitation of any existing historic structure within the National Register Historic Downtown District shall comply with the Secretary of Interior’s Standards for Rehabilitation.
 - b. New development and alterations shall be compatible with the pedestrian scale and historic character of the Downtown. New or altered buildings should be generally consistent in height, scale, massing (shape), and materials with existing structures in the Downtown. The intent of this is to ensure functional and visual compatibility, not to specifically encourage imitation of past architectural styles. Nothing herein shall preclude the use of substitute materials or elements, so long as such materials and elements are similar in appearance, style, detail, design, and durability of historic materials and consistent with the guidelines and criteria contained herein and in the Downtown Master Plan, as amended.
 - c. No building exterior (whether front, side, or rear) shall consist of architectural materials inferior in quality, appearance, or detail to any other exterior of the same building. Nothing in this section shall preclude the use of different materials on different exteriors if representative of good architectural design but shall preclude the use of inferior materials on sides that face adjoining property. No portion of a building or structure constructed of cinder block, vinyl siding, or corrugated and/or sheet metal shall be permitted; provided, however, that cinder block that is covered by an acceptable façade so that the block is not visible, shall be permitted.
 - d. Buildings shall be designed to impart harmonious proportions and to avoid monotonous facades or large bulky masses. Buildings shall possess architectural variety and shall be compatible with existing structures, especially nearby structures of high historic interest. New or remodeled buildings shall enhance an overall cohesive downtown character as reflected in existing structures. This character shall be achieved through the use of design elements, including, but not limited to, materials, articulation of doors and windows, sculptural or textural relief of facades, architectural ornamentation, varied roof lines or

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other appurtenances, such as lighting fixtures and/or planting as described in these guidelines and the Downtown Master Plan, as amended.

- e. Architectural treatment of all buildings shall be compatible with buildings located within the same block or directly across any road, as determined by the ARB. At locations where the existing buildings do not conform, the ARB may approve a new architectural treatment or theme. Compatibility may be achieved through the use of similar building massing, materials, scale, colors, or other architectural features.

I. STOREFRONTS & WINDOWS.

1. Ground-Floor Stories.

- a. Ground-floor building facades adjacent to a public street, not including alleys, shall provide transparent storefront or show windows and doors at a minimum of sixty percent (60%) of the façade that is between two feet and 10 feet above the abutting sidewalk. Elements to count towards the achievement of this minimum include any opening which functions or appears to function to admit light into a building or structure. This requirement shall not apply where preservation of an historic building would preclude meeting this criterion as determined by the ARB.

2. Upper Stories.

- a. Transparent windows or glass doors shall comprise a minimum of 30 percent of the building façade above the street-level story adjacent to a public street, not including alleys. This requirement shall not apply where preservation of an historic building would preclude meeting this criterion as determined by the ARB.

3. Transparency.

- a. All ground floor windows of nonresidential uses shall remain transparent and shall not be covered with reflective coating, heavy tint, plastic, or other material that prevents visibility to the interior.
- b. The placement or construction of items that block the visibility through windows from the street and sidewalk, including but not limited to walls, paper products, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. This is not intended to prevent retailers from displaying their goods in display cases that are oriented toward the street. Blinds and/or draperies are acceptable but shall be open during regular business hours.
- c. Vacant buildings or buildings with an active building permit shall be exempt from the transparency requirement provided that windows are covered in their entirety with plain paper with no tears, stains, symbols, or writing. Alternative window coverings for such buildings may be permitted subject to ARB approval.

J. SIGNAGE.

- 1. **Permitted Signs.** Signs permitted for any building shall be limited as follows to encourage architectural compatibility and discourage visual clutter:

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Sign Type	Maximum Sign Area Dimensions	Maximum Quantity	Additional Requirements
a. Combined Building Signage, excluding Window and Small Signs	50 SF total per building.	3 total signs per building.	None.
b. Flat Wall Sign	1 SF for each 1 linear foot of building width, or portion thereof for a multi-tenant building, facing a street, alley, or parking area; not to exceed 32 SF per sign.	1 per business storefront for each building frontage, or portion thereof, adjoining a street frontage, alley, or parking area.	Shall be located above the storefront, within the frieze of the cornice, on covered transoms, on the pier that frames display windows, or on other flat, unadorned surfaces of the façade clearly suitable as sign locations.
c. Projecting Sign	6 SF per sign face.	1 per business storefront.	Shall provide a minimum of seven (7) feet clearance from the sidewalk; and shall project no more than three (3) feet from the building; and shall not be placed above the cornice line of the first floor level unless there is a clearance of less than seven (7) feet below such cornice line to the sidewalk.
d. Awning and Canopy Sign	0.5 SF for each 1 linear foot of awning or canopy.	1 per awning or canopy	Shall be placed on the valance area only. The minimum space between the edge of the letter and the top and the bottom of the valance shall be one and one-half (1.5) inches.
e. Window Sign	20% of window glass area.	N/A	Shall be located in first floor windows, except that upper-floor windows are permitted for separate, upper-floor building tenants. Signs shall be centered within the window unless otherwise approved by the ARB. Permitted sign area may be transferred between first floor windows but shall not exceed 50% of the window area upon which the sign is placed.
f. Freestanding Sign	20 SF	1 per parcel	Shall be set back from any street right-of-way at distance of at least half the height of the sign; Shall comply with Article XVIII.F.10, Development Standards for freestanding signs.
g. Small Sign, Permanent	3 SF	3 per parcel	None.

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Sign Type	Maximum Sign Area Dimensions	Maximum Quantity	Additional Requirements
h. Roof Sign	Not Permitted.		
SF = square feet; ft = feet			

2. **Exempt Signs.** The following signs shall be permitted and shall be exempted from the requirement for Certificate of Appropriateness approval:

Sign Type	Maximum Sign Area Dimensions	Maximum Quantity	Additional Requirements
a. Portable (Sandwich Board) Sign	4 ft in height by 2 ft in width.	1 per business storefront	Shall be placed immediately in front of the associated storefront. If placed on any public pedestrian right-of-way, a minimum five-foot wide unobstructed pedestrian travelway shall be maintained. All portable signs shall be removed and stored inside when the place of business is closed.
b. Small Sign, Illuminated	1.5 SF	1 per business storefront	Shall be located inside the storefront window; may be internally illuminated.
c. Small Sign, Temporary	1.5 SF	4 per business storefront	Shall be located inside the storefront window.
d. Temporary Banner Sign	16 SF	1 per parcel	Each sign shall be permitted for a period not to exceed 10 consecutive days. Each parcel shall be permitted a maximum of three (3) temporary signs per calendar year.
e. Flag	8 SF	1 per business storefront	If placed adjacent to a public pedestrian right-of-way, a minimum five-foot wide unobstructed pedestrian travelway shall be maintained.

3. **Sign Placement and Design.**

- a. Signs shall be placed so that they do not obstruct operable doors, windows, architectural elements and details that define the design of the building, or the signage of adjacent businesses.
- b. All signs shall be professionally printed, readable, and convey an image for the business and historic downtown area that is compatible with, and appropriate under, the Downtown Master Plan, as amended.
- c. Signs shall conform to the shape of the area where the sign is to be located, except when a sign is to take on the shape of a product or a service, such as a coffee mug for a coffee shop or

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a shoe for a shoe store. Such shapes shall not obscure the architectural elements of the building and shall be counted toward the overall sign area.

- d. Any sign located within 15 inches of a window shall be counted toward the permissible window sign area, whether or not such sign is permanently affixed to the window.

4. **Materials.**

- a. Sign materials shall consist of wood, metal, medium density overlay (MDO) signboard, glass, gold leaf, or raised individual metal or wood letters. Alternative materials may be permitted subject to ARB approval provided that plastic, reflective material, or unfinished surfaces shall not be permitted.
- b. Form letters shall not be permitted.
- c. Wall signs shall not be painted directly on the surface of masonry walls if the wall has not been previously painted.
- d. Window signs shall consist of flat decals attached to the window and shall not be three-dimensional (3-D).
- e. Non-professionally painted signs shall not be permitted.

5. **Color.**

Colors that complement the materials and color scheme of the building, including the accent and trim colors, shall be used. Three (3) colors are recommended, although additional colors may be used where complementary to the color scheme of the building. Use of colors in excess of three shall be subject to the approval of the ARB.

6. **Illumination.**

- a. Sign illumination shall be indirect and consist of reverse lit channel “halo” letters or a full cut-off or directionally shielded light source. Illumination shall be substantially confined to the sign to minimize glare, sky glow, and light trespass.
- b. Internally-illuminated signs shall not be permitted in the district, except as specifically provided in this Article.
- c. Sign illumination shall be fixed and shall not have blinking, flashing, fluttering lights, or any other illumination that has a changing light intensity, brightness, or color.
- d. Light color temperature for sign illumination shall not exceed 3000 Kelvin unless otherwise approved by the ARB.

7. **Buildings with Multiple Tenants.**

A master sign plan shall be submitted for any building having more than one tenant. Upper-floor tenants may be identified at each primary entrance by a flat, wall-mounted directory sign. Such sign shall be counted toward the total permitted wall sign area for the property.

K. Public Art.

- 1. Murals and public art located on private property shall be compatible with the district character and subject to approval of the ARB.

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- 2. Murals shall not include trademarks or service marks associated with a business, profession, trade, occupation, or calling.
- 3. Locations for seasonal or other semi-permanent window murals shall be subject to approval of the ARB. Any such approval shall identify conditions of approval, including but not limited to the location, size, and duration of the approval.

L. AWNINGS AND CANOPIES.

- 1. **Types.**
 - a. Standard slope fabric awnings may be used on most historic buildings and may be either fixed or retractable.
 - b. Boxed or curved fabric awnings may be used on non-historical buildings.
- 2. **Design and Placement.**
 - a. Awnings shall be placed within the storefront, porch, door, or window openings so as to not obscure architectural elements of the building or damage the building façade.
 - b. Awning designs shall not conflict or interfere with existing signs, distinctive architectural features of the building, street trees, or other streetscape features.
 - c. Awnings shall be shaped to fit the opening in which they are installed.
 - d. The bottom of any awning shall be a minimum of seven (7) feet above the sidewalk.
 - e. Plastic awnings shall not be permitted in the district.
 - f. The color scheme of the awning shall coordinate with the overall colors of the building. Solid colors or stripes may be used if compatible with building colors.
 - g. No awning or canopy, whether or not it contains any awning or canopy sign, shall be illuminated by internal or integral means or by outlining its extremities.

M. B-1 Development Standards.

Site improvements shall be subject to the requirements of Article XVIII, Development Standards, and this section. The requirements of this section may be modified through approval of a Modification to Development Standards pursuant to Article XVIII.G.

- 1. **Useable open space.**

On development sites equal to or larger than 0.25 acres, a useable open space ratio of not less than 0.1 shall be provided for newly constructed buildings or portions thereof devoted to dwelling uses. The useable open space ratio shall be defined as the total square foot amount of usable open space on a lot for each square foot of floor area on the development site. The usable open space ratio is determined by dividing the amount of usable open space by the amount of floor area. For the purpose of this section, useable open space shall be that portion of a development site which is not covered by building area or vehicular area and including usable roof area and exterior balconies, terraces, or patios.

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2. **Fences and Walls.**

- a. Fence and wall design shall take cues from nearby existing historic designs and the aesthetic of the streetscape. Typical materials include brick, black powder-coated metal, and wood.
- b. The structural members of any fence shall face inward to the property being fenced. Fences where the structural members are an integral part of an overall design, and where both sides of the proposed fence are identical, are appropriate.
- c. Chain link, vinyl, split rail, or unpainted pressure-treated wood fences, or walls of concrete block or horizontal wood landscaping timbers where visible from public rights-of-way, are not permitted.

3. **Lighting.**

- a. Lighting fixtures should be understated and compatible with the quality of the surrounding area and the building.
- b. Site and parking lot lighting shall utilize the standard Hopewell Downtown lantern-style light fixture.
- c. Site and building lighting shall be of an incandescent color temperature of 3000 Kelvins or less.
- d. Illumination from any light fixtures shall be fixed with no changes in light color or intensity.
- e. The ARB may approve architectural and landscape lighting designed to reveal architectural beauty, shape and/or form and for which lighting for any other purpose is secondary. Architectural lighting shall not exceed 450 Lumens (equivalent to 40 W incandescent) and shall be exempt from full-cutoff requirements under Article XVIII.D.2.f lighting standards.
- f. Seasonal lighting during the months of November, December, and January, shall not require ARB review, provided the lighting is fixed with no changes in light color or intensity and does not create unsafe glare on street rights-of-way.
- g. String lighting shall be permitted for outside dining and recreation areas subject to ARB approval and shall be exempt from full-cutoff requirements. String lighting shall consist of individual globe-style bulbs and shall not be of a tube or rope lighting style.

4. **Off-street Parking.**

- a. Parking areas within the B-1 district shall be exempt from the vehicle overhang requirements of Article XVIII.E.3.f, provided that a landscaping buffer or minimum four (4) foot high masonry wall and concrete wheelstop, curb, or other barrier are provided.
- b. Surface parking lots shall be designed to be located behind the mass of the building in order to screen parking from view of the public street to the extent practicable.
- c. Where off-street parking is visible from a street right-of-way, the off-street parking shall be fully screened within an enclosed courtyard, landscaped hedge, or by a masonry wall or decorative fence no less than four (4) feet in height, and supplemented by landscaping.

5. **Sidewalks**

- a. Public sidewalks shall be provided along public street frontage adjacent to any new development or redevelopment.

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- b. Sidewalks shall conform to the applicable design guidelines for the street according to the Downtown Master Plan, as amended, East Poythress Streetscape Design Guide, or other design guidelines as may be approved by the City. When not specified in the applicable design guidelines, sidewalks shall have a minimum width of 10 feet, including street tree planting areas, unless otherwise determined by the Director of Development.