

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

The 18th day of March 2024.

No. 42902-031824.

AN ORDINANCE amending and reordaining Section 36.2-100, Title; Section 36.2-105, Rules of interpretation and construction; Section 36.2-201, Establishment of districts; Section 36.2-205, Dimensional regulations; Section 36.2-300, Purpose; Section 36.2-310, Purposes of the residential districts; Section 36.2-311, Use table for residential districts; Section 36.2-312, Dimensional regulations for residential districts; Section 36.2-314, Purposes of multiple purpose districts; Section 36.2-315, Use table for multiple purpose districts; Section 36.2-316, Dimensional regulations for multiple purpose districts; Section 36.2-322, Use table for industrial districts; Section 36.2-327, Use table for planned unit development districts; Section 36.2-328, Dimensional regulations for planned unit development districts; Section 36.2-332, Neighborhood Design Overlay District (ND); Section 36.2-336, Comprehensive sign overlay district; Section 36.2-402, Accessory apartments, Section 36.2-405, Bed and breakfast, homestay, and short-term rental establishments; Section 36.2-409.1, Dwellings; Section 36.2-410, Fences, walls, arbors, and trellises; Section 36.2-411, Gasoline stations; Section 36.2-419, Motor vehicle repair or service establishment; Section 36.2-429, Temporary uses; Section 36.2-431, Townhouses and rowhouses; Section 36.2-551, Development plans, generally; Section 36.2-552, Basic development plans; Section 36.2-622, Exempt lighting; Section 36.2-644, Overall tree canopy requirements; Section 36.2-646, Façade planting; Section 36.2-647, Buffering and screening; Section 36.2-654, Parking and loading area standards; Section 36.2-668, On-premises signs, generally; Section 36.2-669, Changeable copy signs and electronic readerboard signs; Section 36.2-817, Powers and duties, Appendix A, Definitions; of Chapter 36.2, Zoning, of the Code of the City of Roanoke (1979), as

amended, for the purposes of amending and reordaining the following code sections to update, clarify and make the City's zoning ordinance easier to use for its citizens and consistent with state law and the City's comprehensive plan; and dispensing with the second reading of this ordinance by title.

WHEREAS, since the adoption of the current zoning code in 2005, City Council has adopted 19 amendments to ensure the code remains a relevant tool for implementing the comprehensive plan. This update will be the second substantial update to the zoning ordinance since the adoption of City Plan 2040 in December 2020;

WHEREAS, Roanoke's residential zoning districts cover just over half of Roanoke's land area (14,600 acres). Most of those districts are exclusionary because they permit only one type of housing by-right. These exclusionary districts cover 13,319 acres, or 91% of our residentially zoned land;

WHEREAS, localities across the United States are working to repeal exclusionary zoning for two compelling reasons: First, because exclusive single-family districts have constricted the housing supply by excluding other housing types, in turn contributing to a crisis level national housing shortage; and second, because exclusionary zoning is a persisting legacy of racial and economic segregation;

WHEREAS, these proposed amendments were developed by planning staff, guided by priority and action items highlighted in City Plan 2040;

WHEREAS, the basis for these changes are rooted in the City's comprehensive plan, City Plan 2040;

WHEREAS, for the proposed amendments to: (a) Regulate Dwellings as a land use, (b) Reclassify Dwelling Types, (c) Define Household to include Family and Nonfamily Living

Arrangements, and (d) Ensure the City uses remaining land efficiently, Planning staff considered the polices of City Plan 2040 to: (1) Identify and remove barriers to housing choice, (2) Develop varied and affordable housing options in each neighborhood, (3) Enable affordable and accessible housing options in all neighborhoods, and (4) Enable a range of housing types in each part of the community to achieve inclusive, livable neighborhoods that prosper over time;

WHEREAS, for the proposed amendments to: (a) Simplify various Group Care Facility types into a single Group Living land use, and (b) Replace Transitional Living Group Care Facility with small scale Community Housing Services and larger scale Regional Housing Services, Planning staff considered the polices of City Plan 2040 to: (1) Remove legal elements of institutional or structural bias, (2) Lead community healing, (3) Provide supportive interventions strategically, (4) Understand the connection between finances, housing, and literacy in order to remove barriers for vulnerable people like veterans, formerly incarcerated people, and people recovering from addiction, and (5) Enable a range of housing types in each part of the community to achieve inclusive, livable neighborhoods that prosper over time;

WHEREAS, Planning Staff, the Planning Commission, and City Council considered the impacts the proposed text amendments would have on population growth, infrastructure, schools, transportation options, demand on public water or sanitary sewer services, traffic on public streets, and furthering the intent of the City's Comprehensive Plan;

WHEREAS, Planning Staff, the Planning Commission, and City Council considered public comments that addressed: past zoning codes creating blight and this proposal reducing blight, not enough public outreach, this proposal bringing uncertainty for neighborhoods that may cause homeowners to leave, support for removing discriminatory language, concern that the increased property values from this proposal may encourage demolition and rebuilding, this proposal

bringing needed housing units for the over 50% of renters struggling with housing affordability, 2005 downzoning not bringing beneficial change to neighborhoods and this proposal allowing the creation of needed housing, and great community outreach;

WHEREAS, coming off the heels of the Comprehensive Plan update, City Plan 2040, the proposed text amendments were major themes of that plan and were thoroughly discussed during the 2½ year planning process within the community. The plan was a well-vetted document with specific action items prescribed. The proposed zoning changes will continue a major step of plan implementation;

WHEREAS, in the fall of 2023, to set the stage and start more focused engagement, staff held 6 open house sessions at all of our libraries to communicate our housing issues and ideas for removing barriers to housing development. Staff created an online survey as another opportunity for input. Planroanoke.org was a page dedicated to information about zoning reform;

WHEREAS, following the input sessions, planning and zoning staff began to look at options for barrier removal presented above;

WHEREAS, with definitive proposals to present, planning and zoning staff hosted another round of open houses for community engagement at all six library locations and hosted one public meeting virtually. The first round presented the concepts and issues the amendments would be designed to address;

WHEREAS, staff used feedback from these sessions to craft specific amendments;

WHEREAS, once specific changes were developed, staff briefed City Council on February 5, 2024, and went back through another round of open house sessions, plus a virtual session. In all there were 13 meetings held to discuss the zoning reform proposals;

WHEREAS, staff briefed the Planning Commission on its progress with the proposed amendments in multiple work sessions on February 9, 2024, and March 8, 2024;

WHEREAS, the Planning Commission initiated consideration of the proposed amendments by motion at its regular meeting on February 12, 2024;

WHEREAS, a public hearing on the proposed text amendments was held by the Planning Commission on March 11, 2024, after providing notice as required by law;

WHEREAS, the Planning Commission discussed: great community outreach, anticipated additional housing units from this proposal resulting in approximately 50 units per year, the desire for a citywide impact study of this proposal, residential density bringing additional positive uses to neighborhoods and increasing property values, density of housing increases historically being positive within our community, and this proposal meeting goals within City Plan 2040 of a walkable city, equity, and improving transit;

WHEREAS, following conclusion of the public hearing and deliberation on March 11, 2024, the Planning Commission recommended the proposed text amendments;

WHEREAS, a public hearing on the proposed text amendments was held by City Council on March 18, 2024, after providing notice as required by law; and

WHEREAS, City Council finds that public necessity, convenience, general welfare, and good zoning practice require adoption of the proposed text amendments as advertised.

BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. Chapter 36.2, Zoning, of the Code of the City of Roanoke (1979), as amended, is hereby amended and reordained, to read and provide as follows:

Sec. 36.2-100. Title.

This chapter shall be known, cited, and referred to as the "zoning ordinance code" and shall include all provisions contained herein, together with the City's zoning map.

Sec. 36.2-105. - Rules of interpretation and construction.

(c) *General construction of language.*

(9) Where amendments to use names or definitions are made, the amended meaning shall be applied to older terms that remain in the zoning code (e.g., a single-family dwelling means a one dwelling building, two dwelling building means two-family dwelling, and so on).

(f) Zoning district boundaries.

(2) In case of annexation to the City, or in case property comes into the territorial jurisdiction of the City other than by annexation, the regulations applying to the R-12, Residential ~~Single Family~~ District, shall apply to all such annexed or new territory pending an amendment of this chapter.

Sec. 36.2-201. - Establishment of districts.

In order to carry out the purposes of this chapter, the City of Roanoke shall be divided into zoning districts as established below:

(a) *Base districts.* The following base zoning districts are hereby established:

(1) *Residential zoning districts:*

~~Residential Agricultural District (RA)
Residential Single Family District (R-12)
Residential Single Family District (R-7)
Residential Single Family District (R-5)
Residential Single Family District (R-3)
Residential Mixed Density District (RM-1)
Residential Mixed Density District (RM-2)
Residential Multifamily District (RMF)~~

RA Agricultural District
R-12 Residential District
R-7 Residential District

R-5 Residential District
R-3 Residential District
RM-1 Residential District
RM-2 Residential District
RMF Residential District

(2) *Multiple purpose zoning districts:*

~~Mixed-Use-District (MX)~~
~~Commercial-Neighborhood-District (CN)~~
~~Commercial-General-District (CG)~~
~~Commercial-Large-Site-District (CLS)~~
~~Downtown-District (D)~~
~~Institutional-District (IN)~~
~~Recreation-and-Open-Space-District (ROS)~~
~~Urban-Flex-District (UF)~~

MX Mixed Use District
CN Commercial-Neighborhood District
CG Commercial-General District
CLS Commercial-Large Site District
D Downtown District
IN Institutional District
ROS Recreation and Open Space District
UF Urban Flex District

UC Urban Center District

Sec. 36.2-205. Dimensional regulations.

(b) ~~Density.~~ Dwellings permitted on a lot.

(1) When using minimum lot area for each dwelling ~~calculating the maximum allowable density for any lot,~~ 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.

~~(3) For single-family detached dwellings, except in the MXPUD District, no maximum number of total permitted dwellings is established because the total number of dwelling units shall be governed by the minimum lot area.~~

(d) Lot frontage.

~~(4) Lot frontage requirements for townhouses and rowhouses shall be governed by Section 36.2-431.~~

~~(5) (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.~~

(i) Yards—Corner lots and through lots.

(B) In the MX, CN, CG, D, IN, ~~and UF, and UC~~ Districts, the primary front yard shall be established according to Section 36.2-319.

(2) Corner lots having more than two (2) street frontages shall provide a front yard for each frontage:

(B) In the MX, CN, CG, D, IN, ~~and UF, and UC~~ Districts, two (2) maximum yards shall be established according to Section 36.2-319.

(3) Through lots shall provide a front yard for each frontage:

(B) In the MX, CN, CG, D, IN, ~~and UF, and UC~~ Districts, the primary front yard shall be established according to Section 36.2-319 and shall be provided with the minimum and maximum depths of the district or as determined by Section 36.2-313, as applicable. The other front yard shall be subject to only the minimum front yard depth required by the district.

Sec. 36.2-300. Purpose.

The purpose of this article is to establish use, dimensional ~~requirements, and other special requirements, open space, and certain specific regulations~~ for each zoning district.

Sec. 36.2-310. Purposes of the residential districts.

- (b) The purposes of the R-12, R-7, R-5, ~~and R-3, and RM-1 -d~~ Districts are ~~to protect residential neighborhoods, to provide a range of housing options, including single unit dwellings and other housing types on corner lots. Choices and to provide opportunities for compatible home-based entrepreneurship, and to incorporate neighborhood principles, including lot frontages, building setbacks and densities, that are customary in urban and suburban neighborhoods. Dimensional and supplemental regulations implement standards that control building form, building placement, and other characteristics of development. These predominantly single unit dwelling districts cover the majority of the City's land area and contain most of Roanoke's housing supply, and are generally mapped in areas where single unit dwellings are the dominant land use.~~
- (c) The purpose of the ~~RM-1 and RM-2~~ district is to provide for all housing types with an emphasis on ~~townhouses, cottage courts, and apartment buildings. Districts is to multi-unit dwellings allow for a~~

~~mix of single-family detached, single-family attached, two-family, townhouse, and multifamily dwellings in order to provide a range of housing choices. This district is generally mapped in areas near or adjacent to neighborhood and other commercial centers, but also may be applied to existing apartment buildings in neighborhood contexts.~~

(d) The purpose of the RMF District is to provide for unified development of 10 or more dwellings~~permit dense housing development by providing for multifamily and townhouse dwellings.~~

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 per dwelling unit (square feet)	43560	42000	7000	5000	3000	3500	2500	4000
Lot area (square feet)	Minimum	42000	7000	5000	3000	5000	5000	15000
	Maximum	None	None	None	None	None	None	None
Lot frontage (feet)	Minimum	70	60	50	30	50	50	150
	Maximum	None	None	None	None	None	None	None
Minimum lot area for each dwelling	43,560	2,500	2,000	1,500	1,000	1,500	1,000	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	6	6	8	No limit	No limit
Interior or through lot maximum number of dwellings	1	1	2	3	3	4	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
Minimum frontage of a lot	150	60	50	40	30	40	50	50
Front yard (feet)	Minimum	20	20	15	15	10	10	10
	Maximum	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 (feet)	10	5	3	3	3	3	3	15
Rear yard minimum depth (feet)	50	15-5	15-5	15-5	15-5	15-5	15-5	15-5
Height maximum (feet)	45	35	35	35	35	35	45	45
Impervious surface area maximum (percentage of lot area)	25	50	50	60	70	60	70	70
Principal structures, maximum number	No limit	4	4	4	4	4	No limit	No limit
Accessory structure minimum setback from rear and side lot lines (feet)	5	0	0	0	0	0	0	5
Minimum parking requirement applies	No	No	No	No	No	No	No	No
Tree canopy coverage minimum (Minimum percent of lot area)	20	20	20	20	15	15	10	10

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.

Sec. 36.2-316. Dimensional regulations for multiple purpose districts.

	MX	CN	CG	CLS	D	IN	ROS	UF	UC
Minimum lot area per residential unit (square feet)	2,500	1,000	None	None	None	None	None	None	
Lot area									
Minimum	5,000	5,000	10,000	43,560	None	None	None	None	
Maximum	None	87,120	130,680	None	None	217,800	None	130,680	
Lot frontage (feet)									
Minimum	50	None	100	150	None	100	None	None	
Maximum	None	200	None	None	None	None	None	200	
Minimum lot area for each dwelling	1,000	---	---	---	---	---	---	---	
Corner lot maximum number of dwellings	8	---	---	---	---	---	---	---	
Interior or through lot maximum number of dwellings	4	---	---	---	---	---	---	---	
Minimum lot area for each group living adult resident or room	1,000	---	---	---	---	---	---	---	
Lot area									
Minimum	2,500	2,500	10,000	43,560	None	None	None	None	None
Maximum	15,000	87,120	130,680	---	---	217,800	---	130,680	---
Lot frontage									
Minimum	40	---	50	100	---	50	---	---	---
Maximum	150	200	---	---	---	---	---	200	---
Front yard (feet)									
Minimum	10	0	0	0	0	20	10	0	0
Maximum	30	10	30	None	10	40	None	10	10
Section 36.2-313 Front yard requirements for infill development applies	Yes	No	No	No	No	No	No	No	No
Section 36.2-317 Civic space yard option applies	No	Yes	No	No	Yes	Yes	No	Yes	Yes
Side yard (feet)	5	0	0	0	0	0	10	0	0
Rear yard (feet)	15	0	0	0	0	0	10	0	0
Accessory structure minimum setback from rear and side lot lines (feet)	0	0	0	0	0	0	0	0	0
Height maximum (feet)	45	45	45	1 foot for each foot of setback from any abutting	1 foot for each foot of setback from any abutting	40	1 foot for each foot of setback from any abutting	60	60

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.
Where a maximum lot frontage is specified, the maximum shall apply only to a primary street frontage as determined by application of section 36.2-319(b).
A numeric entry means the dimension shall apply based on the unit of measurement indicated.
"Yes" means the requirement applies.
"No" means the requirement does not apply.
"—" or "None" means there is no requirement.

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

District	I-1	I-2	AD	Supplemental Regulation Section
<i>Residential Uses</i>				
Dwelling, single-family-detached	S			
Dwelling, two-family	S			
Dwelling, multifamily	S			
Dwelling, townhouse-or-rowhouse	S			36.2-434
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 establishment , not otherwise listed	P			
Employment or temporary labor service	P			
Financial institution-services	P		P	
Laboratory, dental, medical, or optical	P		P	
Laboratory, testing and research	P		P	
Office, general or professional	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	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	S					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	P-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	36.2-405.1
Biosolids field					S	
Building supplies and materials, wholesale	P				P	
Commercial printing establishment	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	
Electrical component assembly, wholesale distribution	P				P	
Fuel oil distribution	S				P	

Fueling station, commercial or wholesale	P	P	P						
Junkyard	S---		S---						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	S---		S---				S---		36.2-414
<i>Warehousing and Distribution Uses</i>									
Distribution center, not otherwise listed	P		P				P		
Self-storage building	PS		PS				PS		
Self-storage facility	PS		PS				PS		
Storage of commercial motor vehicles	PS		PS				PS		
Storage of motor vehicles for rental (no on-site rental or leasing facility)	PS		PS						
Tank farm, petroleum bulk station and terminal, or other aboveground storage of flammable liquids			S---						
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
Community housing services	P		36.2-407.1
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		
Training facility for police, fire, or emergency services	P		P
<i>Transportation Uses</i>			
Airport or airport-related commercial and personal service uses			P

Bus maintenance, including repair and storage	P	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	P	
Broadcasting tower	S	S	S	36.2-432
Hazardous materials facility			S	
Utility distribution or collection, basic	P	P	P	
Utility distribution or collection, transitional	P	P	P	
Utility generation or treatment			P	
Utility maintenance and service facility	P	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	S	S	36.2-432
<i>Agricultural Uses</i>				
Agricultural operations	P	P	P	
Animal shelter	P	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	P	36.2-403
Recycling collection point	P	P	P	36.2-403
Resident manager apartment	P	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" 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.

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

	MPUD	INPUD	IPUD	Supplemental Regulation Section
<i>Residential Uses</i>				
Dwelling, single-family-attached	P		P	
Dwelling, single-family-detached	P		P	
Dwelling, two-family	P		P	
Dwelling, multifamily	P	P	P	
Dwelling, townhouse or rowhouse	P		P	36.2-434
Dwellings	P	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		
Dormitory		P		
Group-care facility, congregate-home, elderly	P	P		
Group-care facility, congregate-home, not otherwise-listed		P		
Group-care facility, group-care-home		P		
Group-care facility, halfway-house		P		
Group-care facility, nursing-home	P	P		
Group-care facility, transitional-living-facility		P		
Group-home	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	P	
Financial institution	P		P	P	
Laboratory, dental, medical, or optical	P		P	P	
Laboratory, testing and research			P	P	
Medical clinic	P		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			
<i>Industrial Uses</i>				
Bakery, confectionary, or similar food production, wholesale				
Borrow or Fill Site	P	P		36.2-405.1
Building supplies and materials, wholesale				
Commercial printing establishment				
Contractor's shop, heavy construction				
Dairy products, processing, bottling, and wholesale distribution				
Electrical component assembly, wholesale distribution				
Fuel oil distribution				
Fueling station, commercial or wholesale				
Gasoline Station	P			36.2-411
Manufacturing: Beverage or food processing, excluding poultry and animal slaughtering and dressing				
Manufacturing: Chemical, refining or processing, not otherwise listed in this table				
Manufacturing: General, not otherwise listed in this table				
Manufacturing: Steel or metal production, fabrication, or processing				
Milling or feed and flour mills				
Welding or machine shop				
Workshop	P	P		36.2-433
<i>Warehousing and Distribution Uses</i>				
Distribution center, not otherwise listed				
Self-storage building	P			
Warehouse				
<i>Assembly and Entertainment Uses</i>				
Amphitheater	P	P		
Amusement, commercial, indoor	P			
Amusement, commercial, outdoor	P			

Botanical garden or arboretum	P	P	
Club, lodge, civic, or social organization	P	P	
Community center	P	P	
Eating establishment	P	P	
Eating and drinking establishment, not abutting a residential district	P	P	
Eating and drinking establishment, abutting a residential district	P	P	
Entertainment establishment, abutting a residential district	P	P	
Entertainment establishment, not abutting a residential district	P	P	
Exhibition, convention, or conference center	P	P	
Golf course	P	P	
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	P	
Recreation, outdoor	P	P	
Sports stadium, arena, or coliseum	P	P	
Theater, movie or performing arts	P	P	
Public, Institutional, and Community Uses			
Aquarium or planetarium	P	P	
Artist studio	P	P	
Community food operation	P	P	
Community garden	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	
Educational facilities, college/university	P	P	
Educational facilities, elementary/middle/secondary	P	P	
Educational facilities, industrial trade school		P	

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

Accessory uses, not otherwise listed in this Table	P	P	P	P	36.2-403
Accessory apartment-dwelling unit	P	P	P	P	36.2- 402 409.1
Electric Vehicle Charging Stations	P	P	P	P	36.3-403
Home occupation, excluding personal service	P	P	P	P	36.2-413
Home occupation, personal service	P	P	P	P	36.2-413
Outdoor recreation facility lighting or sports stadium lighting	S	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	P	36.2-403
Wind turbine, commercial	SP	SP	SP	SP	36.2-403
Wind turbine, small	SP	SP	SP	SP	36.2-403

"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.

Sec. 36.2-328. Dimensional regulations for planned unit development districts.

District	MXPUD	INPUD	IPUD
Minimum size of district (acres)	None	None	S
Minimum lot area per dwelling unit (square feet) and <u>minimum lot area for each group living adult resident or room</u>	Specified on the development plan for the district		
Lot frontage minimum (feet)			
Front yard minimum (feet)			
Side yard minimum (feet)			
Rear yard minimum (feet)			
Height maximum (feet)			
Usable open space (percentage of lot area)			

Accessory structure minimum setback from rear and side lot lines (feet)			
Minimum parking requirement			
Impervious surface ratio maximum (percentage of lot area)	80	80	80
Minimum tree canopy (percentage of lot area)	15	10	10
<p><u>Lot area and building footprint are expressed in square feet</u> <u>Frontage, yard depth, height, and setback are expressed in feet</u> <u>Usable open space, impervious surface area and tree canopy coverage are expressed as a percentage of lot area.</u> <u>An accessory dwelling shall not be considered in determining compliance with minimum lot area for each dwelling.</u></p> <p>A numeric entry means the dimension shall apply based on the unit of measurement indicated. "Yes" means the requirement applies. "No" means the requirement does not apply. "None" means there is no requirement.</p>			

Sec. 36.2-332. Neighborhood Design Overlay District (ND).

* * *

- (c) *Design standards.* In considering an application for a zoning permit, the Zoning Administrator shall apply the following standards for construction of, an addition to, or the exterior modification of a dwelling in the ND:

(1) *Building location-and-massing:*

(A) ~~The required front yard shall be determined by the regulations of the applicable base zoning district.~~

~~(B) A new dwelling shall have two (2) stories above the grade of the front yard where lots on both sides have two-story dwellings.~~

~~(C) The width of single one dwelling and two dwelling buildings -family and two-family dwellings shall be within 25 twenty (20) percent of the average of the widths of such buildings other single-family and two-family dwellings on the same side of the same block. The front of multifamily dwellings shall be broken into sections of thirty (30) feet or less in width through offsets of the vertical plane of the façade of at least twelve (12) inches.~~

~~(DB) Where lots on both sides have dwellings, the height of the foundation facing the street shall be no more than 40 twenty (20) percent greater than the height of the tallest adjoining foundation and shall be no less than 40 twenty (20) percent below the height of the shortest adjoining foundation. Where a dwelling exists only on one (1) side, the foundation height shall be within 40 twenty (20) percent of the height of that adjoining dwelling. However, when the first floor of a dwelling meets the standards for accessibility in accordance with the International Code Commission [International Code Council] document A117.1-2009 – Accessible and Usable Buildings and Facilities, the height of the foundation shall be within forty (40) percent of adjoining foundation heights rather than twenty (20) percent. Such measurements shall be taken at comparable locations on the respective foundations (i.e., left side, right side). There is no foundation height requirement where no dwellings exist on either adjoining lot.~~

* * *

(3) *Entrances and windows:*

(A) The dwelling shall have at least one (1) entrance facing the primary front yard. The number of doors facing the primary front yard shall be limited to one (1) door for every 18 eighteen (18) feet of dwelling width. ~~Single-family and two-family dwellings~~ One and two dwelling buildings may have two entrances facing the primary front yard regardless of dwelling width if the second entrance is recessed at least six (6) feet behind the main front entrance.

~~(B) Doors facing a street shall have panel insets or windows.~~

~~(C) At least fifteen (15) percent of the front of the dwelling shall consist of window or door openings. At least ten (10) percent of the side of a dwelling which is not the front of the dwelling and which faces a street shall consist of window or door openings. Roofs, gables, and foundations shall not be included in determining the area of the front or the side of the dwelling.~~

- (~~BD~~) Windows on the front façade shall have a height that is at least ~~1.5 one and one-half (1½)~~ times their width.
- (~~E~~)—Windows on the front of the dwelling shall be arranged in a manner that is compatible with that of other dwellings in the district. In general, windows on separate stories of the front should be vertically aligned and windows on the same story should be horizontally aligned.
- (~~FC~~) All stairs facing a required front yard shall have solid risers.
- (~~HD~~) A sidewalk at least three (~~3~~) feet in width shall be provided between the front porch of a new dwelling and the street. The sidewalk shall be constructed of an impervious material customarily used for sidewalks in the district.
- (4) *Siding and trim:*
- (A) The siding of any dwelling, exclusive of trim materials, shall not be oriented vertically.
- (B) Windows and doors shall be surrounded by trim which is at least ~~3.5 three and one-half (3½)~~ inches wide, except for dwellings with masonry veneer, in which case no trim around doors or windows is required. However, an addition to or modification of an existing dwelling shall not be required to have window and door trim that is wider than that of the existing dwelling.
- (C) Vertical corner boards at least ~~3.5 three and one-half (3½)~~ inches wide shall be provided on all dwelling corners, except where the dwelling has a masonry veneer.
- (D) Any exterior wooden elements on a dwelling's façade facing a required front yard shall be painted or be stained with an opaque stain.
- (5) *Porches:*
- (A) ~~One dwelling and two dwelling buildings~~ ~~Single-family and two-family dwellings~~ shall have a front porch at least one-half (~~½~~) the width of the dwelling's façade, and having a depth of at least six (~~6~~) feet. The front porch shall face the primary front yard.
- (B) For new and existing dwellings, the front porch shall not be enclosed with siding.
- (C) Front porch railings shall have a top and bottom rail. Baluster ends shall not be exposed.
- (D) Front porch columns shall be uniform in shape and style and be at least five (~~5~~) inches wide at their bottom and top. Front porch columns shall have a base and cap that are at least one (~~1~~) inch thick and are at least ~~120 one hundred twenty (120)~~ percent of the width of the column.
- (E) The underside of front porches and stairways between pier supports shall be enclosed.
- (6) *Garages and additions:*
- (A) An attached or detached garage or carport shall be offset at least ~~24 twenty-four (24)~~ inches behind the front façade of the dwelling. Bay doors facing a street shall have panel insets or windows. An attached garage shall not make up more than ~~33 thirty-three (33)~~ percent of the front façade of the dwelling.
- (B) An addition to an existing dwelling shall be located on the rear or side of the dwelling, except a porch constructed in accordance with Section 36.2-332(c)(5) 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 ~~24 twenty-four (24)~~ inches or more. When an existing dwelling does not have a front porch, an addition may be constructed on the front of the dwelling if it includes a front porch constructed in accordance with Section 36.2-332(c)(5).

(d) *Procedural requirements.*

(1) A request to establish and apply a Comprehensive Sign Overlay District to a specific property or contiguous properties may be initiated by application of the property owner, contract purchaser with the owner's written consent, or the owner's agent in order to provide alternative sign regulations than would otherwise be required by this chapter. Such a request shall be considered an amendment to the zoning ordinance code and Official Zoning Map, and review and approval shall be subject to the amendment requirements as set forth in Section 36.2-540. If a Comprehensive Sign Overlay District is established, the sign limitation established by that overlay district shall govern.

~~Sec. 36.2-402. – Accessory apartments.–~~

~~In order that the single-family character of the property be maintained and an accessory apartment remain subordinate to the principal single-family detached dwelling with which it is associated, such accessory apartments, where permitted by this chapter, shall be subject to the following standards:~~

- ~~(a) An accessory apartment shall be located in a building that is accessory to, and is located on the same lot as, a single-family detached dwelling;~~
- ~~(b) Only one (1) accessory apartment shall be permitted on any one (1) lot;~~
- ~~(c) An accessory building in which the accessory apartment is located shall not be separately metered for utilities from the principal single-family detached dwelling;~~
- ~~(d) The floor area of the accessory apartment shall not exceed the lesser of eight hundred (800) square feet or eighty (80) percent of the gross floor area of a principal residential use to which it is associated; and~~
- ~~(e) Notwithstanding the minimum lot area per dwelling unit specified in Table 36.2-312, Dimensional regulations for residential districts, an accessory apartment shall not be considered as a dwelling unit for purposes of determining minimum lot area per dwelling unit.~~

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

(b) Standards for bed and breakfast establishments in residential districts.

(1) Such establishments shall be located on a lot on which a one dwelling building ~~single-family dwelling~~ is the principal use, although such establishments may be located within either the principal structure or an accessory structure, or both.

(3) The owner of the one dwelling building ~~single-family detached dwelling~~ occupied by the bed and breakfast establishment shall reside in the dwelling.

(7) Only accessory uses or structures which are incidental and subordinate to a one dwelling building ~~single-family detached dwelling~~ shall be permitted in conjunction with a bed and breakfast establishment.

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 dwelling use to which it is accessory:
- 1) One accessory dwelling may be established on a lot containing a new or existing one 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 800 square feet or 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 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 35 feet wide or less.
 - 2) Permitted only on a lot with a minimum lot area of 7,000 square feet.
 - 3) At least two buildings shall meet the maximum yard requirement of the district.
 - 4) Window or door openings shall constitute at least 15 percent of façades facing the street frontage.
 - 5) Limited to two stories.
 - 6) Dwelling units have a maximum gross floor area of 1,000 square feet.
 - 7) Buildings may be located on unit lots within a zoning lot.
 - 8) At least 20% 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 24 inches behind the front façade of the dwelling and the front door. An attached garage shall not make up more than 33 percent of the front façade of the dwelling.
- c) **One and two 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 and two dwelling buildings shall be within 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 24 inches behind the front façade of the dwelling and the front door. An attached garage shall not make up more than 33 percent of the front façade of the dwelling.
 - 3) 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.
 - 4) Where permitted by the district, a lot may contain multiple one or two dwelling buildings.

d) **Single-façade apartment buildings.** New and converted buildings oriented in a single mass with one primary facade, and containing three to eight dwellings, shall be subject to these standards:

- 1) The maximum width of the principal façade of the building shall be 120 percent of the average widths of other dwellings on the same side of the same block.
- 2) The building shall have one entrance facing the primary front yard. No additional entrances shall face the primary front yard unless recessed at least four feet behind the primary building facade.
- 3) 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.
- 4) The front façade shall contain a front porch at least one-half the width of the building width and at least eight 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 24 inches or more.
- 6) No garage door may face a primary street frontage.

e) **Multiple façade apartment buildings.** New and converted buildings having a shape with multiple primary facades, and containing three to eight dwellings, shall be subject to these standards:

- 1) Each façade within the primary front yard shall not exceed 120 percent of the average widths of other dwellings on the same side of the same block. Such facades shall be separated by at least 20 feet.
- 2) Window and door openings shall constitute at least 15 percent of the primary façades and at least 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 24 inches or more.
- 5) No garage door may face a primary street frontage.

f) **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) No parking spaces or driveways shall be permitted between a public or private street and any principal building. Exception: Parking and driveways may be located between the street and the building under the following conditions:
 - (i) Each townhouse dwelling is at least 25 feet in width;
 - (ii) The driveway is greater than ten feet wide.
 - (iii) The garage door is no greater than ten feet wide.
 - (iv) Driveways shall be located to minimize curb cuts.
 - (v) Each townhouse dwelling may be located on a unit lot subdivided from the parent zoning lot.
- 4) 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.

* * *

Sec. 36.2-410. Fences, walls, arbors, and trellises

* * *

(b) *Fence and wall standards.*

* * *

(3) The maximum height for fences and walls shall be based on the following schedule:

Zoning District	Location on Lot	Maximum Height of Fence or Wall
RA, R-12, R-7, R-5, R-3, RM-1, RM-2, RMF, IN, MX, MXPUD	On a lot with only one (1) lot frontage: between the building line and the lot frontage; or On a lot with more than one (1) lot frontage: between the building line on which the principal entrance to the building is situated and the lot frontage which it faces	48 inches
	On a lot with more than one (1) lot frontage: between any building line on which the principal entrance to the building is not situated and the lot frontage which that building line faces	6 feet
	Any required side or rear yard	6 feet, except where one (1) of these districts abuts a D, ROS, CN, CG, CLS, I-1, I-2, IPUD, INPUD, or AD District, maximum height shall be that of the abutting district along that abutting property line
D, ROS, CN, CG, CLS, INPUD, UF, UC	Any required yard	8 feet
I-1, I-2, IPUD, AD	Any required yard	10 feet

Sec. 36.2-411. Gasoline stations.

- (e) ~~Any gasoline station shall provide and maintain a landscaping strip consisting of evergreen shrubs and deciduous trees as defined further in Section 36.2-649 shall be placed along the street frontage of the lot or portion of the lot housing the gasoline station. The trees and shrubs shall meet the minimum planting size as listed in Section 36.2-642.~~
- (c) Any gasoline station shall provide and maintain a street screen or landscaping strip along any adjacent street right-of-way subject to the following requirements:
 - (1) A street screen shall be a minimum height of 30 inches and maximum height of 42 inches, with vertical support posts of metal or masonry spaced at no more than 8 feet on center. Panels between supports shall be metal, masonry, or both. Metal elements shall be painted or coated and of rigid construction, with no members less than 0.25 inch. Exposed concrete block is not an acceptable finish.
 - (2) A landscaping strip shall be of a minimum depth of eight (8) feet shall be planted with a minimum of one (1) evergreen or deciduous shrub, spaced at a rate of no greater than three (3) feet on center and having a minimum height at planting of twenty-four (24) inches, and
 - (3) The storage of motor vehicles within, upon, or in a manner which overhangs any portion of the required landscaping strip shall be prohibited.

- (f) Standards in the MXPUD District. Any gasoline station located in the Mixed Use Planned Unit Development District (MXPUD), shall be subject to the following standards:

- (1) The gasoline station shall not exceed 10 percent of the land area of the overall MXPUD zoned property.
- (2) Any canopy over a gas pump shall be subject to the following standards:
 - (A) Such canopy shall have a maximum overall height not to exceed the principal building height;
 - (B) There shall be no illumination of any portion of the fascia of the canopy;
 - (C) Any lighting fixtures or sources of light that are a part of the underside of the canopy shall be recessed into the underside of the canopy so as not to protrude below the canopy ceiling. All such lighting associated with the canopy shall be directed downward toward the pump islands and shall not be directed outward or away from the site;
 - (D) Signs attached to or on such canopy shall not be illuminated and shall not extend beyond the ends or extremities of the fascia of the canopy to which or on which they are attached.
 - (E) Such canopy shall be located no closer than the principal building line to the primary street frontage.

* * *

Sec. 36.2-419. - Motor vehicle repair or service establishment.

* * *

(b) Additional standards in the CG, CLS, UF, UC, and D District. In addition to the general standards set forth in subsection(a), above, any motor vehicle repair or service establishment in the Commercial-General District (CG), Commercial-Large Site District (CLS), Urban Flex (UF), Urban Center (UC), or Downtown District (D) shall be subject to the following standards:

* * *

Sec. 36.2-429. - Temporary uses.

* * *

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	Any district	For duration of construction activity or emergency need	Not applicable	Yes

subsection (b), below				
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, <u>UC</u> 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 •Limited to 120 days per calendar year CN, CG, CLS, I-1, I-2, D, IN, ROS, AD, INPUD, IPUD, UF, <u>UC</u> : •120 consecutive days •Limited to 120 days per calendar year per lot	See maximum duration	Yes
Produce stand (not applicable to community markets)	RA, CN, CG, CLS, I-1, I-2, UF	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, <u>UC</u>	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

(d) *Portable storage containers*

- (3) In addition to the general standards set forth in subsection (1) above, portable storage containers in the CN, CG, CLS, I-1, I-2, D, IN, ROS, AD, INPUD, IPUD, ~~and UF, and UC~~ Districts shall be subject to the following regulations:

~~Sec. 36.2-431. - Townhouses and rowhouses. —~~

~~(a) Purpose. The purpose of this section is to establish standards for townhouses and rowhouses that permit appropriate densities, minimize curb cuts, and provide for usable open space. It is the intent of this section that townhouses and rowhouses make efficient, economical, comfortable, and convenient use of land and open space and serve the public purposes of zoning by alternative arrangements of yards and buildings. (b) Applicability. The regulations of this section shall apply in the residential and multiple purpose districts. (c) Standards. Townhouses and rowhouses shall be subject to the following regulations: (1) Contiguous units: No contiguous row of townhouse or rowhouse dwelling units shall extend more than three hundred (300) feet. (2) Minimum width for individual townhouse or rowhouse lots: The minimum width of an individual townhouse or rowhouse unit lot shall be eighteen (18) feet. (3) Density, lot size, and frontage: The dimensional regulations of the zoning district as identified in Section 36.2-312 shall apply to the entire development site. Dimensional regulations shall not apply to each individual lot or unit lot. (4) Parking: No parking spaces or driveways shall be permitted between a public or private street and any principal building, except when parking is provided for each individual townhouse unit and provided further that the townhouse dwelling units are at least twenty five (25) feet in width, the driveways are no greater than ten (10) feet in width, and the garage doors are no greater than ten (10) feet in width. Parking spaces may be grouped in bays if not located between a public or private street and any principal building. (d) Subdivision. Nothing in this chapter shall prevent the creation of a subdivided unit lot for individual townhouse or rowhouse dwelling units within a townhouse or rowhouse zoning lot.~~

Sec. 36.2-551. - Development plans, generally.

(b) *Combination of lots.* When a basic or comprehensive development plan involves multiple lots of record, internal lot lines shall be vacated, relocated, or otherwise altered as a part of an otherwise valid and properly recorded plat of subdivision or resubdivision to create a single lot of record. This requirement may be waived by the Zoning Administrator whenever a new building is not being erected across a lot line, and the new construction consists entirely of a fence, a ramp for handicap accessibility, an addition to an existing one or two dwelling buildings ~~single-family dwelling~~, or an accessory structure whenever the existing dwelling or accessory structure is already located on a lot line.

Sec. 36.2-552. - Basic development plans.

(a) *Applicability.* A basic development plan shall be submitted as part of a zoning permit application for the following activities:

(1) Construction of, reconstruction of, relocation of, or addition to a one or two dwelling building ~~single-family detached dwelling, a single-family attached dwelling, a two-family dwelling~~ or permitted accessory structure and including associated grading and clearing, where such grading and clearing does not involve adjoining lots; or,

(2) Construction of, reconstruction of, relocation of, or addition to a one or two dwelling building ~~single family attached dwelling, a two family dwelling~~ or permitted accessory structure and including associated grading and clearing, on any lot within a subdivision with a valid subdivision site plan; or

Sec. 36.2-622. - Exempt lighting.

The following outdoor lighting shall be exempt from the requirements of this division:

* * *

(l) Floodlights mounted on buildings containing one to eight dwellings ~~single-family dwellings, two-family dwellings, townhouses, row houses and multifamily dwellings with four (4) or fewer units~~, provided that the lighting is mounted to the structure below the eaves or parapet, is designed to provide light in a concentrated distribution rather than a broad distribution of light in all directions, and is aimed, directed or shielded so as not to present glare on abutting lots or streets and to minimize spill light trespassing upward or across lot lines.

* * *

Sec. 36.2-644. Overall tree canopy requirements.

* * *

(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:

* * *

(B) Construction of an addition to or accessory structure associated with an existing one or two dwelling buildings ~~single family or two-family dwelling~~, provided that no required trees are removed as part of the project, shall be exempt from the requirements of this section.

Sec. 36.2-646. Façade planting.

Buildings Structures ~~containing single-family, two-family, townhouse or rowhouse, or multifamily dwelling-units~~ dwellings shall be subject to the following landscaping requirements:

* * *

Sec. 36.2-647. - Buffering and screening.

Table 647-1. Buffering and Screening of Certain Uses and Activities

Activity or Use	Location	Buffering or Screening Materials	Minimum Height
Wall of a principal building that contains less than 15% transparency	Between the wall and an abutting residential district or MXPUD district.	Buffer: Deciduous trees and evergreen shrubs	None
Base of a retaining wall 5 or more feet in height within 10 feet of property line	Between the wall and an abutting residential district, multiple purpose district, or PUD district, or between the wall and any public right-of-way.	Buffer: Evergreen shrubs	18 inches
Any commercial or industrial process or activity occurring outside of a wholly enclosed building	Between the location of the activity and any abutting residential district, multiple purpose district, or PUD district, located within 15 feet of property line of the abutting lot or lots.	Screen: Solid fence or wall	8 feet
Loading area, bay door, loading dock, or truck terminal	Between the loading area or loading dock and any abutting residential district, multiple purpose district, or PUD district.	Screen: Solid fence, wall, or evergreen tree screen	6 feet
Refuse container storage area	Perimeter of the refuse container storage area Exception: Not required where the aggregate capacity of refuse containers is less than 0.5 cubic yard	Screen: Solid fence or wall	12" above the height of tallest container
Ground-mounted mechanical equipment, more than 36 inches in height	Perimeter of the mechanical equipment that would otherwise be visible from any street frontage or adjacent property Exception: Not required where the use is a single-family detached dwelling or a two-family dwelling <u>one or two dwelling building.</u>	Screen: Fence or wall with a maximum of 40% open area	6" above the height of the tallest unit
Ground-mounted mechanical equipment up to 36 inches in height	Perimeter of the mechanical equipment that would otherwise be visible from any street frontage or adjacent property Exception: Not required where the use is a single family detached or a two-family dwelling <u>one or two dwelling building.</u>	Option 1 Fence or wall with a maximum of 40% open area Option 2 Evergreen shrubs	Option 1 6" above the height of the tallest unit or Option 2 18 inches at planting
Mechanical equipment on roof	Perimeter of the mechanical equipment that would otherwise be visible from any street frontage Exception: Not required in any industrial district	Screen: Fence or wall with a maximum of 40%	½ vertical height of equipment from adjacent street

		open area.	
Car wash	Between wash bay openings and any abutting residential district, multiple purpose district, or PUD district.	Screen: Solid fence, solid wall, or evergreen tree screen	6 feet
Commercial motor vehicle sales or service, new or used, or commercial motor vehicle storage area	Between any display or service areas and any abutting residential district	Screen: Solid fence, solid wall, or evergreen tree screen	6 feet
Drive-through facilities	Between any speaker and any abutting residential district, where the speaker is directed toward the abutting residential district	Screen: Solid wall	6 feet
Gasoline stations	Between the pumps and canopy and any abutting residential district	Screen: Solid fence, solid wall, or evergreen tree screen	6 feet
Junkyards, wrecker yards, and recycling centers	Perimeter of any area where the storage, collection, processing or other associated activity occurs, and which is not wholly enclosed within a building	Screen: Solid fence or solid wall, and evergreen tree screen	6 feet
Motor vehicle or trailer painting and body repair	Perimeter of any area used to store any visibly damaged or inoperative vehicles	Screen: Solid fence, solid wall, or evergreen tree screen	6 feet
Motor vehicle repair or service establishment	Perimeter of any area used to store any visibly damaged or inoperative vehicles	Screen: Solid fence, solid wall, or evergreen tree screen	6 feet
Motor vehicle sales and service	Between the display area and any abutting residential district	Screen: Solid	6 feet

establishment, new or used		fence, solid wall, or evergreen tree screen	
Outdoor sports facility	Between the facility and any abutting residential district.	Buffer: Deciduous trees	None
Outdoor storage or self-storage facility	Between the storage area and any abutting residential district, multiple purpose district, or PUD district. Between the storage area and any residential district, multiple purpose district, or PUD district across a street	Screen: Solid fence, solid wall, or evergreen tree screen	6 feet
Outdoor storage lot	Between the storage area and any abutting residential, multiple purpose district, or PUD district and between the storage area and any residential, multiple purpose, or PUD district across a street Along street frontage when not abutting a residential, multiple purpose, or PUD district across a street.	Screen: Solid fence, solid wall, or evergreen tree screen Deciduous trees	6 feet
Portable storage container as accessory use	Between container storage area and any abutting residential district, multiple purpose district, or PUD district.	Screen: Solid fence or solid wall	6 feet
Recycling collection point	Between any receptacle and any abutting residential district, multiple purpose district, or PUD district.	Screen: Solid fence or solid wall	6 feet
Towing services	Perimeter of any storage area for damaged or inoperative motor vehicles or trailers	Screen: Solid fence or solid wall	6 feet
Wireless telecommunications facility equipment	Perimeter of the base of the facility and equipment	Screen: Solid fence, solid wall, or evergreen tree screen	6 feet
Wireless telecommunications tower, less than 100 feet in height	Frontage facing a street or side visible from a public street or visible from an abutting residential district	Buffer: Evergreen trees	
Wireless telecommunications tower, 100 feet in height or greater	Frontage facing a street or side visible from a public street or visible from an abutting residential district	Buffer: Large deciduous trees	

* * *

Sec. 36.2-654. Parking and loading area standards.

(a) *General standards.* Parking and loading areas shall be subject to the following general requirements:

* * *

(4) Parking and loading areas shall be so designed as not to require or permit maneuvering to and from a street to access or exit a parking space, except ~~for single family detached, single family attached, two family dwellings, townhouses with individual driveways, and multifamily dwellings with less than four (4) dwelling units on a parcel where~~ such maneuvering to and from a street shall be permitted on a lot containing buildings with eight or fewer dwellings.

* * *

Table 654-1. Parking and Loading Area Standards

	Standards for <u>lots containing buildings with eight or fewer dwellings single-family dwellings, two-family dwellings, multifamily dwellings and townhouses with up to 4 dwelling units in a single structure on a single parcel, and townhouses with individual driveways regardless of district</u>	Standards for all other uses and zoning districts
<i>Material Standards:</i>		
All parking areas, loading areas, driveways and loading spaces, excluding parking structures	Improved surface required No curbing required Exceptions: Concrete runners with vegetated center and edge strips (ribbon driveway) Gravel permitted behind building line where access is off an alley Gravel permitted for all parking and loading areas in RA District	Improved surface required Curbing around all loading areas and all parking areas with 7 or more spaces, including any interior islands Exceptions: Gravel permitted: 1) behind building line where access is off an alley, 2) fleet storage, commercial vehicle storage, or 3) any area in an ROS District Curb not required where LID approach is used for stormwater management
Parking structures and garages	Exterior driveways as above. Interior construction in accordance with the Uniform Statewide Building Code.	Exterior driveways as above. Interior construction in accordance with the Uniform Statewide Building Code.
<i>Location Standards:</i>		
Driveway/parking area location relative to principal structures	Predominantly located toward 1 side of the principal structure. Parking spaces shall not be located within the middle third of the front façade, exclusive of garages.	Parking area prohibited between right-of-way and principal building line. Exception: Lots in CG District with less than

	Exception: Circular driveways Townhouses as required by Section 36.2- 431409.1	100 feet of frontage, and CLS, I-1, I-2, AD Districts
Minimum distance between driveway entrance/exit and a street intersection	20 feet	40 feet
Setbacks, any property line abutting a street	None 5 feet Exceptions: Not applicable for single-family dwellings, two-family dwellings and townhouses with individual driveways Not applicable to a parking area where a street screen is used.	5 feet Exception: Not applicable to a parking area where a street screen is used.
<i>Dimensional Standards:</i>		
Front yard coverage: Maximum area of driveways and parking areas in established front yard	30 percent of the lot area between the right-of-way and the building line Exception: The maximum area specified shall not apply to any areas where a permeable paver system is used.	No maximum
Width: Cumulative width of all driveway entrances at frontage	Cumulative width of driveway entrances shall not exceed 30 percent of the lot frontage Exceptions: 10 feet minimum width for all lots The maximum area specified shall not apply to any areas where a permeable paver system is used.	Cumulative width of driveway entrances shall not exceed 30 percent of the lot frontage Exception: 18 feet minimum width for all lots
Width: Minimum individual driveway width (applies between right-of-way and building line)	7 feet	R-12, R-7, R-5, R-3, R-A, RM-1 One way: 10 feet Two way: 18 feet RM-2, RMF, all multiple purpose districts One way: 12 feet Two way: 15 feet Industrial Districts One way: 12 feet Two way: 18 feet
Width: Maximum individual driveway width (applies between right-of-way and building line)	20 feet or half of the front lot line length, whichever is less Exceptions: For lots having a primary street frontage of 90 feet or greater, the maximum width shall be 30 feet. Maximum driveway width shall not apply to any areas where a	R-12, R-7, R-5, R-3, R-A, RM-1 One way: 12 feet Two way: 24 feet RM-2, RMF, all multiple purpose districts One way: 15 feet Two way: 24 feet Industrial Districts

	permeable paver system is used.	One way: 18 feet Two way: 30 feet
Maximum cross slope where a driveway crosses a sidewalk	2 percent	2 percent
<i>Operational Standards:</i>		
Pedestrian access required per § 36.2-654(c)	No	No Exception: Requirement applies to CG and CLS Districts
Unobstructed access from parking spaces to driveway/drive aisle	Yes Exception: Does not apply to <u>one or two dwelling buildings</u> single-family dwellings	Yes
Parking space dimensional standards	9' x 18' area for each required parking space provided, adequate maneuvering space from parking space to driveway/drive aisle Exception: Garages	Table 654-2 for required parking Exception: Parking structures
<i>Special Provisions for Corner and Through Lots (provisions apply to all frontages unless otherwise listed below):</i>		
Corner lots	<p>Material: Gravel permitted behind building line of the façade with the principal entrance and 1 intersecting street/building line when access is from an alley.</p> <p>Location: Driveway/parking area location relative to principal structures requirement applies only to the façade of the principal structure containing the principal entrance to the building and 1 intersecting frontage. The location of parking spaces shall be located predominantly to the side of the combined intersecting façades.</p> <p>Dimensional: Width standards apply to all frontages. Lot coverage standards apply to frontage of principal entrance and 1 intersecting frontage.</p>	<p>Material: Gravel permitted behind building line of 2 frontages when access is from an alley.</p> <p>Location: Standards apply to all frontages with the exception of parking between a building and the right-of-way. This requirement applies as follows:</p> <p>CN, CG, D, UF, <u>UC</u>, IN, and MX Districts: Applies to both frontages where the maximum front yard is met.</p> <p>All residential districts: Applies to 1 front yard, where maximum front yards apply; standard shall apply to 1 of the front yards where the maximum front yard is met.</p> <p>Dimensional: Apply to all frontages.</p>
Through lots	<p>Location: Standards apply to all frontages with the exception of location relative to principal structures. This requirement applies only to the frontage of the structure with the primary entrance.</p> <p>Dimensional standards:</p>	<p>Location: Standards apply to all frontages with the exception of parking between principal structures and the right-of-way. This provision applies only to 1 frontage and shall be the frontage where the maximum front yard is met where maximum front yards apply.</p>

	Minimum and maximum driveway width standards do not apply between the structure and the minimum front yard for the frontage that does not contain the primary entrance to the structure. The maximum area of driveways and parking areas in established front yard standard does not apply to the front yard that does contain the primary entrance to the structure.	
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(d) *Maximum driveway widths* as set forth in Table 654-1 may be exceeded in accordance with the following provisions:

- (3) For lots containing ~~a one dwelling building single family dwellings~~ with a garage, an increase in the maximum driveway width shall be permitted to allow the required flaring for motor vehicles to enter the driveway.

Sec. 36.2-668. - On-premises signs, generally.

Table 668-1. Type, Number, and Size of On-Premises Signs

District	Type Permitted	Maximum Number of Signs	Maximum Sign Area	Maximum Sign Area	Maximum Height	Permitted Characteristics
RA, R-12, R-7, R-3, RM-1	None	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable
	None	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable
RM-2, RMF	Freestanding	1 sign structure per lot frontage	25 sf	25 sf per sign structure	6 ft	Identification sign only
	Building-mounted		25 sf	25 sf	Not Applicable	
MX, CN, IN, ROS, UF	Freestanding	1 sign structure per frontage	0.5 sf per lf of lot frontage	32 sf per sign structure	6 ft	Illuminated Changeable copy. Electronic readerboard permitted in CN and IN
	Building-mounted	None	32 sf plus 0.5 sf per lf of building face or storefront over 32 lf, plus additional area per § 36.2-677	None	Not Applicable	
CG	Freestanding	1 sign structure per frontage	1 sf per lf of lot frontage	100 sf per sign structure	25 ft	Illuminated Changeable copy Electronic readerboard
	Building-mounted	None	32 sf plus 1 sf per lf of	None	Not Applicable	

			building face or storefront over 32 lf, plus additional area per § 36.2-677			
	Upper-story	None	10% of façade area, maximum 300 sf	None	Not Applicable	Illuminated
CLS	Freestanding	1 sign structure for first 200 linear feet of lot frontage. 1 additional sign for each additional 200 feet of lot frontage up to 4 signs	1 sf per lf of lot frontage	150 sf per sign structure	25 ft	Illuminated Changeable copy Electronic readerboard
	Building-mounted	None	32 sf plus 1 sf per lf of building face or storefront over 32 lf, plus additional area per § 36.2-677	None	Not Applicable	Illuminated Changeable copy Electronic readerboard
	Upper-story	None	10% of façade area, maximum 300 sf	None	Not Applicable	Illuminated
D-UC	Freestanding	1 sign structure per frontage	0.5 sf per lf of lot frontage	32 sf per sign structure	6 ft	Illuminated Changeable copy Public service message board Electronic readerboard
	Building-mounted	None	32 sf plus 1 sf per lf of building face or storefront over 32 lf, plus additional area per § 36.2-677	None	Not Applicable	Illuminated Changeable copy
	Upper-story	None	10% of façade area, maximum 300 sf	None	Not Applicable	Illuminated
I-1, I-2, AD	Freestanding	1 sign structure per frontage	0.5 sf per lf of lot frontage	125 sf per sign structure	16 ft	Illuminated Changeable copy Electronic readerboard
	Building-mounted	None	32 sf plus 1 sf per lf of building face	None	Not Applicable	

			or storefront over 32 lf, plus additional area per § 36.2-677			
MXPUD, INPUD, IPUD	As specified by the PUD development plan, or same as CG when not specified by plan.					
"sf" means square feet, "lf" means linear feet, "ft" means feet, and "n/a" means not applicable. "None" means no limit.						

Sec. 36.2-669. - Changeable copy signs and electronic readerboard signs.

(b) Electronic readerboard signs shall be subject to these requirements:

(3) An electronic readerboard in a CN, D, IN, UC, or CG District shall not exceed twenty-five (25) square feet in sign area.

Sec. 36.2-817. - Powers and duties.

(c) Zoning ordinance code and map amendments.

Appendix A – Definitions

~~*Accessory apartment:* A dwelling unit located within a structure that is accessory to, and is located on the same lot as, a single-family detached dwelling.~~

~~*Boarding house:* A dwelling, or portion thereof, where up to, but not more than, six (6) furnished bedrooms are provided for lodging for monetary compensation on a weekly, monthly, or longer basis, where no more than a total of six (6) persons reside, where the rental or leases are for definite periods of time, and where such establishment is not open to the public or overnight guests. No meals are provided to outside guests. Such establishments provide a common kitchen facility and shared bathroom facilities. A "boarding house" is also commonly known as a rooming house.~~

Business services establishment: An establishment primarily engaged in the sale, leasing, or repair of office equipment, supplies, and materials, or the rendering of services used by office, professional, and service establishments. Typical uses include office equipment and supply firms, small business machine repair shops, convenience printing and copying establishments, management and consulting services, office security services, advertising and mailing services, data and records storage, janitorial services, employment or temporary labor services and other professional, scientific, or technical services or administrative or support services not otherwise specifically listed in the Use Tables in Article 3 of this chapter.

Community housing services: a small scale operation providing temporary occupancy, and which may provide mental health counseling, employment services, permanent housing assistance, and other

supportive services. The temporary housing capacity of a community housing services operation shall be limited to twelve people.

Dormitory: A building, or portion thereof, owned or operated by an educational facility or hospital, which provides boarding house style accommodations exclusively to students, faculty, and employees of such institution.

Dwelling: A building, or portion thereof, designed to be used for continuous, year-round residential purposes, containing one (1) or more independent housekeeping units and including the following specific types:

(1) — Dwelling, Single-family, attached: A one-family dwelling unit, with its own independent entrance at ground level, which is part of a building consisting of two (2) one-family dwelling units, attached by a common vertical wall, and with each dwelling unit being located on its own individual lot.

(2) — Dwelling, Single-family detached: A site built, modular, or industrialized building designed exclusively as one (1) dwelling unit for continuous year-round occupancy by one (1) family only, which is located on its own individual lot and which is not attached to any other dwelling by any means.

(3) — Dwelling, Two-family: A building on an individual lot containing two (2) dwelling units, designed for occupancy by not more than two (2) families.

(4) — Dwelling, Multifamily: A building, a portion of a building, or multiple buildings on a single lot, designed for the permanent occupancy of three (3) or more families, regardless of the method of ownership, with the number of families in residence not exceeding the number of dwelling units provided.

(5) *Dwelling, Manufactured home:* A factory-built, single-family unit dwelling structure, transportable in one (1) or more sections, subject to federal regulations and constructed after June 15, 1976, which is constructed on a chassis for towing to the point of use, and is not less than nineteen (19) feet in width when assembled, and is set up on a permanent foundation on an individual lot for continuous year-round occupancy as a single-family unit dwelling when connected to the required utilities.

(6) *Dwelling, Mobile home:* A structure, transportable in one (1) or more sections, not subject to federal regulations and constructed prior to June 15, 1976, which is constructed on a chassis for towing to the point of use and designed to be used, with or without permanent foundation, for continuous year-round occupancy as a single-unit family dwelling when connected to the required utilities.

(7) — Dwelling, Townhouse or rowhouse: A one-family dwelling unit, with its own independent entrance at ground level, which is part of a building consisting of three (3) or more one-family dwelling units, attached horizontally in a linear arrangement and separated by common vertical walls.

Dwelling: a room or group of connected rooms designed for occupancy by a household as an independent housekeeping unit for 30 days or longer.

Dwelling types: This code identifies the following types of dwellings for the purpose of providing supplemental regulations that prescribe form, location, and orientation.

Accessory dwelling: an additional dwelling on a lot where the principal use is a one dwelling building on a lot. (synonyms: Accessory dwelling unit, ADU, accessory apartment)

One and two dwelling building: a building that contains one or two dwellings. (synonyms: single-family detached dwelling, single-family attached dwelling, two-family dwelling, duplex dwelling).

Cottage court: a group of two or more buildings that contain three or more dwellings that are limited to 1,000 square feet of gross floor area. with buildings and entrances oriented onto a central court for common access. (Synonym: Courtyard housing)

Townhouse building: A building containing two or more dwellings connected by vertical walls, with each dwelling having an independent entrance. (Synonyms: rowhouse, single-family attached dwelling)

Single façade apartment building: a building that contains three to eight dwellings and has a single primary façade.

Multiple façade apartment building: a building that contains three to eight dwellings and has two or more primary façades. (synonym: courtyard apartment)

Large apartment building: a building containing nine or more dwellings.

Financial services institution: The provision of financial and banking services to consumers or clients, including banks, savings and loan associations, credit unions, lending establishments, and mortgage offices, and which may include their support services such as call centers, training centers, and offices.

Group care facility: A residential facility or dwelling unit housing persons unrelated by blood, marriage, adoption, or guardianship, including congregate homes, group care homes, halfway houses, nursing homes, and transitional living facilities as defined below:

(1) Congregate home: A group care facility providing accommodation and supervision to individuals or families where medical care is not a major element and including homes for orphans, foster children, veterans, victims of domestic violence including battered men, women or children, the elderly, pregnant teenagers, nonresident families of hospitalized patients, mentally handicapped, or similar uses.

(2) Group care home: A group care facility in which more than eight (8) mentally ill, mentally retarded, or developmentally disabled persons reside with one (1) or more resident counselors or other staff persons.

(3) Halfway house: A group care facility providing accommodation, rehabilitation counseling, and twenty-four (24) hour a day on-site supervision to persons suffering from alcohol or drug addiction, or persons suffering from similar disorders, or persons re-entering society after being released from a correctional facility or other institution.

(4) Nursing home: A group care facility providing long term accommodation to the elderly, mentally or physically handicapped, or other individuals incapacitated in some manner for medical reasons and where primary or nonprimary medical treatment facilities are a component of the use.

(5) Transitional living facility: A group care facility providing shelter to the homeless and generally integrated with other social services and counseling programs to assist in the transition to self-sufficiency through the acquisition of a stable income and permanent housing.

Group home:

(1) A residential facility in which no more than eight (8) individuals with mental illness, intellectual disability, or developmental disabilities reside, with one (1) or more resident or other nonresident staff persons, and for which the Department of Behavioral Health and Developmental Services is the licensing authority pursuant to the Code of Virginia (1950), as amended.

(2) A residential facility in which no more than eight (8) aged, infirm, or disabled persons reside, with one (1) or more resident or other staff persons, and for which the Department of Social Services is the licensing authority pursuant to the Code of Virginia (1950), as amended.

~~For purposes of this definition, mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in Section 54.1-3401 of the Code of Virginia (1950), as amended.~~

Group living: permanent occupancy of a building by nine or more people who may be unrelated and who may receive supportive services or medical care. Group living is characterized by common areas and centralized food services and are distinguished from an apartment building by having no independent dwellings. Such living arrangements may be commonly referred to as nursing homes, congregate care, or group care.

Household: a person or group of persons living within a dwelling and sharing kitchen facilities, sanitation facilities, and common areas. A household may have one of the following types of occupancy:

- (a) A family of related persons of unlimited number.
- (b) A family defined as up to eight persons with mental illness, intellectual disability, or developmental disability who reside with one or more resident or nonresident staff persons in a residential facility for which the Department of Behavioral Health and Developmental Services is the licensing authority pursuant to the Code of Virginia (1950), as amended.
- (c) A family defined as up to eight aged, infirm, or disabled persons who reside with one or more resident counselors or other staff persons in a residential facility for which the Department of Social Services is the licensing authority pursuant to the Code of Virginia (1950), as amended.
- (d) A group of up to eight persons who may not be related and may receive supportive services or medical care.

Permanent occupancy: Occupancy for any period of 30 days or longer.

Regional housing services: an operation providing temporary occupancy, and which may provide mental health counseling, employment services, permanent housing assistance, and other supportive services. The temporary housing capacity of a regional housing services operation is not limited.

Short-term rental: An accommodation for transient guests where, in exchange for compensation, a dwelling is provided for lodging for less than 30 days, and which is not a "boarding house" or "group care facility" as defined in this chapter.

Temporary occupancy: Occupancy for less than 30 days.

2. This Ordinance will become effective immediately upon its passage.
3. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this Ordinance by title is hereby dispensed with.

ATTEST:

Cecelia J. McCoy

City Clerk

