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## **APPENDIX A. DEFINITIONS**

Data center: a facility used to house computer systems and associated components, such as telecommunications and storage systems and which may include redundant or backup power supplies, redundant data communications connections, environmental controls such as air conditioning or fire suppression, and security devices.

Data processing facility: a facility where electronic data is processed by employees including, but not limited to, data entry, storage, conversion or analysis, subscription and credit card transaction processing, telephone sales and order collection, mail order and catalog sales, and mailing list preparation.

Inpatient mental health and substance abuse clinic: An establishment which provides temporary occupancy with inpatient services primarily related to the treatment of mental health disorders, alcohol, or other drug or substance abuse disorders. These services are mainly focused around the clinical treatment of individuals experiencing withdraw symptoms, but may include other therapeutic and supportive services. Inpatient mental health and substance abuse clinics typically have a length of stay of at least 2 weeks.

Portable storage container: A portable, weather-resistant receptacle designed and used for the storage or shipment of items, including, but not limited to, household goods, furniture, wares, building materials, equipment, or merchandise. The term shall not include dumpsters, refuse containers, or prefabricated metal containers that are used as a building material when associated with an approved building permit.

Retail sales of vape and tobacco establishment means any use of a building or premises, regardless of the type of business, that involves the retail sale, offering, or distribution, of either or both of the following materials, unless the business holds a valid license under § 4.1-206.3, Code of Virginia (1950) as amended:

(i) electronic smoking devices or retail tobacco products as such terms are defined in § 18.2-371.2 Code of Virginia (1950) as amended, including, and not limited to, any nicotine vapor product as that term is defined in §58.1-1021.01, Code of Virginia (1950) as amended, or

(ii) tobacco products intended for smoking as such terms are defined in § 3.2-4112 Code of Virginia (1950) as amended, where one or more of the following apply:

(1) 10 percent or more of the usable floor area is dedicated to the sale, offering, or distribution of such materials;

(2) 10 percent or more of the total area used to display merchandise, or 10 percent or more of the total area used to otherwise promote merchandise, is dedicated to the sale, offering, or distribution of such materials

(3) 10 percent or more of the total permitted sign area on the lot refers to such materials;

(4) 10 percent or more of such building or premises' inventory is comprised of such materials; or

(5) in any one month, 10 percent or more of the seller's gross revenue is derived from the retail sale, offering, or distribution to the public of tobacco or nicotine vapor product.

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## B-1. Basic Development Plan

- (a) A basic development plan shall be prepared in a clear and legible manner and shall be drawn to a suitable and fixed scale, such as one (1) inch equals thirty (30) feet. This scale may be larger or smaller depending upon the size of the lot or tract involved. The zoning administrator may require a basic development plan to be prepared by a design professional based on a survey when a high level of precision is required including construction close to a lot line, when specific building placement is required, or proximity to a flood zone. The zoning administrator may require an as-built survey to confirm proper location during or upon completion of construction when such level of precision is required.
- ~~(a)~~(b) If the application for basic development plan approval proposes construction of any new principal building in a residential district or new accessory dwelling unit, a survey prepared by a licensed professional engineer or land surveyor shall be required in the submission, unless otherwise waived by the Zoning Administrator.
- (cb) A basic development plan submitted for approval shall include a completed application form, accompanied by payment of the required fees. One copy of the basic development plan, whether digital or paper, shall be submitted for any review by the Zoning Administrator.
- (de) A basic development plan shall include the following information, although the zoning administrator may waive any of the following required information, if it is not needed to determine compliance with a specific section of this chapter and if the agent identifies such code section pursuant to Sections 36.2-552(c) and 36.2-553(c)(1)(B) of the City Code:
- (1) Official tax map number and current zoning classification, including any conditions that may be applicable to the property.
  - (2) Scale of the drawing.
  - (3) Name and/or labeling of all adjoining streets and alleys.
  - (4) All public easements affecting the property.
  - (5) Accurate dimensions and shape of the lot.
  - (6) Location and dimensions, to scale, of all existing and proposed structures on the lot, including the delineation and dimensions of any overhangs or eaves.
  - (7) Setback measurements for all existing or proposed structures on the lot from all adjoining property lines. If the development is subject to the front yard dimensions for infill development in Section 36.2-313, the shallowest established front yard shall be delineated as required by that section. Setback measurements shall be based on the distance from adjoining property lines to the line parallel to the street right-of-way that passes nearest that street right-of-way, with such point being thirty (30) inches or greater above the graded ground level. (If a structure has overhangs or eaves, setbacks should be measured from the furthest projection of the overhang to the street right-of-way on a line that is parallel to that street right-of-way.)
  - (8) Number, location, and dimensions of all on-site parking spaces, entrances to the site, driveways, or other paved areas; labeling of driveway surface.
  - (9) Existing and proposed improvements in the right-of-way abutting the property or development area including edge of pavement, curb, sidewalk, driveway entrances and street trees.
  - (10) Verification of available water and sanitary sewer facilities and location of any new water lines and sewer laterals, or septic systems, when permitted.
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- (11) Delineation of all landscaping required pursuant to the regulations of Article 4 and Article 6 of this chapter, including:
    - (A) Location, size, and description of all required planting areas and planting materials; however, such details on required tree canopy need not be specified and may be substituted by a statement on the plan indicating the amount (square feet) of required overall tree canopy to be provided before a certificate of occupancy is issued.
    - (B) Tree protection areas and methods of protection for any existing vegetation to be preserved to satisfy any landscaping requirement; and
    - (C) Delineation of any created slope of two to one (2:1), horizontal to vertical, or greater, and description of vegetative cover pursuant to Section 36.2-642(a)(4).
  - (12) Delineation of any riparian buffers required pursuant to Section 36.2-335.
  - (13) Outdoor lighting plan as required by Division 2, Article 6, of this chapter.
  - (14) For any property located in a floodplain district as established by Section 36.2-333, or if the property is determined to be in such close proximity that a reasonable uncertainty exists as to the location of the floodplain district, the mean sea level elevations, prepared by a licensed surveyor or engineer, shall be given for:
    - (A) The floodway and/or the 100-year floodplain;
    - (B) The lowest floor elevation of all existing or proposed structures; and
    - (C) The elevation to which the structure is or will be floodproofed.
  - (15) Statement that all utilities will be located underground or statement of exception per Section 36.2-610.
  - (16) Other information as may be required by the Zoning Administrator to determine compliance with this chapter.
- (ee) If the application for basic development plan approval proposes construction that will require a land disturbing activity in or upon critical terrain that slopes towards adjacent properties, streets, alleys, streams, or creeks, or if the proposed land disturbing activity is found by the Zoning Administrator to involve site-specific features which warrant a review of erosion and sediment control or if such proposed activities are applicable under Chapter 11.7 Erosion and Sediment Control, of this Code, a grading and erosion and sediment control plan, prepared by a licensed professional engineer, surveyor, or architect, shall be required. An agreement in lieu of a plan may be substituted for an erosion and sediment control plan consistent with the provisions of Chapter 11.7 Erosion and Sediment Control, of this code.

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## Sec. 36.2-205. Dimensional regulations.

- (a) *Applicability.*
- (1) Each section of Article 3 establishes minimum and maximum standards for the size, height, area, and bulk of structures, the areas and dimensions of land and air space to be occupied by structures and uses, and yards and other open spaces to be left unoccupied by uses and structures, pursuant to Section 15.2-2280, Code of Virginia (1950), as amended.
  - (2) Supplemental regulations (Article 4) that contain certain dimensional requirements shall supersede the dimensional requirement of the applicable zoning district as set forth in Article 3 or this section.
  - (3) In addition to the dimensional regulations set forth in Article 3 for each zoning district, dimensional regulations shall be further defined as set forth in Section 36.2-205(b) through (k).
- (b) *Dwellings permitted on a lot.*
- (1) When using minimum lot area for each dwelling any fractional dwelling count shall be equal to zero dwelling units.
  - (2) Any lands normally submerged under water shall not be included in computing the allowable number of dwelling units for any lot.
- (c) *Lot area.* Any lot, legally in existence at the time this chapter was adopted, which does not meet the minimum lot area or minimum lot frontage requirements of the district in which it is located, as set forth in Article 3 of this chapter, may be developed, subject to the use and other dimensional requirements of the applicable district.
- (d) *Lot frontage.*
- (1) Every building erected or moved shall be located on a lot that has frontage on an improved street.
  - (2) Lots that existed prior to the adoption of this chapter that have no frontage on a public street may provide access from a private street that has been approved by the City Manager. No such lot may be further subdivided unless frontage on a street is provided consistent with the applicable zoning district regulation.
  - (3) In all residential districts, the minimum lot frontage requirements for developments on culs-de-sac shall be measured along the line of the minimum front yard and such minimum frontage may be reduced to seventy-five (75) percent of the frontage required by the district, ~~but in no case shall the frontage at the right-of-way line be less than thirty-five (35) feet.~~
  - (4) In addition to the lot frontage required by the applicable zoning district, all structures shall be located on lots so as to comply with any adopted ordinances of the City relating to public service and fire protection.
- (e) *Yards, generally.*
- (1) *Applicability:* Yards shall be defined as set forth in Appendix A and applied as set forth in Article 2, except as may otherwise be provided in this chapter. Whenever more than one (1) principal building is located on a lot, the yards required by the applicable zoning district shall be established and maintained on the lot around the group of buildings. Buildings shall be separated by any distance prescribed by the fire prevention and protection regulations of Chapter 12 of this Code.
  - (2) *Permitted encroachments in yards:* Yards shall be unoccupied and unobstructed as defined in Appendix A, except that encroachments thirty (30) inches or greater in height into yards shall be permitted as set forth in Table 205-1, provided the structure with which the encroachment is associated is conforming, or if the structure is nonconforming, provided the encroachment does not increase any nonconforming characteristic of the structure.
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**Table 205-1. Permitted Yard Encroachments**

Feature	Front	Side	Rear
Bay windows	Yes 2 feet	No	Yes 2 feet
Chimneys	Yes 2 feet	Yes 2 feet	Yes 2 feet
Flagpoles	Yes	Yes	Yes
Handicap ramps associated with a residential use	Yes	Yes 4 feet	Yes 10 feet
Heating and cooling units or solar panels	No	Yes 2 feet	Yes
Overhanging roofs, eaves, gutters, cornices, or awnings	Yes 2 feet	Yes 1 foot	Yes 2 feet
Pergolas, porches, stoops, steps, and stair landings in residential districts	Yes 10 feet	No	No
Protective hoods or overhangs over a doorway	Yes 2 feet	No	Yes 2 feet
Refuse container installation and enclosure in a public park	Yes	Yes	Yes
Retaining walls	Yes	Yes	Yes
Unenclosed decks, terraces, steps, stoops, or porches of a height not exceeding 4 feet. "Unenclosed" means that the feature has no walls or other permanent vertical or horizontal enclosures other than a guardrail or balustrade	No	No	Yes 2 feet
Utility cabinet that is part of a utility distribution or collection system	Yes	Yes	Yes
<p>Any distance specified in the "Front", "Side", or "Rear" columns indicates the maximum distance the feature may encroach into the required yard.                      "Yes" means the encroachment is permitted into the specified yard.                      "No" means the encroachment is not permitted into the specified yard.</p>			

(f) *Front yards.*

- (1) The depth of a front yard shall be measured at a right angle to the street line to the front building line of the building, excluding the front porch or any other encroachment into the front yard. In the case of a curved street line, the depth shall be measured on the radial line.
- (2) The required depth of the minimum and maximum front yards shall be established by the applicable zoning district regulations as set forth in Article 3.

~~(3) In the residential districts, the maximum front yard requirements shall apply only to new principal structures. At least fifty (50) percent of the street facing building facade shall abut the line of the~~

~~maximum front yard depth or shall lie between the lines of the minimum and maximum front yard depths.~~

- (43) Maximum front yard requirements in multiple purpose and residential districts shall apply as specified in Table 205-2 below:

**Table 205-2. Application of Maximum Front Yard Requirements**

Proposed Development	Application of Maximum Yard Requirement
Addition to an existing principal building or new principal building that does not widen any street-facing façade.	Not subject to maximum yard requirement.
New principal building where no other buildings are located on the site.	Locate at least 50% of the new building façade between the maximum and minimum yard lines.
Addition to an existing principal building that widens any street-facing façade, where the existing building conforms to the minimum and maximum yard requirements.	Locate and size any addition so either all the added street-facing façade is between the maximum and minimum yard lines, or at least 50% of the resulting total of street-facing façade is between the maximum and minimum yard line.
Addition to an existing principal building that widens any street-facing façade, where the existing building does not conform to the minimum or maximum yard requirements.	Locate and size any addition so all of the new added street-facing façade is between the maximum and minimum yard lines, or at least 50% of the resulting total of street-facing façade is between the maximum yard line and the lot frontage.
New principal building where one or more principal buildings exist on the site, and the new building increases the width of street-facing facades.	Locate and size any new building so at least 50% of the resulting total of street-facing facade is between the maximum yard line and the lot frontage or, where existing buildings are located beyond the maximum yard line, locate 100% of the new building between the maximum and minimum yard line.
Exceptions:	
1. The requirement to meet the 50% facade rule for an addition to an existing building shall apply only to one yard of a corner lot or through lot.	
2. An addition not exceeding 20% of the existing principal building footprint is not subject to the maximum front yard requirements of this table.	

- (g) *Side yards.* The required width of a side yard shall be measured at right angles to the adjacent side lot line.
- (h) *Rear yards.* The depth of a rear yard shall be measured at a right angle to the rear property line.
- (i) *Yards—Corner lots and through lots.*
- (1) Corner lots having two (2) street frontages shall provide yards as follows:
- (A) In a district where Section 36.2-313. - Front yard dimensions for infill development applies, one (1) front yard shall be provided with the minimum and maximum depths determined by that section. The other front yard shall be subject only to a minimum required depth of one-half (½) the minimum front yard required by the district.
- (B) In the MX, CN, CG, D, IN, UF, and UC Districts, the primary front yard shall be established according to Section 36.2-319.

- (C) In all other districts, one (1) front yard shall be provided with the minimum and maximum depths of the district. The other front yard shall be subject only to a minimum required depth of one-half (½) the minimum front yard required by the district.
- (D) Any yards remaining after front yards have been provided shall be considered side yards.

**Sec. 36.2-312. Dimensional regulations for residential districts.**

District	RA	R-12	R-7	R-5	R-3	RM-1	RM-2	RMF	
Minimum lot area for each dwelling	43,560	<del>2,500</del> <u>4,000</u>	2,000	<del>1,500</del> <u>2,000</u>	<del>1,000</del> <u>1,500</u>	1,500	<del>1,000</del> <u>1,500</u>	1,000	
Minimum lot area for each group living adult resident or room						1,500	1,000	1,000	
Corner lot maximum number of dwellings	1	3	4	<del>4</del> <u>6</u>	<del>4</del> <u>6</u>	<del>6</del> <u>8</u>	No limit	No limit	
Interior or through lot maximum number of dwellings	1	1	2	<del>2</del> <u>3</u>	<del>2</del> <u>3</u>	<del>3</del> <u>4</u>	No limit	No limit	
Minimum area of a lot	43,560	8,000	5,500	4,000	3,000	4,000	4,000	15,000	
<u>Maximum area of a lot</u>						<u>15,000</u>	<u>24,000</u>		
Minimum frontage of a lot	150	60	50	40	30	40	50	50	
Front yard	Minimum	30	20	20	15	15	10	10	10
	Maximum	None	None	None	40	25	30	30	None
Section 36.2-313 Front yard requirements for infill development apply	No	No	Yes	Yes	Yes	Yes	Yes	No	
Side yard minimum depth	10	5	3	3	3	3	3	15	
Rear yard minimum depth	50	<del>10</del> <u>5</u>	<del>10</del> <u>5</u>	<del>10</del> <u>5</u>	<del>10</del> <u>5</u>	<del>10</del> <u>5</u>	<del>10</del> <u>5</u>	<del>10</del> <u>5</u>	
Height maximum	45	35	35	35	35	35	45	45	
Impervious surface area maximum	25	50	50	60	70	60	70	70	
Accessory structure minimum setback from rear and side lot lines	5	0	0	0	0	0	0	5	
<del>Minimum parking requirement applies</del>	<del>No</del>	<del>No</del>	<del>No</del>	<del>No</del>	<del>No</del>	<del>No</del>	<del>No</del>	<del>No</del>	
Tree canopy coverage minimum	20	20	20	20	15	15	10	10	
<p>Lot area is expressed in square feet            Frontage, yard depth, height, and setback are expressed in feet            Impervious surface area and tree canopy coverage are expressed as a percentage of lot area.            An accessory dwelling shall not be considered in determining compliance with minimum lot area for each dwelling.</p> <p>"Yes" means the requirement applies.</p>									

"No" means the requirement does not apply.  
 "None" means there is no requirement.

**Sec. 36.2-315. Use table for multiple purpose districts.**

District	MX	CN	CG	CLS	D	IN	ROS	UF	UC	Supplemental Regulation Section
<i>Residential Uses</i>										
Dwellings	P	P	P	P	P	P		P	P	36.2-409.1
<i>Accommodations and Group Living</i>										
Bed and breakfast	P	P	P			P		P		36.2-405
Campground			S	S			S	S		
Group living	S	S	P	P	P	S		P	P	
Hotel or motel		P	P	P	P	P		P	P	
Short-term rental	P	P	P	P	P	P		P	P	Sec. 36.2-405
<i>Commercial Uses: Office and Related Uses</i>										
Business services, not otherwise listed	P	P	P	P	P			P	P	
Financial services	P	P	P	P	P			P	P	
Laboratory, dental, medical, or optical	P	P	P	P	P			P	P	
Laboratory, testing and research	P	P	P	P	P			P	P	
Medical clinic	P	P	P	P	P			P	P	
Office, general or professional	P	P	P	P	P			P	P	
Outpatient mental health and substance abuse clinic			S							
<i>Commercial Uses: Miscellaneous</i>										
Animal hospital or veterinary clinic, no outdoor pens or runs		P	P	P	P			P	P	
Animal hospital or veterinary clinic, outdoor pens or runs		S	S	S	S			S	S	
Animal shelter			S	S	S			S	S	
Caterer, commercial	P	P	P	P	P			P	P	
Community market	P	P	P	P	P	P	P	P	P	
Drive-through facility		-	S	S	-					36.2-409
Drive-through kiosk		-	S	S	-					36.2-409
Flea market, outdoor			S	S						
Funeral home			P	P	P					
Kennel, no outdoor pens or runs			P	P	P			P	P	

Kennel, outdoor pens or runs			S	S	S			S	S	
Live-work unit	P	P	P	P	P			P	P	36.2-416
Mixed-use building	P	P	P	P	P	P		P	P	36.2-416
Outdoor advertising sign			P		P					36.2-675
Studio/multimedia production facility	P	P	P		P			P	P	
<i>Commercial Uses: Retail Sales and Service</i>										
Bakery, confectionary, or similar food production, retail		P	P	P	P			P	P	
Building supplies and materials, retail			P	P				P		
Car wash, not abutting a residential district			S	S						36.2-406
Car wash, abutting a residential district										
Contractor or tradesman's shop, general or special trade		S	P	P	S			P	P	
Dry cleaning plant or commercial laundry			P							
Gasoline station		S	P	P	S					36.2-411
General service establishment, not otherwise listed		P	P	P	P			P	P	
Laundromat		P	P	P	P			P	P	
Manufactured or mobile home sales										
Motor vehicle rental establishment, without inventory on-site		S	S	S						
Motor vehicle rental establishment, with inventory on-site										
Motor vehicle repair or service establishment			S	S	S			S	S	36.2-419
Motor vehicle sales and service establishment, new			S	S						36.2-420
Motor vehicle sales and service establishment, used			S	S						36.2-421
Nursery or greenhouse, commercial			P	P				S		
Personal service establishment, not otherwise listed in this table	P	P	P	P	P	P		P	P	
Retail sales establishment, not otherwise listed		P	P	P	P	S		P	P	

<u>Retail Sales of Vape and Tobacco Establishments</u>			<u>S</u>	<u>S</u>	<u>S</u>						<u>36.2-426.1</u>
Storage building sales											
<i>Industrial Uses</i>											
Bakery, confectionary, or similar food production, wholesale								P	P		
Borrow or Fill Site	S	S	S	S	S	S	S	S	S		36.2-405.1
Commercial printing establishment					P			P	P		
<u>Data Processing Facility</u>			<u>S</u>	<u>S</u>	<u>S</u>			<u>S</u>	<u>S</u>		
Electrical component assembly, wholesale distribution								P	P		
Fueling station, commercial or wholesale											
Manufacturing: Beverage or food processing, excluding poultry and animal slaughtering and dressing								P	P		
Manufacturing: General, not otherwise listed in this table								P	P		
Manufacturing: Steel or metal production, fabrication, or processing								S	S		
Motor vehicle or trailer painting and body repair											
Workshop		P	P	P	P			P	P		36.2-433
<i>Warehousing and Distribution Uses</i>											
Distribution center, not otherwise listed								P			
Self-storage building											
Warehouse								P			
<i>Assembly and Entertainment Uses</i>											
Adult uses			S								36.2-404
Amphitheater		S	S	S	P	S		P	P		
Amusement, commercial, indoor		S	P	P	P			P	P		
Amusement, commercial, outdoor		S	P	P	S	S		S	S		
Botanical garden or arboretum					P		P	P	S		
Club, lodge, civic, or social organization		P	P	P	P	P	P	P	P		
Community center	P	P	P	P	P	P	P	P	P		

Eating establishment	S	P	P	P	P	P		P	P	
Eating and drinking establishment, not abutting a residential district	S	P	P	P	P	P		P	P	
Eating and drinking establishment, abutting a residential district	S	S	S	S	S	S		S	S	
Entertainment establishment, abutting a residential district		S	S	S	S	S		S	S	
Entertainment establishment, not abutting a residential district		S	P	P	P	P		P	P	
Exhibition, convention, or conference center				P	P			P	P	
Gaming establishment			S	S						
Golf course							P			
Health and fitness center	P	P	P	P	P	P	P	P	P	
Meeting hall, abutting a residential district	S	S	S	S	S	P	P	P	P	
Meeting hall, not abutting a residential district	P	P	P	P	P	P	P	P	P	
Microbrewery or microdistillery not abutting a residential district		P	P	P	P			P	P	
Microbrewery or microdistillery abutting a residential district		S	S	S	S			<u>S</u> <u>P</u>	<u>S</u> <u>P</u>	
Park or playground	P	P	P	P	P	P	P	P	P	
Place of worship		P	P	P	P	P		P	P	
Recreation, indoor		P	P	P	P	P	P	P	P	
Recreation, outdoor			P	P		P	P	P	P	
Sports stadium, arena, or coliseum				P	P				P	
Theater, movie or performing arts	S	P	P	P	P	P		P	P	
Zoo							P			
<i>Public, Institutional, and Community Facilities</i>										
Aquarium or planetarium					P					
Artist studio	P	P	P	P	P	P		P	P	
Cemetery							P			
Community food operation		P	P	P	P	P		P	P	
Community garden	P	P	P	P	P	P	P	P	P	36.2-407.1
Community housing services		P	P	P	P	P		P	P	
Day care center, adult	P	P	P	P	P	P		P	P	
Day care center, child	P	P	P	P	P	P		P	P	36.2-408

Day care home, adult	P	P	P	P	P	P		P	P	
Day care home, child	P	P	P	P	P	P		P	P	
Educational facilities, business school or nonindustrial trade school	P	P	P	P	P	P		P	P	
Educational facilities, college/university		P	P	P	P	P		P	P	
Educational facilities, elementary/middle/secondary		P	P	P	P	P		P	P	
Educational facilities, industrial trade school		P	P	P	P	P		P	P	
Educational facilities, school for the arts	P	P	P	P	P	P		P	P	
Family day home	P	P	P	P	P	P		P	P	
Fire, police, or emergency services	S	P	P	P	P	P		P	P	
Government offices or other government facility, not otherwise listed	P	P	P	P	P	P		P	P	
Hospital				P	P			P	P	
<u>Inpatient mental health and substance abuse clinic</u>				<u>S</u>		<u>S</u>				
Library	P	P	P	P	P	P		P	P	
Museum	P	P	P	P	P	P		P	P	
Post office		P	P	P	P	P		P	P	
Supply pantry		P	P	P	P	P		P	P	
<u>Training facility for police, fire, or emergency services</u>			<u>S</u>			<u>S</u>				
<i>Transportation Uses</i>										
Parking lot facility		S	S	S	S	S		S	S	
Parking, off-site	S	S	S	S	S	S	P	S	S	36.2-652
Parking structure facility		S	S	S	S	S		S	S	36.2-426
Railroad passenger terminal or station					P					
Transit station			S	S	P	S		S	S	
<i>Utility Uses</i>										
Broadcasting studio or station	P	P	P	P	P	P		P	P	
Broadcasting tower			S	S				S		36.2-432
Utility distribution or collection, basic	P	P	P	P	P	P	P	P	P	
Utility distribution or collection, transitional	S	S	S	S	S	S	S	S	S	
Wireless telecommunications facility, small cell on existing structure	P	P	P	P	P	P	P	P	P	36.2-432

Wireless telecommunications facility, stealth	P	P	P	P	P	P	P	P	P	36.2-432
Wireless telecommunications facility, not otherwise listed	S	S	S	S	S	S	S	S	S	36.2-432
<i>Agricultural Uses</i>										
Agricultural operations	S	S	S	S	S	S	S	S	S	
Stable, commercial							P			36.2-428
Wildlife rescue shelter or refuge area							P			
<i>Accessory Uses</i>										
Accessory uses, not otherwise listed in this Table	P	P	P	P	P	P	P	P	P	36.2-403
Accessory Dwelling	P	P	P	P	P	P		P	P	36.2-409.1
Home occupation, excluding personal service	P	P	P	P	P	P		P	P	36.2-413
Electric Vehicle Charging Stations	P	P	P	P	P	P	P	P	P	36.2-403
Home occupation, personal service	P	P	P	P	P	P		P	P	36.2-413
Homestay	P	P	P	P	P	P		P	P	36.2-405
Outdoor display area		S	S	S	S			S	S	36.2-422
Outdoor recreation facility lighting or sports stadium lighting		S	S	S	S	S	S	S	S	36.2-403
Outdoor storage			S	S			P	S	S	36.2-423
Recycling collection point		S	P	P						36.2-403
Resident manager apartment								P		36.2-403
Solar Energy System	P	P	P	P	P	P	P	P	P	36.2-403
Temporary health care structure	P									
Wind turbine, commercial			S	S		S	S	S		36.2-403
Wind turbine, small	S	S	S	S	S	S	S	S	S	36.2-403
<p>"P" indicates a use permitted as of right.          "S" indicates a use permitted only by special exception.          A blank cell indicates the use is not permitted; any use not listed in this table is not permitted in multiple purpose districts.</p>										

**Sec. 36.2-322. Use table for industrial districts.**

District	I-1	I-2	AD	Supplemental Regulation Section
<i>Residential Uses</i>				
Dwellings	S			36.2-409.1
<i>Accommodations and Group Living Uses</i>				
Group Living	S			
Hotel or motel			P	
<i>Commercial Uses: Office and Related Uses</i>				
Business services, not otherwise listed	P			
Employment or temporary labor service	P			
Financial services	P		P	
Laboratory, dental, medical, or optical	P	P	P	
Laboratory, testing and research	P	P	P	
Office, general or professional	P		P	
<i>Commercial Uses: Miscellaneous</i>				
Animal hospital or veterinary clinic, no outdoor pens or runs	P			
Animal hospital or veterinary clinic, with outdoor pens or runs	S			
Caterer, commercial	P			
Drive-through facility	P			36.2-409
Kennel, no outdoor pens or runs	P			
Kennel, outdoor pens or runs	S			
Live-work unit	S			36.2-416
Mixed-use building	S			36.2-416
Outdoor advertising sign	P	P		36.2-675
Pet crematorium	P			
Studio/multimedia production facility	P			
<i>Commercial Uses: Retail Sales and Service</i>				
Bakery, confectionary, or similar food production, retail	P			
Building supplies and materials, retail	P		P	
Car wash, not abutting a residential district	P			36.2-406
Car wash, abutting a residential district				36.2-406

Commercial motor vehicle rental establishment	P			
Commercial motor vehicle sales and service establishment, new	P			36.2-407
Commercial motor vehicle sales and service establishment, used	P	P		36.2-407
Contractor or tradesman's shop, general or special trade	P	P		
Dry cleaning plant or commercial laundry	P			
Gasoline station	P			36.2-411
General service establishment, not otherwise listed	P			
Lumberyard	P	P		
Manufactured or mobile home sales	P			
Motor vehicle rental establishment, without inventory on-site	P		P	
Motor vehicle rental establishment, with inventory on-site	P		P	
Motor vehicle repair or service establishment	P	P		36.2-419
Nursery or greenhouse, commercial	P			
Recreational vehicle or boat sales	P			
Retail sales establishment, not otherwise listed	P		P	
Storage building sales	S			
<i>Industrial Uses</i>				
Asphalt or concrete plant		S		
Bakery, confectionary, or similar food production, wholesale	P	P		
Borrow or Fill Site	S	S	S	36.2-405.1
Biosolids field		S		
Building supplies and materials, wholesale	P	P	P	
Commercial printing establishment	P	P	P	
Composting facility	S	S		36.2-407.2
Contractor's shop, heavy construction	P	P		
Dairy products, processing, bottling, and wholesale distribution	P	P		
<u>Data processing facility</u>	<u>P</u>			
Electrical component assembly, wholesale distribution	P	P	P	

Fuel oil distribution	S	P		
Fueling station, commercial or wholesale	P	P		
Junkyard <u>or wrecker yard</u>	<u>S</u> —	<u>S</u> —		36.2-414
Manufacturing: Beverage or food processing, excluding poultry and animal slaughtering and dressing	P	P		
Manufacturing: Chemical, refining or processing, including the manufacture, refining or processing of ammonia, bleach, bluing, calcimine, chlorine, corrosive acid or alkali, dyes, fats, fertilizer, gutta percha, gypsum, lampblack, oils, oxygen, paints, plaster of Paris, potash, rubber, shellac, tar, turpentine, vinegar, yeast		S		
Manufacturing: Chemical, refining or processing, not otherwise listed in this table	P	P		
Manufacturing: General, not otherwise listed in this table	P	P	P	
Manufacturing: Steel or metal production, fabrication, or processing	P	P	P	
Manufacturing: Wood products, including the shredding or grinding of wood to create mulch.	S	P		
Meat packing and poultry processing		S		
Milling or feed and flour mills	S	S		
Motor vehicle or trailer painting and body repair	P	P		36.2-418
Outdoor storage lot	S	S	S	
Quarry		S		
Recycling center	S	S		36.2-414
Tire recapping		S		
Towing service	P	P		36.2-430
Welding or machine shop	P	P		
Workshop	P	P	P	36.2-433
Wrecker yard	—	—		36.2-414
<i>Warehousing and Distribution Uses</i>				
Distribution center, not otherwise listed	P	P	P	

Self-storage building	S	S	P	
Self-storage facility	<del>S</del>	<del>S</del>	<del>P</del>	
Storage of commercial motor vehicles	S	S		
Storage of motor vehicles for rental (no on-site rental or leasing facility)	S		P	
Tank farm, petroleum bulk station and terminal, or other aboveground storage of flammable liquids		—		
Warehouse	P	P	P	
<i>Assembly and Entertainment Uses</i>				
Amphitheatre	P		P	
Amusement, commercial, outdoor	P			
Eating establishment	P		P	
Eating and drinking establishment, abutting a residential district	P	P	P	
Eating and drinking establishment, not abutting a residential district	P		P	
Entertainment establishment, abutting a residential district	P		P	
Entertainment establishment, not abutting a residential district	P		P	
Go-cart track	S			
Health and fitness center	P	P	P	
Microbrewery or microdistillery	P	P	P	
Paintball facility, outdoor	S			
Park or playground	P	P	P	
Recreation, indoor	P			
Recreation, outdoor	P	P	P	
Theater, movie or performing arts	P	P	P	
<i>Public, Institutional, and Community Uses</i>				
Artist studio	P			
Community garden	P	P	P	36.2-407.1
Community housing services	P			
Educational facilities, business school or nonindustrial trade school	P		P	
Educational facilities, industrial trade school	P	P	P	
Educational facilities, school for the arts	P	P	P	
Fire, police, or emergency services	P		P	

Government offices or other government facility, not otherwise listed	P		P	
Military reserve or National Guard center	P		P	
Post office	P		P	
Supply pantry	P			
<del>Training facility for police, fire, or emergency services</del>	<del>P</del>		<del>P</del>	
<i>Transportation Uses</i>				
Airport or airport-related commercial and personal service uses			P	
Bus maintenance, including repair and storage	P	P		
Limousine service	P	P	P	
Motor freight terminal or truck terminal	P	P	P	
Parking lot facility			P	
Parking, off-site	P	P	P	36.2-652
Railroad freight yard, repair shop, and marshalling yard		P		
Taxicab business	P	P	P	
Transit station	P			
<i>Utility Uses</i>				
Broadcasting studio or station	P	P		
Broadcasting tower	S	S		36.2-432
Hazardous materials facility		S		
Utility distribution or collection, basic	P	P	P	
Utility distribution or collection, transitional	P	P	S	
Utility generation or treatment		P		
Utility maintenance and service facility	P	P		
Wireless telecommunications facility, small cell on existing structure	P	P	P	36.2-432
Wireless telecommunications facility, stealth	P	P	P	36.2-432
Wireless telecommunications facility, not otherwise listed	S	P	S	36.2-432
<i>Agricultural Uses</i>				
Agricultural operations	P	P	P	

Animal shelter	P	P		
<i>Accessory Uses</i>				
Accessory uses, not otherwise listed in this Table	P	P	P	36.2-403
Electric Vehicle Charging Station	P	P	P	36.2-403
Outdoor recreation facility lighting or sports stadium lighting	S	S	S	36.2-403
Outdoor storage	P	P	P	36.2-423
Portable storage container	P	P		36.2-403
Recycling collection point	P			36.2-403
Resident manager apartment	P	P		36.2-403
Temporary health care structure				
Solar Energy System	P	P	P	36.2-403
Wind turbine, commercial	P	P		36.2-403
Wind turbine, small	P	P	P	36.2-403
<p>"P" indicates a use permitted as of right.          "S" indicates a use permitted only by special exception.          A blank cell indicates the use is not permitted; any use not listed in this table is not permitted in industrial districts.</p>				

**Sec. 36.2-327. Use table for planned unit development districts.**

	MXPUD	INPUD	IPUD	Supplemental Regulation Section
<i>Residential Uses</i>				
Dwellings	P	P		36.2-409.1
Short-term Rental	P	P		Sec. 36.2-405
<i>Accommodations and Group Living</i>				
Bed and breakfast	P	P		36.2-405
Campground	P	P		
Group Living	P	P		
Hotel or motel	P	P	P	
<i>Commercial Uses: Office and Related Uses</i>				
Business service establishment, not otherwise listed	P	P	P	
Financial <del>institution-services</del>	P	P	P	
Laboratory, dental, medical, or optical	P	P	P	
Laboratory, testing and research		P	P	
Medical clinic	P	P		
Office, general or professional	P	P	P	
Outpatient mental health and substance abuse clinic		S		
<i>Commercial Uses: Miscellaneous</i>				
Animal hospital or veterinary clinic, no outdoor pens or runs			P	
Animal hospital or veterinary clinic, outdoor pens or runs			P	
Caterer, commercial			P	
Community market	P			
Drive-through facility	P	P	P	36.2-409
Drive-through kiosk	P			36.2-409
Live-work unit	P	P	P	36.2-416
Mixed-use building	P	P	P	36.2-416
Studio/multimedia production facility	P	P	P	
<i>Commercial Uses: Retail Sales and Service</i>				
Bakery, confectionary, or similar food production, retail	P	P	P	
Building supplies and materials, retail	P	P	P	
Contractor or tradesman's shop, general or special trade	P	P	P	
Dry cleaning plant or commercial laundry			P	
General service establishment, not otherwise listed	P	P	P	
Laundromat	P			

Lumberyard			P	
Motor vehicle rental establishment, without inventory on-site			P	
Motor vehicle rental establishment, with inventory on-site			P	
Nursery or greenhouse, commercial			P	
Personal service establishment, not otherwise listed in this table	P			
Retail sales establishment, not otherwise listed	P		P	
<i>Industrial Uses</i>				
Bakery, confectionary, or similar food production, wholesale			P	
Borrow or Fill Site	P	P	P	36.2-405.1
Building supplies and materials, wholesale			P	
Commercial printing establishment			P	
Contractor's shop, heavy construction			P	
Dairy products, processing, bottling, and wholesale distribution			P	
<u>Data center</u>			<u>S</u>	<u>36.2-407.3</u>
<u>Data processing facility</u>		<u>P</u>	<u>P</u>	
Electrical component assembly, wholesale distribution			P	
Fuel oil distribution			P	
Fueling station, commercial or wholesale			P	
Gasoline Station	P			36.2-411
Manufacturing: Beverage or food processing, excluding poultry and animal slaughtering and dressing			P	
Manufacturing: Chemical, refining or processing, not otherwise listed in this table			P	
Manufacturing: General, not otherwise listed in this table			P	
Manufacturing: Steel or metal production, fabrication, or processing			P	
Milling or feed and flour mills			P	
Welding or machine shop			P	
Workshop	P	P	P	36.2-433
<i>Warehousing and Distribution Uses</i>				
Distribution center, not otherwise listed			P	
Self-storage building	<u>P</u>		P	

<u>Self-storage facility</u>			<u>S</u>	
Warehouse			P	
<i>Assembly and Entertainment Uses</i>				
Amphitheater	P	P		
Amusement, commercial, indoor	P		P	
Amusement, commercial, outdoor	P		P	
Botanical garden or arboretum	P	P		
Club, lodge, civic, or social organization	P	P		
Community center	P	P		
Eating establishment	P	P	P	
Eating and drinking establishment, not abutting a residential district	P	P	P	
Eating and drinking establishment, abutting a residential district	P	P	P	
Entertainment establishment, abutting a residential district	P	P	P	
Entertainment establishment, not abutting a residential district	P	P	P	
Exhibition, convention, or conference center	P	P		
Golf course				
Health and fitness center	P	P		
Meeting hall	P	P		
Microbrewery or microdistillery	P		P	
Park or playground	P	P		
Place of worship	P	P		
Recreation, indoor	P			
Recreation, outdoor	P	P	P	
Sports stadium, arena, or coliseum		P		
Theater, movie or performing arts	P	P	P	
<i>Public, Institutional, and Community Uses</i>				
Aquarium or planetarium		P		
Artist studio	P	P	P	
Community food operation		P	P	
Community garden	P	P	P	36.2-407.1
Day care center, adult	P	P		
Day care center, child	P	P		36.2-408
Day care home, child	P	P		
Educational facilities, business school or nonindustrial trade school	P	P	P	
Educational facilities, college/university		P		
Educational facilities, elementary/middle/secondary		P		
Educational facilities, industrial trade school			P	

Educational facilities, school for the arts	P	P	P	
Fire, police, or emergency services		P	P	
Government offices or other government facility, not otherwise listed	P	P	P	
Hospital		P		
<u>Inpatient mental health and substance abuse clinic</u>		<u>S</u>		
Library	P	P	P	
Military reserve or National Guard center		P	P	
Museum	P	P		
Post office	P	P		
Regional housing services		S		
Supply pantry		P	P	
<del>Training facility for police, fire, or emergency services</del>		<del>P</del>	<del>P</del>	
<i>Transportation Uses</i>				
Bus maintenance, including repair and storage			P	
Motor freight terminal or truck terminal			P	
Parking, off-site	P	P	P	36.2-652
Parking structure facility	P	P		
Taxicab business			P	
Transit station	P	P	P	
<i>Utility Uses</i>				
Broadcasting studio or station	P	P	P	
Broadcasting tower	S	S	S	36.2-432
Hazardous materials facility		S	S	
Utility distribution or collection, basic	P	P	P	
Utility distribution or collection, transitional	S	P	P	
Utility maintenance and service facility			P	
Wireless telecommunications facility, small cell on existing structure	P	P	P	36.2-432
Wireless telecommunications facility, stealth	P	P	P	36.2-432
Wireless telecommunications facility, not otherwise listed	P	P	P	36.2-432
<i>Agricultural Uses</i>				
Agricultural operations	P	P	P	
<i>Accessory Uses</i>				
Accessory uses, not otherwise listed in this Table	P	P	P	36.2-403

Accessory dwelling	P	P	P	36.2-409.1
Electric Vehicle Charging Stations	P	P	P	36.3-403
Home occupation, excluding personal service	P	P		36.2-413
Home occupation, personal service	P	P		36.2-413
Outdoor recreation facility lighting or sports stadium lighting	S	S	S	36.2-403
Outdoor storage			P	36.2-423
Portable storage container			P	36.2-403
Recycling collection point			P	36.2-403
Resident manager apartment		P	P	36.2-403
Temporary health care structure				
Solar Energy System	P	P	P	36.2-403
Wind turbine, commercial	P	P	P	36.2-403
Wind turbine, small	P	P	P	36.2-403
<p>"P" indicates a use permitted as of right.          "S" indicates a use permitted only by special exception.          A blank cell indicates the use is not permitted.</p>				

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**Sec. 36.2-403. Accessory uses and structures.**

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(m) *Portable storage containers.* Portable storage containers shall be permitted by right as accessory uses as set forth in the Use Tables in Article 3 of this chapter, subject to the following supplemental regulations:

- (1) Portable storage containers shall not be permitted on any lot that does not contain a principal building;
- (2) Portable storage containers shall be permitted only for storage purposes as an accessory use to the principal use of the lot on which such container may be located;
- (3) Portable storage containers shall not be connected to any utilities;
- (4) No more than two (2) signs may be displayed on any portable storage container, and such signs shall be limited to identification of the supplier of the container and the supplier's phone number;
- (5) No portable storage container shall be located closer to a street than the principal building;
- (6) No portable storage container shall be located closer than five (5) feet to any side or rear lot line, but in no case shall such container be located within a required buffer yard;
- (7) No portable storage container shall be placed or located on, or block access to, a required parking space, circulation aisle, or fire access lane, or cause a visual obstruction to pedestrians or motor vehicles leaving or entering the property;
- (8) The vertical stacking of portable storage containers shall be limited to two (2) high, and the stacking of any materials or merchandise on top of any portable storage container shall be prohibited; and
- (9) Portable storage containers shall not be located closer than fifty (50) feet to any residential zoning district.

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### Sec. 36.2-405. Bed and breakfast, homestay, and short-term rental establishments.

- (a) *Applicability.* The supplemental regulations set out in this section shall apply to bed and breakfast, homestay, and short-term rental establishments permitted by this chapter as of right or by special exception.
- (b) *Standards for bed and breakfast establishments in residential districts.*
- (1) Such establishments shall be located on a lot on which a one (1) dwelling building is the principal use, although such establishments may be located within either the principal structure or an accessory structure, or both.
  - (2) Changes made to the exterior of the building occupied by the bed and breakfast shall maintain the residential character of the building.
  - (3) The owner of the one (1) dwelling building occupied by the bed and breakfast establishment shall reside in the dwelling.
  - (4) No more than six (6) guest sleeping rooms shall be utilized for a bed and breakfast establishment and the number of guest occupants shall not exceed twelve (12).
  - (5) Rooms shall be rented on a daily or weekly basis. Stays shall not exceed fourteen (14) days.
  - (6) One (1) sign attached to the building shall be permitted. Such sign shall have a sign area not exceeding two (2) square feet and shall not be illuminated.
  - (7) Only accessory uses or structures which are incidental and subordinate to a one dwelling building shall be permitted in conjunction with a bed and breakfast establishment.
- (c) *Standards for bed and breakfast establishments in the MX and CN districts.*
- (1) The owner or on-site manager shall reside on the property.
  - (2) The establishment may have up to ten (10) bedrooms used exclusively for rent including guest sleeping rooms in detached accessory structures. A living room, dining room, or both shall be provided.
  - (3) Rooms shall be rented on a daily or weekly basis. Stays shall not exceed fourteen (14) days.
  - (4) The establishment may include a meeting hall as an accessory use.
- (d) *Standards for homestay establishments.*
- (1) Changes made to the exterior of the building occupied by the homestay shall maintain the residential character of the building.
  - (2) The homestay shall have no more than two (2) bedrooms for guests and shall accommodate no more than four (4) total guests. No more than one (1) homestay shall be permitted per property.
  - (3) Rooms shall be rented only on a daily or weekly basis, ~~not to exceed 30 days.~~ ~~Stays shall not exceed fourteen (14) days.~~
  - (4) The owner ~~or leaseholder~~ shall ~~also~~ occupy the property during guest stays.

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### Sec. 36.2-407.3. Data Center.

- (a) Applicability. The supplemental regulations set out in this section shall apply to data centers as defined by this chapter as of right or by special exception.
- (b) Procedure. All information required in the supplemental regulations is required with the initial application for use, including a zoning amendment application and application for special exception.
- (c) Minimum development requirements for data centers:

  - (1) Data center must be served by public water and public sewer.
  - (2) Any water cooling must use a closed loop or recycled water system.
  - (3) Cooling water flushing and refills are limited to times approved by Western Virginia Water Authority.
- (d) Setbacks. Data center buildings and all associated equipment and accessory structures (such as generators, HVAC, and battery backup) must be set back at least: (i) 150 feet from all lot lines and (ii) 300 feet from any residential or multi-purpose zoning district.
- (e) Generators.

  - (1) Routine generator exercise maintenance is limited to Monday – Friday between the hours beginning at 10 a.m. and ending at 4 p.m.
  - (2) Generators must be enclosed in an enclosure limiting sound to 70 dBA measured 23 feet from the generator.
  - (3) Onsite generators must meet or exceed EPA Tier 4 emission standards.
  - (4) Battery Energy Storage Systems are permitted.
- (f) Landscaping/Screening.

  - (1) Fencing may not be placed in front of landscaping adjacent to roads. There must be landscaping in front of any fence adjacent to public roads. Barbed wire fencing is not permitted.
  - (2) Tree plantings adjacent to public roads abutting residential or multi-purpose zoning districts, must consist of a minimum of three staggered rows of evergreen trees from approved tree list, planted 15 feet on center. The Zoning Administrator or their designated agent may require the plantings to be placed where they will best reduce noise from the facility and block the view from public streets and nearby properties.
- (g) Building Design.

  - (1) Any building facade visible from public streets must incorporate a differentiation that breaks the mass of the facade every 100 horizontal linear feet by including at least one of the following changes in form and one of the following design elements:

    - (i) change in building height of a minimum of 5' for buildings less than 30' tall and 10' for buildings 30' tall and taller, or
    - (ii) building step-backs or recesses with a minimum depth of 2.5'
    - (iii) design elements that are either:

      - (a) change in building materials, or
      - (b) change in pattern, texture and/or color
    - (iv) The building design must include a main entrance that is differentiated from the rest of the façade.
  - (2) The following materials are not permitted on building façades: aluminum siding, unfinished or untreated wood siding, plywood siding (T1-11), vinyl siding, scored stucco (imitation brick or stone), and foam-based products.
- (h) Noise.

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- (1) Any noise that emanates from all activity associated with any data center is limited to a maximum sound level of 60 dBA during the daytime and 55 dBA at nighttime. Such levels are measured at the property line. The maximum sound level in this section does not apply to:
- (i) Demolition work on buildings, structures, or appurtenances and/or the testing of generators consistent with the requirement of the Department of Environmental Quality;
  - (ii) Any situation arising from sudden and reasonably unforeseen events (beyond the control of the facility operator) that require the response of emergency vehicles or temporary use of emergency generators.
  - (iii) Generator testing conducted between 10:00 a.m. until 4:00 p.m. unless testing at a time outside of this range is required by the Department of Environmental Quality.
- (2) Noise studies. The following noise propagation studies must be conducted and submitted to the Zoning Administrator:
- (i) A sound modeling study that demonstrates compliance with the maximum sound levels must be submitted prior to approval of a final site plan. This study must be specific to the proposed site topography, layout and building type, scale, height and construction proposed. This study must show noise conditions at the site prior to project development at set locations determined by the Zoning Administrator and must provide model-predicted noise conditions resulting from the proposed project post-development.
  - (ii) The sound study must be prepared by a professional engineer licensed in the Commonwealth in accordance with ISO 9613 standards.
  - (iii) The sound modeling study must include recommendations for sound mitigation measures, if they are necessary for the use to comply with maximum sound levels. These mitigation measures, if applicable, must be reflected on the site plan and incorporated into conditions of site plan approval. If mitigation measures are building related, they must be included in the building plans prior to issuance of building permit(s). In the event the sound modeling study shows compliance with the maximum sound levels of Sec. 36.2-407.3(g)(1) without the use of sound mitigation, no mitigation measures are required.
  - (iv) Within 60 days of issuance of a certificate of occupancy for each phase or development and at any time the Zoning Administrator requests it, a post-development sound study must be submitted. The study must be conducted at a time generally known for peak data center cooling operations. In the event the study shows that the use exceeds maximum allowable decibel levels, the operator must immediately undertake all necessary efforts to comply.
- (i) Equipment. All equipment necessary for cooling, ventilating, or otherwise operating the facility must be contained within an enclosed building, walled courtyard or roof parapet with a wall of sufficient height to eliminate visibility of the equipment from public streets or adjacent properties. Access to any walled courtyard or enclosed building must provide for solid doors/gates.
- (j) Infrastructure Impact and Analysis Study. The purpose of the Infrastructure Analysis is to ensure that proposed Data Center developments do not exceed the capacity of local utility systems, degrade public service levels, or impose unmitigated external costs on the City and its residents. The analysis shall be sealed by a professional engineer (PE) authorized to practice in the Commonwealth of Virginia, and include, at a minimum, the following subsections:
- (1) Electrical Grid Capacity & Redundancy Study:
- (i) A statement of anticipated peak load in Megawatts (MW) at full build-out.
  - (ii) A Letter of Support or Capacity from the electrical utility provider confirming that the existing grid can support the load without degrading service to existing customers.
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- (iii) Detailed specifications for any proposed on-site substations, including required acreage and screening.
  - (iv) An Emergency Power Plan detailing the number, capacity, and testing schedules of backup diesel or natural gas generators, including a strategy for fuel storage and spill containment.
- (2) Water Supply & Thermal Management Plan:
- (i) An estimate of average and peak daily water consumption for cooling purposes (gallons per day).
  - (ii) A description of the cooling technology (e.g., air-cooled, evaporative, or liquid cooling).
  - (iii) If using evaporative cooling, an Impact Assessment on the local water table or municipal supply, including a contingency plan for operations during "Drought Stage" declarations.
  - (iv) A Wastewater Discharge Report detailing the volume and chemical composition of "blowdown" water or thermal discharge entering the municipal sewer system.
- (3) Connectivity & Right-of-Way Analysis:
- (i) A map of proposed fiber optic route connections.
  - (ii) An assessment of any required trenching or overhead line installations within public Rights-of-Way, including a restoration plan for disturbed infrastructure.
- (4) Transportation & Public Safety Assessment:
- (i) A Traffic Impact Analysis (TIA) focusing on the construction phase (peak heavy vehicle trips) and permanent staffing levels.
  - (ii) A Hazardous Materials Management Plan for on-site battery storage (UPS) and backup fuel, reviewed and signed off by the City of Roanoke Fire Marshall's office

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## Sec. 36.2-409.1. Dwellings.

These regulations for various dwelling types prescribe the form, location, and orientation of buildings containing dwellings in order to provide for compatibility within the context of neighborhood settings.

- (a) *Accessory dwellings.* These standards are intended to regulate number and size of accessory dwellings to ensure they are subordinate to the principal one (1) dwelling use to which it is accessory:
- (1) One (1) accessory dwelling may be established on a lot containing a new or existing one (1) dwelling building. An accessory dwelling is not subject to minimum lot area requirement for each dwelling nor the maximum number of dwellings per lot.
  - (2) An accessory dwelling located in a detached accessory building shall be limited to eight hundred (800) square feet or eighty (80) percent of the gross floor area of the principal dwelling, whichever is less. The accessory building may contain other uses and shall otherwise be subject to the size and placement standards of 36.2-403.
  - (3) The floor area of an accessory dwelling located within a principal building shall be no more than forty (40) percent of the gross floor area of the building. An exterior stairway or additional entrances, if created, shall be located on facades other than the primary façade.
- (b) *Cottage Courts.* A cottage court development is a grouping of attached or detached dwellings arranged and oriented toward an interior courtyard rather than toward a street frontage. Such development is appropriate for an interior or through lot subject to these standards:
- (1) Any single building façade facing a primary street shall be thirty-five (35) feet wide or less.
  - (2) Permitted only on a lot with a minimum lot area of seven thousand (7,000) square feet.
  - (3) At least two (2) buildings shall meet the maximum yard requirement of the district.
  - (4) Window or door openings shall constitute at least fifteen (15) percent of façades facing the street frontage.
  - (5) Limited to two (2) stories.
  - (6) Dwelling units have a maximum gross floor area of one thousand (1,000) square feet.
  - (7) Buildings may be located on unit lots within a zoning lot.
  - (8) At least twenty (20) percent of the lot area shall be dedicated to a central courtyard. Each dwelling shall have a doorway fronting on the courtyard. Such courtyard shall have no motor vehicle access.
  - (9) Any garage bay door facing a primary street shall be offset at least twenty-four (24) inches behind the front façade of the dwelling and the front door. An attached garage shall not make up more than thirty-three (33) percent of the front façade of the dwelling.
- (c) *One (1) and two (2) dwelling buildings.* These buildings are always oriented toward a street frontage. The following standards are provided to ensure compatibility with existing neighborhood contexts:
- (1) The primary façade width of one (1) and two (2) dwelling buildings shall be within twenty-five (25) percent of the average of the widths of such buildings on the same side of the same block.
  - (2) Any garage bay door facing a primary street shall be offset at least twenty-four (24) inches behind the front façade of the dwelling and the front door. An attached garage shall not make up more than thirty-three (33) percent of the front façade of the dwelling.
  - (3) Window and door openings shall constitute at least fifteen (15) percent of the primary façade and at least ten (10) percent of a secondary façade on a corner lot.
  - (4) Where permitted by the district, a lot may contain multiple one (1) or two (2) dwelling buildings.

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- (d) *Single-façade apartment buildings.* New and converted buildings oriented in a single mass with one (1) primary façade, and containing three (3) to eight (8) dwellings, shall be subject to these standards:
- (1) The maximum width of the principal façade of the building shall be one hundred twenty (120) percent of the average widths of other dwellings on the same side of the same block.
  - (2) The building shall have one (1) entrance facing the primary front yard. No additional entrances shall face the primary front yard unless recessed at least four (4) feet behind the primary building façade.
  - (3) Window and door openings shall constitute at least fifteen (15) percent of the primary façade and at least ten (10) percent of a secondary façade on a corner lot.
  - (4) The front façade shall contain a front porch at least one-half (½) the width of the building width and at least eight (8) feet in depth.
  - (5) An addition to an existing building shall be located on the rear or side of the building, except a porch may be added to the front of the dwelling. An addition to the side of a dwelling shall be set back from the dwelling's front face by twenty-four (24) inches or more.
  - (6) No garage door may face a primary street frontage.
  - (7) In residential districts, one parking space per unit shall be provided in accordance with Sec. 36.2-654. Where applicable, the provisions of subsections (a) and (b) below, may be applied alone or in any combination to reduce the off-street parking requirement.
    - (i) Reduction for on-street parking. The total number of required off-street parking spaces may be reduced by one (1) space for every twenty (20) feet of lot frontage on a street to the extent that on-street parking is permitted along the same frontage.
    - (ii) Reduction for proximity to public transit. Where a use is located within one thousand two hundred (1,200) feet of a public transit route, the total number of required off-street parking spaces, unassigned to specific persons, may be reduced to eighty (80) percent.
- (e) *Multiple façade apartment buildings.* New and converted buildings having a shape with multiple primary façades, and containing three (3) to eight (8) dwellings, shall be subject to these standards:
- (1) Each façade within the primary front yard shall not exceed one hundred twenty (120) percent of the average widths of other dwellings on the same side of the same block. Such façades shall be separated by at least twenty (20) feet.
  - (2) Window and door openings shall constitute at least fifteen (15) percent of the primary façades and at least ten (10) percent of a secondary façade on a corner lot.
  - (3) An addition to an existing building shall be located on the rear or side of the building, except a porch may be added to any street-facing façade.
  - (4) An addition to the side of a dwelling shall be set back from the dwelling's front face by twenty-four (24) inches or more.
  - (5) No garage door may face a primary street frontage.
  - (6) In residential districts, one parking space per unit shall be provided in accordance with Sec. 36.2-654. Where applicable, the provisions of subsections (a) and (b) below, may be applied alone or in any combination to reduce the off-street parking requirement.
    - (i) Reduction for on-street parking. The total number of required off-street parking spaces may be reduced by one (1) space for every twenty (20) feet of lot frontage on a street to the extent that on-street parking is permitted along the same frontage.
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(jj) Reduction for proximity to public transit. Where a use is located within one thousand two hundred (1,200) feet of a public transit route, the total number of required off-street parking spaces, unassigned to specific persons, may be reduced to eighty (80) percent.

(f) Multiple façade large apartment buildings. New and converted buildings containing nine (9) or more dwellings located in the CN, MX, RMF, or RM-2 District, shall be subject to these standards:

(1) The facade and roof form of any building may be continuous up to the greater of forty (40) feet or one hundred twenty (120) percent of the average widths of other dwellings on the same side of the same block, after which:

(i) The facade must be divided vertically by a recess or offset at least 5' deep and 10' wide and

(ii) The corresponding roof form must be changed in at least one way below:

a. Roof form type (e.g., pitched, hip, etc.)

b. Roof ridge orientation

c. Roof ridge height of at least 5'

d. Roof ridge alignment of at least 5'

(2) The building shall have a minimum of one (1) entrance facing the primary front yard.

(3) Window and door openings shall constitute at least fifteen (15) percent of the primary façade and at least ten (10) percent of a secondary façade on a corner lot.

(4) No garage door may face a primary street frontage.

(5) In residential districts, one parking space per unit shall be provided in accordance with Sec. 36.2-654. Where applicable, the provisions of subsections (a) and (b) below, may be applied alone or in any combination to reduce the off-street parking requirement.

(i) Reduction for on-street parking. The total number of required off-street parking spaces may be reduced by one (1) space for every twenty (20) feet of lot frontage on a street to the extent that on-street parking is permitted along the same frontage.

(ii) Reduction for proximity to public transit. Where a use is located within one thousand two hundred (1,200) feet of a public transit route, the total number of required off-street parking spaces, unassigned to specific persons, may be reduced to eighty (80) percent.

(gf) Townhouse buildings. These standards provide additional controls on the scale, massing, and building placement to encourage compatibility within neighborhood contexts.

(1) A row of townhouses in a townhouse building shall be limited to 300 feet or less.

(2) The minimum width of a dwelling in a townhouse building is 15 feet.

(3) Driveways shall be located to minimize curb cuts;

(4) Each townhouse dwelling may be located on a unit lot subdivided from the parent zoning lot.

(5) Window and door openings shall constitute at least 15 percent of the primary façade and at least 10 percent of a secondary façade on a corner lot.

(6) In residential districts, one parking space per unit shall be provided in accordance with Sec. 36.2-654. Where applicable, the provisions of subsections (a) and (b) below, may be applied alone or in any combination to reduce the off-street parking requirement.

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(k) Reduction for on-street parking. The total number of required off-street parking spaces may be reduced by one (1) space for every twenty (20) feet of lot frontage on a street to the extent that on-street parking is permitted along the same frontage.

(kk) Reduction for proximity to public transit. Where a use is located within one thousand two hundred (1,200) feet of a public transit route, the total number of required off-street parking spaces, unassigned to specific persons, may be reduced to eighty (80) percent.

### **Sec. 36.2-426.1. Retail Sales of Vape and Tobacco establishments.**

(a) Purpose. The purpose of this section is to establish certain standards to address the impact retail sales of vape and tobacco have on the character of the surrounding neighborhoods and areas where this use will be located.

(b) Applicability. This section applies to retail sales of vape and tobacco, where permitted by this chapter.

(c) Standards. Retail sales of vape and tobacco establishments must not be located within 2,000 feet of a school, religious institution, childcare center, public park, or an existing retail sales of vape and tobacco establishment.

PROPOSED

**Sec. 36.2-429. Temporary uses.**

- (a) *Applicability.* Authorized temporary uses, including permitted locations, duration, and maximum number per calendar year, and whether or not a zoning permit is required, shall be as set forth in Table 429-1:

**Table 429-1. Temporary Uses**

Activity	Zoning Districts Where Permitted	Maximum Duration	Maximum Frequency per Lot	Zoning Permit Required?
Auction	Any district	3 calendar days	1/Calendar Year	No
Christmas tree sales	RA, CN, CG, CLS, I-1, I-2, UF	60 calendar days	1/Calendar Year	Yes
Construction-related activities or model home office, Temporary Government or Public Services Facility, subject to subsection (b), below	Any district	For duration of construction activity or emergency need	Not applicable	Yes
Fireworks stand, subject to Section 21-207 of this Code	CG, CLS, UF	30 calendar days	1/Calendar Year	Yes
Mobile food and beverage vending	CN, CG, CLS, D, ROS, UF, UC Industrial districts, and PUD districts	No limitation	Not applicable	No
Outdoor retail sales, subject to subsection (c), below	CG, CLS, UF	10 calendar days	4/Calendar Year	Yes
Portable storage containers, subject to subsection (d), below	Any district	RA, R-12, R-7, R-5, R-3, RM-1, RM-2, RMF, MX, MXPUD: •30 consecutive calendar days, except 60 consecutive calendar days when there is a change of residency in a dwelling unit	See maximum duration	Yes

		<ul style="list-style-type: none"> <li>• Limited to 120 days per calendar year</li> <li>CN, CG, CLS, I-1, I-2, D, IN, ROS, AD, INPUD, IPUD, UF, UC:</li> <li>• 120 consecutive days</li> <li>• Limited to 120 days per calendar year per lot</li> </ul>		
Produce stand (not applicable to community markets)	RA, <u>MX</u> , CN, CG, CLS, <u>D, IN, ROS</u> , I-1, I-2, UF, <u>UC</u>	90 calendar days, limited to 1 permit per any 90-calendar day period per lot	Not applicable	Yes
Public events, subject to subsection (e), below	CN, CG, CLS, D, IN, ROS, I-1, I-2, IPUD, INPUD, UF, UC	14 calendar days	Not applicable	Yes
Public events, exempt from subsection (e) below	Any district	Two calendar days	Two/Calendar Year, with an interval of at least three months between events	No
Temporary, short-term filling, grading or borrow operation, subject to subsection (f) below	Any District	90 consecutive calendar day period	Once/2 Year Period	Yes
Yard or garage sales, subject to subsection (g), below	Any residential district or dwelling unit	2 consecutive calendar days, limited to the daylight hours	2, with an interval of at least 3 months between sales	No

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## Sec. 36.2-540. Zoning amendments.

- (a) *Purpose.* The purpose of this section is to establish procedures for initiating and processing applications to amend the provisions of this chapter and to amend the Official Zoning Map.
- (b) *Applicability.* Whenever the public necessity, convenience, general welfare, or good zoning practice requires, the City Council may by ordinance amend, supplement, or change this chapter, including the text and the Official Zoning Map. Any such amendment may be initiated by resolution of the City Council or by motion of the Planning Commission. An amendment to the Official Zoning Map may be initiated by application by the owner, contract purchaser with the owner's written consent, or the owner's agent of the property which is the subject of the proposed zoning map amendment.
- (c) *Procedures; filing of application.*
  - (1) Prior to the filing of an application to amend the Official Zoning Map, the applicant shall meet with the ~~Zoning Administrator~~Agent to the Planning Commission to determine that all filing requirements have been met and that all information is correct.
  - (2) An application for a zoning amendment shall be in writing on forms provided by the City, and filed with the Secretary to the Commission, accompanied by payment of all fees as set forth in the City of Roanoke's Fee Compendium as adopted by City Council in accordance with Section 15.2-107 of the Code of Virginia (1950), as amended.
  - (3) An application for the rezoning of property shall include the following:
    - (A) A description of the purpose for the requested zoning district classification and the proposed use of the property;
    - (B) A concept plan outlining features of the proposed use of the property including buildings, parking, access, and similar features;
    - (C) A map or maps of the area requested for rezoning;
    - (D) Names, signatures, and addresses of the owner or owners of the lots or property included in the proposed change; and
  - (4) Upon the filing of such application, and the payment of all applicable fees and charges, the Secretary to the Commission shall note the filing of the same and shall immediately transmit the application to the Planning Commission for study, report, and recommendation to the City Council, with a copy of such application mailed or delivered to the mayor and members of the City Council and to the ~~Zoning Administrator~~Agent to the Planning Commission.
  - (5) Once City Council has considered an application, an applicant may not request consideration of substantially the same application for one (1) year. Nothing in this section shall be construed to limit City Council's ability to reconsider an application under Rule 10 of Section 2-15, Rules of procedure, of this Code.
- (d) *Planning Commission action.*
  - (1) All proposed amendments to this chapter shall be submitted to the Planning Commission for consideration and recommendation. The Planning Commission shall study proposals to determine:
    - (A) The need and justification for the change;
    - (B) When pertaining to a change in the district classification of property, the effect of the change, if any, on the property and on the surrounding neighborhood;
    - (C) When pertaining to a change in the district classification of property, the amount of undeveloped land in the general area and in the City having the same district classification as requested; and

- (D) The relationship of the proposed amendment to the purposes of the general planning program, with appropriate consideration as to whether the proposed change will further the purposes of this chapter and the City's Comprehensive Plan.
- (2) Prior to making recommendations on any proposed amendment to the provisions of this chapter or to the Official Zoning Map, the Planning Commission shall conduct a public hearing on such proposal, after notice of such hearing is given pursuant to Section 36.2-540(f).
- (3) Within sixty (60) calendar days from the date that any proposed amendment is referred to it (unless a longer period shall have been established by mutual agreement between the applicant and the Planning Commission in the particular case), the Planning Commission shall submit its report and recommendation to the City Council. The recommendation of the Planning Commission shall be advisory only and shall not be binding on City Council. If the Planning Commission does not submit its report within the prescribed time, the City Council may proceed to act on the amendment, without further awaiting the recommendation of the Planning Commission.
- (e) *City Council hearing.* Prior to amending the provisions of this chapter or the Official Zoning Map, the City Council shall conduct a public hearing on such proposed amendment, after notice of such hearing is given pursuant to Section 36.2-540(f).
- (f) *Notice of hearing.* Prior to conducting any public hearing required by this chapter before the City Council or the Planning Commission, notice shall be given as required by Section 15.2-2204 of the Code of Virginia (1950), as amended. The expense of advertising shall be borne by the applicant. Fees for such advertisements shall be as set forth in the City of Roanoke's Fee Compendium and as adopted by City Council in accordance with Section 15.2-107 of the Code of Virginia (1950), as amended. Any affidavits required by Section 15.2-2204, Code of Virginia (1950), as amended, shall be filed with the City Clerk. In addition, and as a courtesy to the general public, at least ten (10) business days prior to the public hearing before the Planning Commission, the ~~Secretary to the Commission Zoning Administrator~~ shall erect a sign indicating the zoning district requested, identification of the subject property, and the time, date, and place of such public hearing as set forth in the schedule below:

Scope of Rezoning Application	Sign Posting Requirements
Application to rezone 1—25 tax parcels, or portion thereof	1 sign per street frontage of contiguous subject tax parcels
Application to rezone 26—100 tax parcels, or portion thereof	1 sign per intersection constituting the perimeter of the area proposed to be rezoned
Comprehensive rezoning (over 100 properties)	No sign posting required

Failure by the ~~Secretary to the Commission zoning administrator~~ to comply with the requirement of posting a sign on the subject property shall not be a ground for cancelling, rescheduling or continuing a public hearing at the request of any applicant or interested person or entity on any matter otherwise properly advertised for public hearing in accordance with Section 15.2-2204 of the Code of Virginia (1950), as amended. No decision or recommendation by either the Planning Commission for the City of Roanoke, the City Council for the City of Roanoke or the Board of Zoning Appeals for the City of Roanoke shall be subject to challenge solely on the ground that the ~~Secretary to the Commission zoning administrator~~ failed to comply with the requirement of posting a sign on the subject property.

- (g) *Amendment after hearing; City Council action.* After the City Council has held a public hearing, it may make appropriate changes or corrections in the proposed amendment and proceed to act without holding a hearing on the proposed amendment in its new form. The City Council shall decide whether to approve or to deny an application to amend the provisions of this chapter or the Official Zoning Map.

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## Sec. 36.2-625. Outdoor lighting standards.

(a) *Generally.*

- (1) All outdoor lighting shall be fully shielded or located, aimed, and shielded so as not to present glare on abutting lots or streets and to minimize spill light trespassing upward or across lot lines.
- (2) No outdoor lighting shall be permitted which shines directly into abutting residential dwelling units, buildings on adjacent lots, or abutting streets, or for which the point source of illumination (arc tube) is visible at the property line.
- (3) Electrical feeds to lighting standards shall run underground, not overhead.
- (4) Building-mounted uplighting is permitted only if the light distribution from the fixture is effectively contained by an overhanging architectural element which can functionally contain or limit illumination beyond the roof of the building.

(b) *Mounting heights.*

- (1) Pole-mounted lighting: Lighting fixtures mounted onto a pole or any structure intended primarily for the mounting of lighting shall be subject to the following height regulations:
  - (A) In all residential districts, the MX, Mixed Use District, and the IN, Institutional District, pole-mounted lighting shall be located no closer than ten (10) feet to any lot line and shall not exceed eighteen (18) feet in height, measured from the lowest light-emitting part of the fixture to the adjacent grade.
  - (B) In all zoning districts, other than those set forth in subsection (A) above, pole-mounted lighting shall not exceed thirty-five (35) feet in height, measured from the lowest light-emitting part of the fixture to the adjacent grade, ~~provided that any Pole-mounted lighting fixture~~ within thirty (30) feet of an abutting lot line of a residentially zoned property ~~is shall be~~ equipped with a house shield which side shields the light fixture on the side of the residentially zoned lot.
- (2) Any building-mounted light shall be mounted below the roof line.

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## Sec. 36.2-644. Overall tree canopy requirements.

- (a) *Definition of tree canopy.* For purposes of this section, "tree canopy" shall include all areas of coverage by existing plant materials exceeding five (5) feet in height, and the extent of planted tree canopy at maturity shall be based on the "canopy at 20 years" as set forth in the current list of landscape trees referenced above in Section 36.2-642(b)(1).
- (b) *Applicability.*
- (1) This section shall apply to any development that requires submission of a comprehensive development plan or a basic development plan, except that:
    - (A) Dedicated school sites, playing fields, and other nonwooded recreation areas, and other facilities and uses of a similar nature, shall be exempt from the requirements of this section.
    - (B) Construction of an addition to or accessory structure associated with an existing one (1) or two (2) dwelling building, provided that no required trees are removed as part of the project, shall be exempt from the requirements of this section.
- (c) *Tree canopy requirements.*
- (1) The planting or replacement of trees on a development site shall be required to the extent that, at twenty (20) years, minimum tree canopies will be provided as specified in the dimensional regulations in Article 3 of this chapter.
  - (2) Existing trees which are to be preserved may be included to meet all or part of the canopy requirements of subsection (1), above, provided such preservation is in accordance with the standards set forth in Section 36.2-643.
  - (3) Existing trees infested with disease or insects or structurally damaged to the extent that they pose a hazard to persons or property, or to the health of other trees on site, shall not be included to meet the tree canopy requirements.
  - (4) This section does not replace, or negate full compliance with, the requirements of any other section of this chapter or other chapters of this Code. However, if the trees provided to satisfy the requirements of street yard trees (Section ~~36.2-645~~31.1-400), buffer yards (Section 36.2-647) and parking areas (Section 36.2-648) equal or exceed the tree canopy required by this section, no further planting of trees or tree replacement is required in order to comply with the requirements of this section.
  - (5) New trees planted in a right-of-way adjacent to the frontage of the development site may be credited toward meeting minimum overall tree canopy requirements.

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**Sec. 36.2-646. Façade planting.**

Buildings containing dwellings, except for buildings where a zero (0) foot setback is utilized, shall be subject to the following landscaping requirements:

- (a) A minimum of one (1) deciduous or evergreen shrub for each four (4) linear feet of building foundation that fronts on a street shall be planted in the area between the street right-of-way and the principal building.
- (b) For through lots, the regulations of this section shall apply only to the façade of the building that contains the principal entrance(s) to the structure.

PROPOSED