TOWN COUNCIL
& PLANNING COMMISSION JOINT WORKSESSION
AGENDA

November 21, 2023

5:30 PM

The Franklin Center
50 Claiborne Avenue, Rocky Mount, Virginia

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1. Roll Call
2. Approval of Agenda
3. Berkley Group Presentation-Zoning & Subdivision Ordinance Update
   3.1. Berkley Agenda & Meeting Materials
4. Adjournment

Overview

The Town of Rocky Mount is updating, modernizing, and restructuring the Zoning and Subdivision Ordinances into one seamless regulatory document. The revised Zoning and Subdivision Ordinance will:

- Provide streamlined and user-friendly regulations;
- incorporate best planning practices and current state code requirements;
- address the goals and strategies identified in the Comprehensive Plan; and,
- consider citizen needs and issues identified through the public engagement process.

This process will be guided by Town staff, the Planning Commission, and the Town Council with opportunities for input from stakeholders and citizens.

Agenda

The November 21st meeting will focus on reviewing the proposed articles:

- **Article 6, Use Matrix**
- **Article 7, Use Standards**

The following agenda is provided as an outline for discussion:

1. **Schedule & Progress to Date** – 5 minutes
2. **Proposed Article Review –** 60+ minutes
   a. Article 6 – 30 minutes
   b. Article 7 – 30 minutes
   c. Related definitions – 10 minutes
3. **Next Steps** – 5 minutes

Schedule & Progress to Date

Attachment A: Project Schedule

Progress to date includes:

- Staff Kickoff – Held on February 6, 2023. The Berkley Group conducted a kickoff meeting with Rocky Mount staff to review the scope of work and deliverable items. This meeting gave Berkley Group's team insight into current issues and areas of focus.
- Joint Town Council and Planning Commission Kickoff – Held on March 20, 2023. During this meeting Berkley Group gave a presentation and facilitated group discussion on the scope of work, schedule, ordinance purpose and content, and community engagement.
- Community Engagement – Public engagement offered opportunities to collect community feedback on priorities for the ordinance update. An online public survey was conducted from April 1-30; focus group interviews and a public workshop were held on April 12.
- Joint Town Council and Planning Commission Worksession – Held on May 18, 2023. During this meeting the Berkley Group gave a presentation and facilitated group discussion on the Public

Engagement Summary, the Land Use Report, and the proposed structure of the Zoning & Subdivision Ordinance.

- Joint Town Council and Planning Commission Worksession – Held on July 24, 2023. During this meeting the Berkley Group gave a presentation and facilitated group discussion on Articles 1, 2, 3, and 9, and related definitions, of the draft ordinance.
- Joint Town Council and Planning Commission Worksession – Held on Sept. 18, 2023. During this meeting the Berkley Group gave a presentation and facilitated group discussion on Articles 4 and 5, and related definitions, of the draft ordinance.

Proposed Article Review

See Attachments B and C for the proposed articles for review.

Attachment B has 3 parts –

1. Draft Article 6 document. The matrix will be formatted into this document later.
2. Use Matrix Navigation. This explains how to use the draft use matrix.
3. Draft Use Matrix. First draft of the matrix.

Attachment D includes Definitions from Articles 6 & 7 for review.

Notes: *Editor's footnotes are provided to aid review. The footnotes explain inclusions, omissions, and modifications between the existing Ordinance and the proposed draft Ordinance.*

Items highlighted in yellow include dates and references to various articles, sections, graphics, etc. We will use these after all revisions are made to fill in correct dates and references.

Attachment B: Article 6 – Use Matrix

This Article establishes a streamlined Use Matrix that clearly identifies land uses allowed in Rocky Mount, and which zoning districts they are allowed in. This organization eases use of the Ordinance for the public and for Town staff by providing all the information in one table, eliminating the need to read through every zoning district to see where uses are allowed.

Note: *To better facilitate review of the Use Matrix, the version provided today is a different format from the final Article. The final Article draft will be provided at a later worksession. For guidance on using the Use Matrix and to see an example of a final Use Matrix see Attachment B2.*

- Use types with an asterisk in the Use Matrix have standards provided in Article 7.
- Definitions are shown in the draft matrix to ease review. The final Article 6 will not include definitions, as they will be compiled into Article 11, Definitions.

Changes to note are outlined below:

- Existing uses have been combined into one category where possible (e.g., agricultural operations (crops and livestock), tree farms, and gardens have been combined with Agriculture/Silviculture).

- Changes are proposed to which zoning districts specific uses are allowed in, and whether by-right or by Special Exception, as noted by red text.
- Some new use types are recommended additions, as shown in the matrix.
- Short-term Rental is a proposed new use to replace "rooming and boarding" and "tourist homes."

Attachment C: Article 7 – Use Standards

Note: *See Attachment E, Use Standards Guide, for additional information on use standards.*

Article 7 provides additional requirements for specific uses (uses with use standards are denoted with an asterisk in the Use Matrix) related to location, design, and intensity of the use. These standards help mitigate the impacts of the use on nearby properties and the surrounding district. Incorporating use standards is a business-friendly way to allow more uses by-right while also addressing potential impacts.

Changes to note are outlined below:

- Several existing uses have proposed new use standards, as noted in footnotes.
- The following are proposed new use standards:
    - Adult Use
    - Agriculture, Residential
    - Agritourism
    - Animal Shelter
    - Construction Temporary Uses
    - Drive-through Window
    - Event Venue
    - Gas Station
    - Mixed-Use Structure
    - Outdoor Storage
    - Roadside Farm Stand
    - Solar energy facilities

Attachment D: Definitions – Articles 6,7

Definitions are included for reference as they pertain to the Articles being reviewed during this worksession. They will be placed in Article 11, Definitions, following review.
Changes to note are outlined below:

- Many new definitions have been added.
- Existing definitions have been reviewed and updated to include streamlined wording and example uses where needed.
- Code of Virginia references have been updated.

Next Steps

The Berkley Group will review any recommendations and comments for incorporation and continue drafting ordinance articles. Topics to be discussed at the next meeting include:

- Article 8, Community Design Standards
- Related Definitions

Zoning and Subdivision Ordinance Update

Planning Commission and

Town Council

Drafting Worksession #3

November 21, 2023

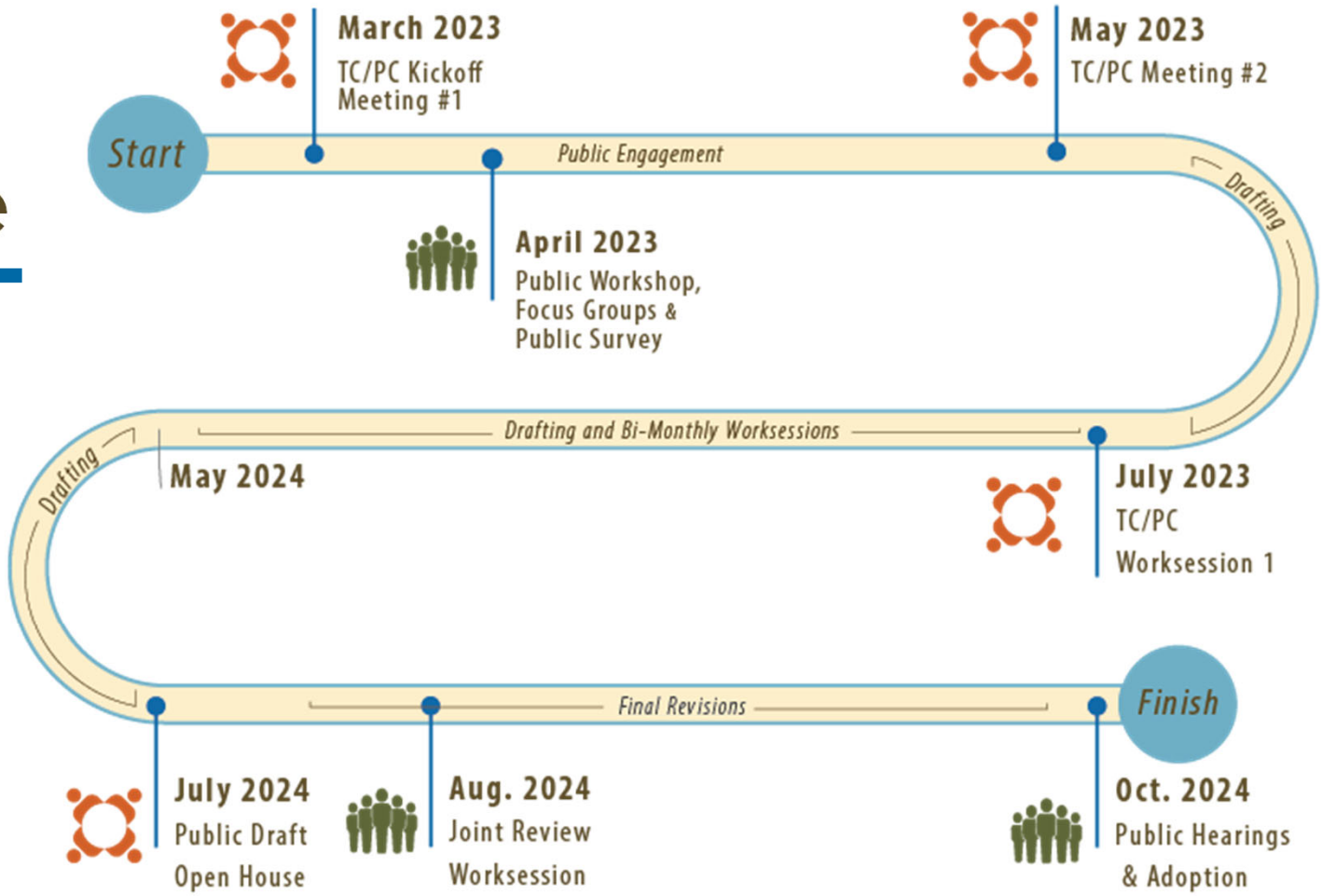
ROCKY MOUNT VIRGINIA

BERKLEY GROUP

Agenda

- Schedule & Progress to Date
- Proposed Article Review
- Next Steps

Project Schedule



Draft Ordinance Structure

Article 1 – General Provisions

Article 2 – Administration

Article 3 – Permits and Applications

Article 4 – Primary Zoning Districts

Article 5 – Overlay Zoning Districts

Article 6 – **Use Matrix**

Article 7 – **Use Performance Standards**

Article 8 – Community Design Standards

Article 9 – Nonconformities

Article 10 – Subdivision

Article 11 – **Definitions**

Drafting Process

Based on Code of Virginia requirements and other State Direction

- Updated to reflect or include Code of Virginia requirements

General Reorganization

- Created a Use Matrix
- Restructured and/or simplified existing standards

Based on Public Engagement and Staff Direction

- Updates to reflect needs and desires of community and staff

Article 6 – Use Matrix

New Matrix – New and Reorganized Use Permissions

Attachment B1

ARTICLE 6. – Use Matrix.

Division 1. Uses Provided.

Section 6-1-1. Organization

(A) The Use Matrix organizes permitted uses by zoning district classifications and use ty
Matrix, Article 7, Use Standards, and Article 11, Definitions, of this Ordinance, toget
systematic basis for identifying and organizing uses and distinguishing whether a p
allowable in a particular zoning district.

(1) Use classifications. Use classifications by zoning districts identify broad gene
of land use and include agricultural uses; residential uses; public, civic, and
commercial uses; industrial uses; and miscellaneous uses.

(2) Use types. The specific use types identify the specific principal uses that
classification.

(B) If a use's definition states that the particular use is permitted as ancillary or
use, a second Zoning Permit is not required for that ancillary or accessory u

Section 6-1-2. Abbreviations

(A) Permitted uses. "B" in a Use
in the zoning district at the
Ordinance.

(B) Special Exception uses. "SE"
in the zoning district at the

Attachment B2

Use terms (white line) provided in the existing Zoning Ordinance – to be replaced

Proposed use terms and definitions (light yellow background) to replace existing

Primary Zoning Districts provided in the Ordinance

Legend for the letters found through the matrix

Use category – shows the type of use (ag, res, commercial, etc.)

Asterisk indicates that Use Performance Standards are provided in Article 7.

Indication of how a use is currently permitted (white rows with black text) – see below for further explanation

Attachment B3

Town of Rocky Mount I Draft Use Matrix I Drafting Worksession #3 I November 21, 2023

Use Types	Definitions	Districts												
		RA, Residential Agriculture	R1, Residential Low Density	R2, Residential Medium Density	R3, Residential High Density	RPUD, Residential Planned Unit Development	RB, Residential Business	C1, Commercial Office Limited	C2, Commercial Office General	GB, General Business	CBD, Central Business	M1, Industrial Limited	M2, Industrial General	POS, Public/Open Space
Light Yellow=proposed new use/definition/consolidation grey/white=existing to be removed * includes Use Standards		B = By-Right SE = Special Exception Blank = Not Permitted (Black=existing; Red = proposed)												
Agricultural														

Article 6 – Use Matrix

Draft Matrix – How To Use

Use terms (white line) provided in the existing Zoning Ordinance – to be replaced

Proposed use terms and definitions (light yellow background) to replace existing

Primary Zoning Districts provided in the Ordinance

Legend for the letters found through the matrix

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Light Yellow =proposed new use/definition/consolidation *White =existing to be removed; * includes Use Standards*		*B = By-Right SE = Special Exception Blank = Not Permitted (Black=existing; Red = proposed)*												
Agricultural														
Agriculture / Silviculture*	Any operation devoted to the bona fide production of crops, or animals, or fowl; the growing, harvesting, and production of plants, fruits and vegetables of all kinds; the production and harvest of products from silvicultural activity; and farm wineries, farm breweries, and farm distilleries as defined by the Code of Virginia.	B												
Agricultural operations (crops)	*no definition*	B												
Agricultural operations (livestock)	*no definition*	B												
Tree farms	*no definition*	B												
Gardens	*no definition*	B												
Stable, Private*	A building, or group of buildings, which are accessory to a single-unit dwelling where horses are kept for the private use of the owners or their guests.	B												
Stables	*no definition*	B												
Suggested Agricultural Additions														
Agriculture, Residential*	The personal and recreational practice of maintaining, raising, and/or breeding of bee colonies within apiaries, hives, or similar container and the keeping and raising of chickens on land incidental to a principal dwelling.	B												

Asterisk indicates that Use Performance Standards are provided in Article 7.

Indication of how a use is currently permitted (white rows with black text)

Indication of how a use is proposed to be permitted (light yellow rows with red text)

Matrix – Revisions to Note

- Existing uses have been combined into one category where possible.
- Suggested changes to “by-right” and “special exception” permissions.
- New definitions include key topics from existing definitions.

Example: Club

Use Types	Definitions	Districts									
		RA, Residential Agriculture	R1, Residential Low Density	R2, Residential Medium Density	R3, Residential High Density	RPUD, Residential Planned Unit Development	RB, Residential Business	C1, Commercial Office Limited	C2, Commercial Office General	GB, General Business	CBD, Central Business
Club	A use providing educational, meeting, or social facilities for civic or social clubs, fraternal/sororal organization, and similar organizations and associations, primarily for use by members and guests. Recreational facilities, unless otherwise specifically cited in this section, may be provided for members and guests as an accessory use. A Club does not include a building in which members reside.					**B**		**B**	**B**	**B**	**SE**
Clubs	*A use providing educational, meeting, or social facilities for civic or social clubs, fraternal/sororal organizations, and similar organizations and associations, primarily for use by members and guests. Recreational facilities, unless otherwise specifically cited in this section, may be provided for members and guests as an accessory use. A "club" does not include a building in which members reside. (Amended 2/5/04)*			SE		B			B	B	
Lodges	*A facility providing meeting, recreational, social and/or dining spaces for a fraternal organization.*			SE						B	
Service, philanthropic, and social clubs	*no definition*										B

New Use Types

Roadside Farm Stand

Use Types	Definitions	RA, Residential Agriculture
Roadside Farm Stand* Editor's Note: Code of Virginia requires this use be allowed in Agricultural districts.	An establishment for the seasonal retail sale of agricultural or forestal goods and merchandise incidental to an agricultural operation.	B

Telecommunications Facility, Small Cell

Use Types	Definitions	Districts												
		RA, Residential Agriculture	R1, Residential Low Density	R2, Residential Medium Density	R3, Residential High Density	RPUD, Residential Planned Unit Development	RB, Residential Business	C1, Commercial Office Limited	C2, Commercial Office General	GB, General Business	CBD, Central Business	M1, Industrial Limited	M2, Industrial General	POS, Public/Open Space
Telecommunications Facility, Small Cell* Editor's Note: This use is required by Code of Virginia to be permitted throughout the locality.	A wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than six cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet and (ii) all other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet, or such higher limit as is established by the Federal Communications Commission. The following types of associated equipment are not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation boxes, back-up power systems, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services (Code of Virginia §15.2-2316.4).	B	B	B	B	B	B	B	B	B	B	B	B	B

New Use Types

Brewery, Distillery, or Winery

Use Types	Definitions	C2, Commercial Office General	GB, General Business	CBD, Central Business	M1, Industrial Limited
Brewery, Distillery, or Winery	An establishment primarily engaged in brewing ale, beer, malt liquors, and nonalcoholic beer, with a capacity of more than 1,000 barrels per year; or primarily engaged in distilling and blending potable liquors, including mixing them with other ingredients, with a capacity of more than 5,000 gallons of finished product per year; or primarily engaged in the crushing, fermentation, bulk aging/storage, and bottling of grapes that are primarily brought in and not grown on-site, at a capacity of more than 5,000 gallons per year. The development may include other accessory uses such as a standard restaurant, tasting room, or live entertainment.	B	B	B	B

New Categories and Definitions

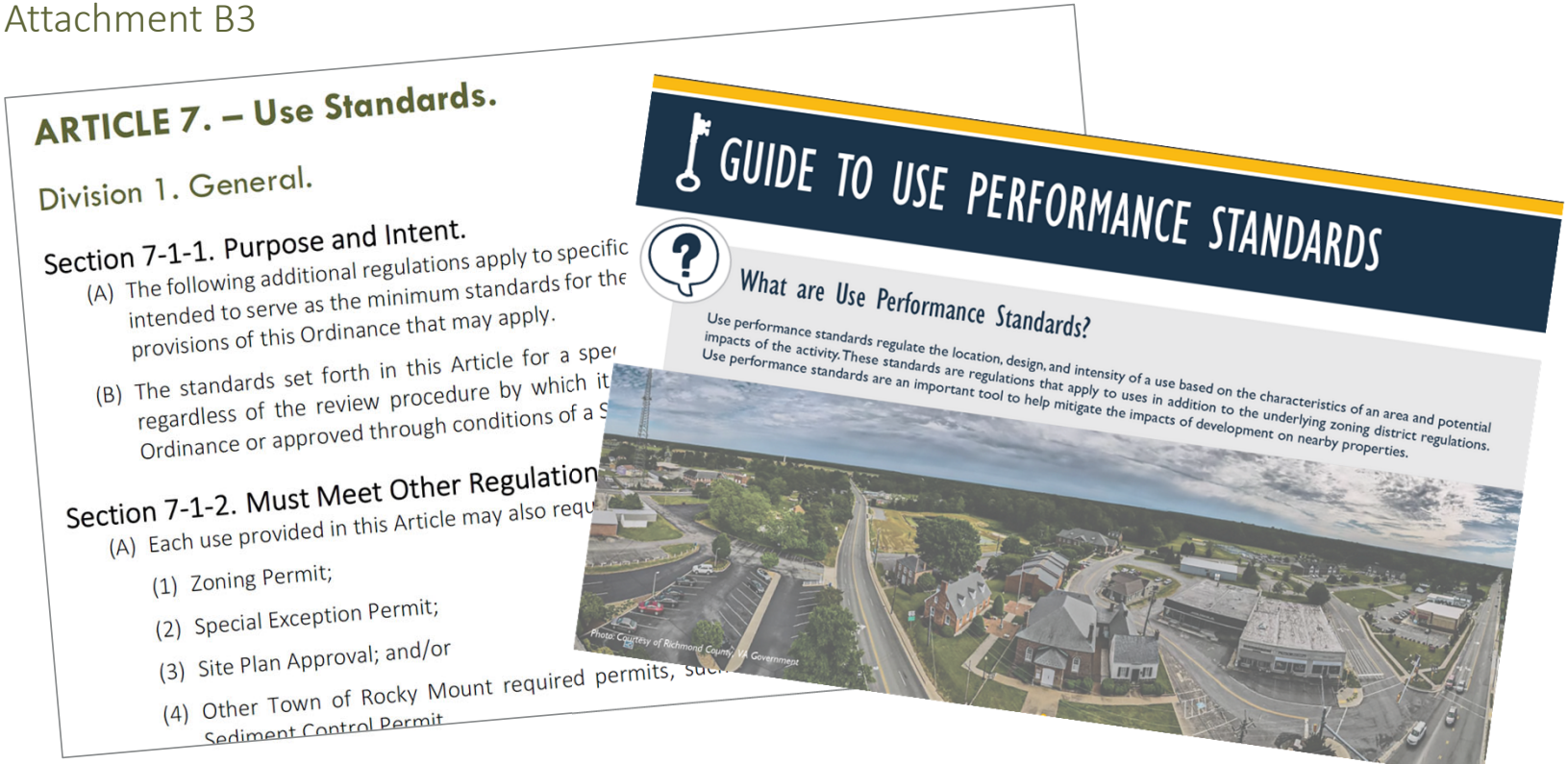
Hospital/Medical Treatment/Medical Office

ARTICLE 6. – Use Matrix. Attachment B3 Pages 23 & 25

Use Types	Definitions	Districts			
		C1, Commercial Office Limited	C2, Commercial Office General	GB, General Business	CBD, Central Business
Hospital	Pursuant to § 32.1-123 of the Code of Virginia, any facility licensed in which the primary function is the provision of diagnosis, of treatment, and of medical and nursing services, surgical or nonsurgical, for two or more nonrelated individuals, including hospitals known by varying nomenclature or designation such as children's hospitals, sanatoriums, sanitariums and general, acute, rehabilitation, chronic disease, short-term, long-term, outpatient surgical, and inpatient or outpatient maternity hospitals.	SE	SE	B	SE
Medical Treatment Facility	A facility other than a hospital or medical or dental office where medical services are provided to individuals on an outpatient basis. Examples of medical treatment facilities include urgent care centers, dialysis centers, drug or alcohol treatment facilities, blood or tissue collection facilities, and diagnostic and laboratory services.	SE	B	SE	
Office, Medical/Clinic	The use of a site for facilities which provide diagnoses, minor surgical care and outpatient care on a routine basis, but which does not provide overnight care or serve as a base for an ambulance service. Medical offices are operated by doctors, dentists, or similar practitioners licensed by the Commonwealth of Virginia. This use does not include the use Medical Treatment Facility, as defined by this Ordinance.	SE	B	B	B

Article 7 - Use Standards

Attachment B3



ARTICLE 7. – Use Standards.

Division 1. General.

Section 7-1-1. Purpose and Intent.

(A) The following additional regulations apply to specific
intended to serve as the minimum standards for the
provisions of this Ordinance that may apply.

(B) The standards set forth in this Article for a spe
regardless of the review procedure by which it
Ordinance or approved through conditions of a S

Section 7-1-2. Must Meet Other Regulation

(A) Each use provided in this Article may also requ

(1) Zoning Permit;

(2) Special Exception Permit;

(3) Site Plan Approval; and/or

(4) Other Town of Rocky Mount required permits, such
Sediment Control Permit

GUIDE TO USE PERFORMANCE STANDARDS

What are Use Performance Standards?

Use performance standards regulate the location, design, and intensity of a use based on the characteristics of an area and potential impacts of the activity. These standards are regulations that apply to uses in addition to the underlying zoning district regulations. Use performance standards are an important tool to help mitigate the impacts of development on nearby properties.

Photo: Courtesy of Richmond County, VA Government

Using the Articles Together

New Use & Standards: Mixed-Use Structure

ARTICLE 6. – Use Matrix. Attachment B3 Page 38

Use Types	Definitions	R3, Residential High Density	RPUD, Residential Planned Unit Development	RB, Residential Business	GB, General Business	CBD, Central Business
Structure, Mixed-Use*	A building containing residential uses in addition to non-residential uses permitted in the zoning district. Mixed-use structure should not be confused with a mix of uses each in separate structures in a single development.	B		B	B	B

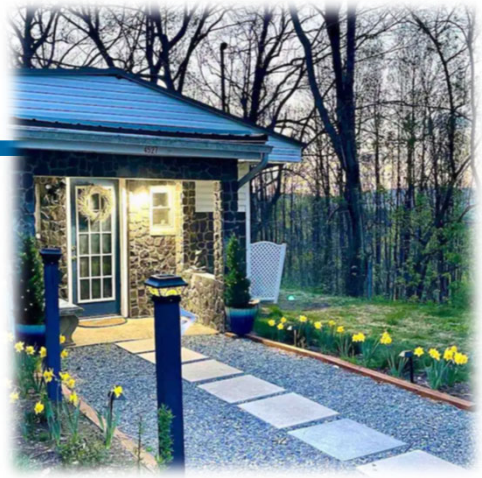
ARTICLE 7. – Use Standards.

Attachment C Page 38

Section 7-7-3. Mixed-Use Structure

- When located in a commercial district:
  - 50% of 1st floor commercial use
  - On public sidewalk or ROW
  - Maintain character of the district
- When located in the CBD:
  - Residential on 1st floor at rear of building

Using the Articles Together



New Use & Standards: Short-Term Rental

ARTICLE 6. – Use Matrix. Attachment B3 Page 11

Use Types	Definitions	RA, Residential Agriculture	R1, Residential Low Density	R2, Residential Medium Density	R3, Residential High Density	CBD, Central Business
Short-Term Rental*	The accessory or secondary use of a residential dwelling unit or a portion thereof by a host to provide room or space that is intended for short term, transient rental purposes in exchange for a charge for the occupancy. This use type does not include bed-and-breakfast establishments and does not apply to month-to-month extensions following completion of a year's lease.	B		B	B	B
Rooming and boarding	*no definition*				B	
Tourist homes	*A dwelling where only lodging is provided for compensation for up to 14 persons (in contradistinction to hotels and boarding houses) and open to transients.*				B	

ARTICLE 7. – Use Standards.

Attachment C Page 12

Section 7-3-8. Short-Term Rental.

- Requirements:
  - Register & pay occupancy tax
  - Permission to inspect
  - Revocation:
    - 3 complaints in 1 year
    - Delinquent taxes
  - Owner occupation required:
    - All districts except CBD

Using the Articles Together

New Use & Standards: Adult Use

ARTICLE 6. – Use Matrix. Attachment B3 Page 29

Use Types	Definitions	GB, General Business
Adult Use*	Any premise from which minors are excluded in which features the viewing, retail sale, and/or rental of any merchandise not purchasable by minors such as books, magazines, newspapers, digital media, movie films, devices, products, or other photographic or written productions. Additionally, any premise from which minors are excluded and operates as a nightclub, bar, restaurant, or similar establishment that regularly features live performances that have a dominant theme or purpose intended to provide sexual stimulation or sexual gratification to such customers, and which is distinguished by or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities, or specified anatomical areas.	B

ARTICLE 7. – Use Standards.

Division 5. Commercial Uses. Attachment C Page 24

Section 7-5-1. Adult Use.

- Standards require:
  - 1,000 ft. from another adult use and residential & historic districts
  - 1,000 ft. from – educational, religious, public park/recreation, public use, hotel, life care facility, medical treatment facility, adult family day home, group home, or day care center.
  - Hours of operation, design standards
- This Section DOES NOT:
  - Restrict materials protected by the First Amendment
  - Condone obscene material

Using the Articles Together

New Use & Standards: Event Venue

ARTICLE 6. – Use Matrix. Attachment B3 Page 31

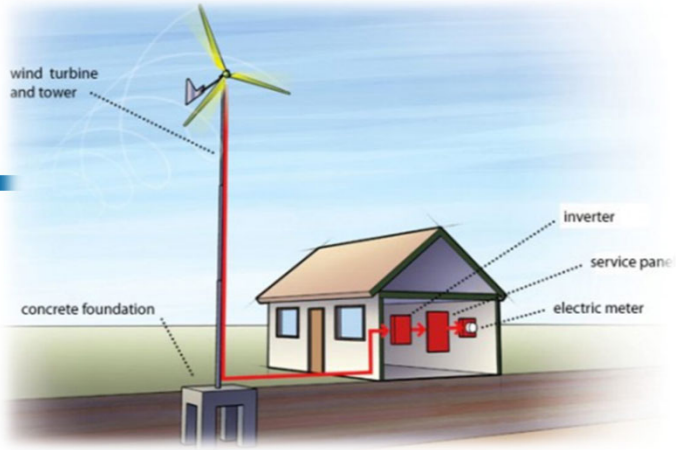
Use Types	Definitions	RA, Residential Agriculture	C2, Commercial Office General	GB, General Business	CBD, Central Business
Event Venue*	A business where the primary use is to host events such as weddings, wedding receptions, bridal receptions, rehearsal luncheons and dinners, anniversary celebrations, galas, birthday parties, family reunions, ordinations, funeral receptions, fundraisers, retirement parties, corporate meetings, conferences, trade shows, speaker luncheon series, auctions, museum exhibits and similar events. An event venue may be indoors or outdoors. Event venues may also be accessory or ancillary uses to other uses, such as, hotels or restaurants. Event venues shall not include government and military services.	B	B	B	B

ARTICLE 7. – Use Standards. Attachment C Page 28

Section 7-5-6. Event Venue.

- Newer use that was not in the existing Ordinance
- Must comply with:
  - Noise Ordinance, building code, health department standards
  - 50+ vehicle parking requires SE permit

Using the Articles Together



New Standards: Wind Energy Facilities

ARTICLE 6. – Use Matrix. Attachment B3 Page 38

Use Types	Definitions
Wind Energy Generating Facility, Accessory*	A single system designed to supplement other electricity sources as an accessory use to existing buildings or facilities, wherein the power generated is used primarily for onsite consumption or net metered. A small wind energy conversion system consisting of a single wind turbine, a tower, and associated control or conversion electronics, that has a wind turbine height less than 100 feet and a rated capacity less than 100 KW.

Districts					
RA, Residential Agriculture	C1, Commercial Office Limited	C2, Commercial Office General	GB, General Business	M1, Industrial Limited	M2, Industrial General
SE	SE	SE	SE	SE	SE

ARTICLE 7. – Use Standards. Attachment C Page 45

Section 7-7-8. Wind Energy Facility, Accessory.

- Existing use
- Removed small, medium, large-scale facilities
- Replaced with Accessory

Using the Articles Together

New Use & Standards: Solar Energy Facilities

ARTICLE 7. – Use Standards. Attachment C Page 39

Section 7-7-5. Solar Energy, Medium-Scale.

Attachment B3 Page 39

ARTICLE 6. – Use Matrix.

Use Types	Definitions	Districts												
		RA, Residential Agriculture	R1, Residential Low Density	R2, Residential Medium Density	R3, Residential High Density	RPUD, Residential Planned Unit Development	RB, Residential Business	C1, Commercial Office Limited	C2, Commercial Office General	GB, General Business	CBD, Central Business	M1, Industrial Limited	M2, Industrial General	POS, Public/Open Space
Solar Energy, Medium-Scale*	A solar facility that is attached to a structure or incorporated into building materials for structures, such as shingles or roofs, or as ground mounted equipment. It shall be an accessory use and generate electricity from sunlight on an area adequate to support a rated capacity of greater than 500 kilowatts (500 KW) and less than five megawatts (5 MW) alternating current. Generated electricity may be used for on-site consumption, provided to electric cooperative member-customers (non-retail, from behind the meter), or distributed for commercial consumption.							B	B	B	B	B	B	
Solar Energy, Small-Scale*	A solar facility that is attached to a structure or incorporated into building materials for structures, such as shingles or roofs, or as ground mounted equipment. It shall be an accessory use and generate electricity from sunlight on an area adequate to support a rated capacity of 500 kilowatts (500 KW) alternating current or less. Generated electricity may be used for on-site consumption and/or provided to electric cooperative member-customers (non-retail, from behind the meter).	B	B	B	B	B	B	B	B	B	B	B	B	B

Questions – Article 6 and 7?

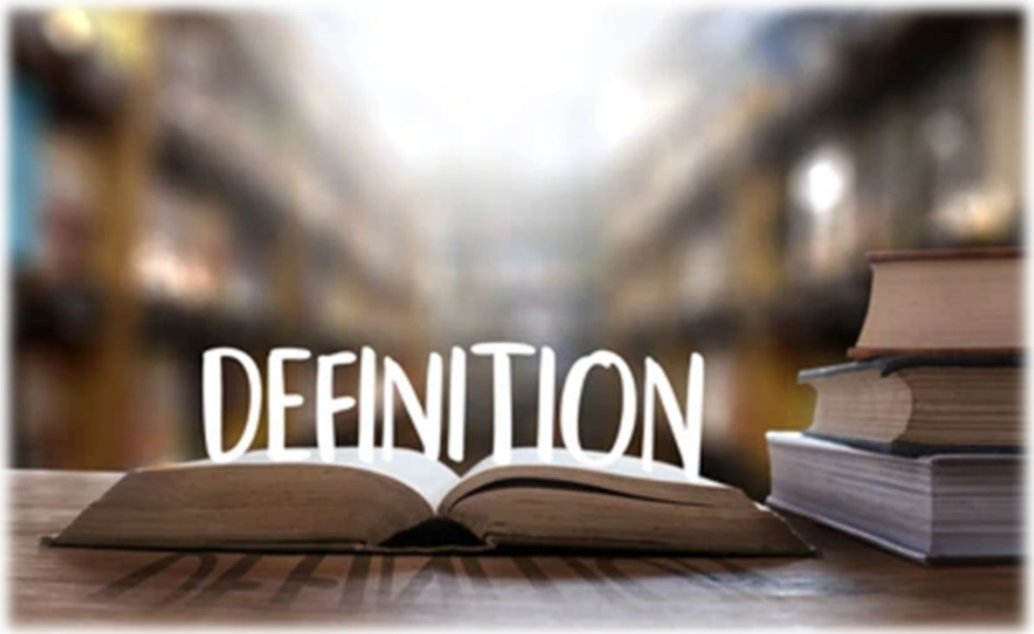
Article 11 - Definitions

Terms pertinent to Articles 6 & 7

- Provided by:
  - Rocky Mount's Existing Ordinance
  - Code of Virginia
  - Best Practice Definitions

These definitions are included for review, and to aid in understanding the concepts of the articles being reviewed during this Worksession. All definitions will be compiled in Article 11, Definitions, following review by Town Council and Planning Commission.

Questions – Definitions?



Next Steps

- **Comments for Articles 6 & 7 to be sent to Berkley Group for incorporation by November 28th.**
- **Continue Ordinance Drafting**
- **Joint Worksession #4 Jan. 16, 2024**
  - Article 8: Community Design Standards
  - Related Definitions
- **Worksessions #5 – #6: 3rd Tuesday of the month**
  - March, May 2024

Contact

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BERKLEY GROUP

ATTACHMENT A

Project Schedule

Phase	Task	Task Description	2023											2024										
			February	March	April	May	June	July	August	September	October	November	December	January	February	March	April	May	June	July	August	September	October	November
A	A1	Project Management / Staff Input																						
	A2	Project Kickoff with Staff (Virtual)	V																					
	A3	Document Review / Diagnostic																						
	A4	Joint Public Officials Meeting (up to 2)		X		X																		
	A5	Public Outreach Survey (Online & Paper)																						
	A6	Stakeholder Listening Sessions (up to 4)			X																			
	A7	Public Workshop (up to 1)			X																			
B	B1	Joint Work Sessions (up to 6)						X		X		X		X		X		X						
	B2-12	Drafting																						
	B13	Changes Summary																						
	B14	Compiled Draft Ordinance Review																						
C	C1	Open House (Public Draft Review)																		X				
	C2	Pre-Adoption Work Session																			X			
	C3	Incorporate Final Revisions																						
	C4	Public Adoption																					X	
	C5	Post-Adoption Materials																						

X = Anticipated In-person Attendance; V = Virtual Attendance

ATTACHMENT B

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ARTICLE 6. – Use Matrix.

Division 1. Uses Provided.

Section 6-1-1. Organization

(A) The Use Matrix organizes permitted uses by zoning district classifications and use types. The Use Matrix, Article 7, Use Standards, and Article 11, Definitions, of this Ordinance, together provide a systematic basis for identifying and organizing uses and distinguishing whether a particular use is allowable in a particular zoning district.

(1) Use classifications. Use classifications by zoning districts identify broad general classifications of land use and include agricultural uses; residential uses; public, civic, and recreational uses; commercial uses; industrial uses; and miscellaneous uses.

(2) Use types. The specific use types identify the specific principal uses that fall within each use classification.

(B) If a use's definition states that the particular use is permitted as ancillary or accessory to another use, a second Zoning Permit is not required for that ancillary or accessory use.

Section 6-1-2. Abbreviations in Use Matrix.

(A) Permitted uses. "B" in a Use Matrix cell indicates that the use type in that row is allowed by-right in the zoning district at the head of that column, subject to any Use Standards of Article 7, of this Ordinance.

(B) Special Exception uses. "SE" in a Use Matrix cell indicates that the use type in that row is allowed in the zoning district at the head of that column only upon approval of a Special Exception Permit, in accordance with Article 3, Permits and Applications, and subject to any Use Standards in Article 7 of this Ordinance.

(C) Prohibited uses. A blank cell in the Use Matrix indicates that the use type in that row is prohibited in the zoning district at the head of that column.

Division 2. Use Not Provided.

Section 6-2-1. Use Not Provided.[1]

(A) Any use that is not specifically listed as a permitted use or a Special Exception is prohibited.

(B) The Administrator will determine whether an unlisted use is part of an existing use classification or use type as defined in Article 11, Definitions, of this Ordinance. Upon determining the most similar use type, the Administrator will treat the proposed use the same as the most similar one.

[1] Editor's Note: This Section has been reorganized and reworded from the existing Ordinance, Article 5-3.

(C) If the Administrator determines that the proposed use is not similar to any listed use type, that use is prohibited.

Division 3. Use Matrix.[2]

[2] Editor's Note: The Use Matrix will be formatted here in a table after the content is finalized.

Rocky Mount Zoning Ordinance Update
Worksession #3
Attachment B2 | Use Matrix Navigation

BERKLEY GROUP

Overview

Use this document to navigate through the Use Matrix, which is comprised of the following information:

Use terms (white line) provided in the existing Zoning Ordinance – to be replaced

Proposed use terms and definitions (light yellow background) to replace existing

Primary Zoning Districts provided in the Ordinance

Legend for the letters found through the matrix

Use category – shows the type of use (ag, res, commercial, etc.)

Use Types	Definitions	Districts												
		RA, Residential Agriculture	R1, Residential Low Density	R2, Residential Medium Density	R3, Residential High Density	RPUD, Residential Planned Unit Development	RB, Residential Business	C1, Commercial Office Limited	C2, Commercial Office General	GB, General Business	CBD, Central Business	M1, Industrial Limited	M2, Industrial General	POS, Public/Open Space
Light Yellow =proposed new use/definition/consolidation *White =existing to be removed* * includes Use Standards		*B = By-Right SE = Special Exception Blank = Not Permitted (Black=existing; Red = proposed)*												
Agricultural														
Agriculture / Silviculture*	Any operation devoted to the bona fide production of crops, or animals, or fowl; the growing, harvesting, and production of plants, fruits and vegetables of all kinds; the production and harvest of products from silvicultural activity; and farm wineries, farm breweries, and farm distilleries as defined by the Code of Virginia.	B												
Agricultural operations (crops)	*no definition*	B												
Agricultural operations (livestock)	*no definition*	B												
Tree farms	*no definition*	B												
Gardens	*no definition*	B												
Stable, Private*	A building, or group of buildings, which are accessory to a single-unit dwelling where horses are kept for the private use of the owners or their guests.	B												
Stables	*no definition*	B												
Suggested Agricultural Additions														
Agriculture, Residential*	The personal and recreational practice of maintaining, raising, and/or breeding of bee colonies within apiaries, hives, or similar container and the keeping and raising of chickens on land incidental to a principal dwelling.	B												

Asterisk indicates that Use Performance Standards are provided in Article 7.

Indication of how a use is currently permitted (white rows with black text) – see below for further explanation

Indication of how a use is proposed to be permitted (light yellow rows with red text) – see below for further explanation

The draft Use Matrix, at this stage, contains all necessary information to show existing uses and how they are permitted – compared to the proposed changes. During review, mind the following:

- Note that many of the existing uses are being consolidated into one term. Consolidation can ease administration and provide greater flexibility.
- When not being consolidated, existing uses terms may be proposed similarly, or with a new term. Changes in terms are made to reflect common or modern terminology, or to provide similarity in uses (e.g., "Industrial, Limited" or "Stable, Private").

NOTE: The final Use Matrix will not provide the existing uses or the definitions. Proposed definitions will be provided in Article 11, Definitions. See below for an example of what a final Use Matrix will show:

Use	Districts										Use Performance Standards
	R-1 Low Density Residential	R-2 Medium Density Residential	R-3 High Density Residential	R-MH Manufactured Home Residential	DT Downtown District	C-1 General Commercial	C-2 Highway Commercial	I-1 Light Industrial	I-2 Heavy Industrial	R-PRD Planned Residential Development	
	B = By-Right CUP = Conditional Use Permit Blank = Not Permitted										
Residential											
Adaptive Resuse Residential					CUP						Section -
Bed and Breakfast	CUP	CUP	CUP		B	B				CUP	Section -
Dwelling, Manufactured Home				B							Section -
Dwelling, Multi-Family			B		CUP					B	Section -
Dwelling, Single Family	B	B	B							B	
Dwelling, Two-Family		B	B							B	Section -

Use Types	Definitions	Districts												
		RA, Residential Agriculture	R1, Residential Low Density	R2, Residential Medium Density	R3, Residential High Density	RPUD, Residential Planned Unit Development	RB, Residential Business	C1, Commercial Office Limited	C2, Commercial Office General	GB, General Business	CBD, Central Business	M1, Industrial Limited	M2, Industrial General	POS, Public/Open Space
Light Yellow =proposed new use/definition/consolidation *White =existing to be removed* * *includes Use Standards*		*B = By-Right SE = Special Exception Blank = Not Permitted (Black=existing; Red = proposed)*												
Agricultural														
Agriculture / Silviculture*	Any operation devoted to the bona fide production of crops, or animals, or fowl; the growing, harvesting, and production of plants, fruits and vegetables of all kinds; the production and harvest of products from silvicultural activity; and farm wineries, farm breweries, and farm distilleries as defined by the Code of Virginia.	**B**												
Agricultural operations (crops)	*no definition*	B												
Agricultural operations (livestock)	*no definition*	B												
Tree farms	*no definition*	B												
Gardens	*no definition*	B												
Stable, Private*	A building, or group of buildings, which are accessory to a single-unit dwelling where horses are kept for the private use of the owners or their guests.	**B**												
Stables	*no definition*	B												

Use Types	Definitions	Districts												
		RA, Residential Agriculture	R1, Residential Low Density	R2, Residential Medium Density	R3, Residential High Density	RPUD, Residential Planned Unit Development	RB, Residential Business	C1, Commercial Office Limited	C2, Commercial Office General	GB, General Business	CBD, Central Business	M1, Industrial Limited	M2, Industrial General	POS, Public/Open Space
Light Yellow =proposed new use/definition/consolidation *White =existing to be removed* * *includes Use Standards*		*B = By-Right SE = Special Exception Blank = Not Permitted (Black=existing; Red = proposed)*												
Suggested Agricultural Additions														
Agriculture, Residential*	The personal and recreational practice of maintaining, raising, and/or breeding of bee colonies within apiaries, hives, or similar container and the keeping and raising of chickens on land incidental to a principal dwelling.	B												
Agritourism*	Pursuant to the Code of Virginia §15.2-2288.6, any activity carried out at a farm winery, farm brewery, farm distillery, farm, ranch, or other agricultural operation, that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, wineries, ranching, historical, cultural, harvest-your-own activities, or natural activities and attractions, regardless of whether or not the participant paid to participate in the activity. These rural activities also include, but are not limited to, farm tours, tours of an individual agricultural operation, hayrides, heirloom plant/animal exhibits, crop mazes, and educational programs, workshops, or demonstrations related to agriculture or silviculture. This use does not include weddings and other non-agricultural events as provided by the use Event Venue, as defined by this Ordinance.	B												
Roadside Farm Stand* Editor's Note: Code of Virginia requires this use be allowed in Agricultural districts.	An establishment for the seasonal retail sale of agricultural or forestal goods and merchandise incidental to an agricultural operation.	B												

Use Types	Definitions	Districts												
		RA, Residential Agriculture	R1, Residential Low Density	R2, Residential Medium Density	R3, Residential High Density	RPUD, Residential Planned Unit Development	RB, Residential Business	C1, Commercial Office Limited	C2, Commercial Office General	GB, General Business	CBD, Central Business	M1, Industrial Limited	M2, Industrial General	POS, Public/Open Space
Light Yellow =proposed new use/definition/consolidation *White =existing to be removed* * *includes Use Standards*		*B = By-Right SE = Special Exception Blank = Not Permitted (Black=existing; Red = proposed)*												
Residential														
Adult Day Care Center	As defined in § 63.2-100 of the Code of Virginia an adult day care center is any facility that is either operated for profit or that desires licensure and that provides supplementary care and protection during only a part of the day to four or more adults who are aged or infirm or who have disabilities and who reside elsewhere, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, and (ii) the home or residence of an individual who cares for only persons related to him by blood or marriage. Included in this definition are any two or more places, establishments or institutions owned, operated or controlled by a single entity and providing such supplementary care and protection to a combined total of four or more adults who are aged or infirm or who have disabilities.	**B**	**B**	**B**	**B**	**B**	**B**	**B**	**B**		**SE**			
Adult day care homes	*A single-family dwelling in which is operated a facility which provides supplementary care and protection during a part of the day only to less than four aged, infirm or disable adults who reside elsewhere, except a facility or portion of a facility licensed by the Commonwealth of Virginia State Board of Health or the Commonwealth of Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services.*	B	B	B	B	B	B				B			
Adult day care centers	*A facility which provides supplementary care and protection during a part of the day only to four or more aged, infirm, or disabled adults who reside elsewhere, except a facility or portion of a facility licensed by the Commonwealth of Virginia State Board of Health or the Commonwealth of Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services*						SE	B	B	B	B			

Use Types	Definitions	Districts												
		RA, Residential Agriculture	R1, Residential Low Density	R2, Residential Medium Density	R3, Residential High Density	RPUD, Residential Planned Unit Development	RB, Residential Business	C1, Commercial Office Limited	C2, Commercial Office General	GB, General Business	CBD, Central Business	M1, Industrial Limited	M2, Industrial General	POS, Public/Open Space
Light Yellow =proposed new use/definition/consolidation *White =existing to be removed * includes Use Standards*		*B = By-Right SE = Special Exception Blank = Not Permitted (Black=existing; Red = proposed)*												
Bed and Breakfast*	A single-unit dwelling, that is occupied by the owner or agent who resides on premises, that provides temporary lodging. Food service shall be at least one meal per day, to each person to whom overnight lodging is provided.		**SE**				**B**				**B**			
Bed and breakfast inn	*A dwelling and its associated building(s) used for temporary/overnight guests wherein the owner or manager provides full-time management of the establishment at all times when the facility is occupied by one or more guests, and which (1) may contain up to ten guestrooms for temporary/overnight guests, (2) shall not contain restaurant facilities but may provide food service for temporary/overnight guests, and (3) may host indoor/outdoor events such as weddings, receptions, and similar activities on site subject to other applicable restrictions.*		SE				B				B			
Bed and breakfast	*A home occupation wherein the owner of the premises resides at the establishment, and which (1) may contain up to five guestrooms for temporary/overnight guests, (2) shall not contain restaurant facilities but may provide food service for temporary/overnight guests and (3) may host indoor/outdoor events such as weddings, receptions, and similar activities on site subject to other applicable restrictions.*		SE				B				B			

Use Types	Definitions	Districts												
		RA, Residential Agriculture	R1, Residential Low Density	R2, Residential Medium Density	R3, Residential High Density	RPUD, Residential Planned Unit Development	RB, Residential Business	C1, Commercial Office Limited	C2, Commercial Office General	GB, General Business	CBD, Central Business	M1, Industrial Limited	M2, Industrial General	POS, Public/Open Space
Light Yellow =proposed new use/definition/consolidation *White =existing to be removed* * *includes Use Standards*		*B = By-Right*		*SE = Special Exception*			*Blank = Not Permitted*			*(Black=existing;*	*Red = proposed)*			
Dwelling, Manufactured Home*	A "single-wide," "double-wide," or "triple-wide" structure that is transportable in one (1) or more sections, is eight (8) feet or more in width and forty (40) feet or more in length in the traveling mode, is built on a permanent chassis and is designed for use as a dwelling unit with or without a permanent foundation when connected to the required utilities. For purposes of this Ordinance, a Manufactured Home must meet the standards promulgated by the United States Department of Housing and Urban Development (HUD), published at 24 CFR Part 3280, including the ANSI standards incorporated therein by reference. For purposes of this chapter, a Manufactured Home must bear a data plate declaring that it meets HUD standards.	**B**												
Manufactured homes placed on a permanent foundation	*A structure subject to federal regulation and which is transportable in one or more sections; is eight body feet or more in width and 40 body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. (Amended 12/10/07)*	B												
Dwelling, Multi-Unit*	A building arranged or designed to be occupied by three or more dwelling units for permanent occupancy, regardless of the method of ownership. Included in the use type, but not limited to, would be garden apartments, low-and high-rise apartments, apartments for elderly housing, and condominiums.				**B**									
Multiple-family dwellings	*A building containing three or more dwelling units (an apartment house), with the number of families in residence not exceeding the number of dwelling units provided.*				B									

Use Types	Definitions	Districts												
		RA, Residential Agriculture	R1, Residential Low Density	R2, Residential Medium Density	R3, Residential High Density	RPUD, Residential Planned Unit Development	RB, Residential Business	C1, Commercial Office Limited	C2, Commercial Office General	GB, General Business	CBD, Central Business	M1, Industrial Limited	M2, Industrial General	POS, Public/Open Space
Light Yellow =proposed new use/definition/consolidation *White =existing to be removed* * *includes Use Standards*		*B = By-Right*	*SE = Special Exception*		*Blank = Not Permitted*		*(Black=existing;*	*Red = proposed)*						
Dwelling, Single-Unit	A site built or modular building designed for and used exclusively as one dwelling unit for permanent occupancy, which is surrounded by open space or yards on all sides, is located on its own individual lot, and which is not attached to any other dwelling by any means.	B	B	B	B	B	B							
Single-family dwelling	*A residential dwelling unit other than a manufactured home designed for and occupied by one family only. Industrialized buildings are considered single-family dwellings for purposes of this ordinance. (Amended 12/10/07)*	B	B	B	B	B	B				B			
Dwelling, Townhouse*	A row of three or more dwelling units, each separated from one another by a continuous vertical wall without opening from basement floor to roof between units, which is commonly known as a firewall, and each on a separate parcel.			B	B	B								
Townhouses	*Single-family dwelling units separated by common party walls designed to meet the fire protection requirements as set forth in the Virginia Uniform Statewide Building Code, as amended, in a series of including three or more units. Each unit shall be served by an individual exterior entrance door and shall be designed to be individually owned along with the parcel of land which it occupies.*			SE	B	B								
Dwelling, Two-Unit	Also referred to as a duplex; a building arranged or designed to have only two dwelling units.			B	B	B	B							
Two-family dwellings	*A residential building of not more than two dwelling units, arranged one above the other or side by side, designed for occupancy by not more than two families.*			B	B	B	B							

Use Types	Definitions	Districts												
		RA, Residential Agriculture	R1, Residential Low Density	R2, Residential Medium Density	R3, Residential High Density	RPUD, Residential Planned Unit Development	RB, Residential Business	C1, Commercial Office Limited	C2, Commercial Office General	GB, General Business	CBD, Central Business	M1, Industrial Limited	M2, Industrial General	POS, Public/Open Space
Light Yellow =proposed new use/definition/consolidation *White =existing to be removed* * *includes Use Standards*		*B = By-Right* *SE = Special Exception* *Blank = Not Permitted* *(Black=existing; Red = proposed)*												
Family Day Home (1-4 Children) Editor's Note: Code of Virginia requires this use be treated consistently as Single Household Dwelling(s).	A child day program, as defined under Code of Virginia § 22.1-289.02, for children offered in the residence of the provider for up to four children at any one time, exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation.	B	B	B	B	B	B				B			
Family Day Home (5-12 Children)	A child day program, as defined under Code of Virginia § 22.1-289.02, for children offered in the residence of the provider for between five and twelve children at any one time, exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation.	B	B	SE	SE	SE	B				SE			
Family day homes	*A single-family dwelling in which a facility as defined in Code of Virginia, § 63.2-100, as amended, is operated for the purpose of providing care for more than five but less than 13 children separated from their parents or guardians during a portion of the day, exclusive of the provider's own children and any children who reside in the home. The care of five or less children for portions of a day shall be considered a home occupation.*	SE	SE	SE	SE	SE	SE				SE			

Use Types	Definitions	Districts												
		RA, Residential Agriculture	R1, Residential Low Density	R2, Residential Medium Density	R3, Residential High Density	RPUD, Residential Planned Unit Development	RB, Residential Business	C1, Commercial Office Limited	C2, Commercial Office General	GB, General Business	CBD, Central Business	M1, Industrial Limited	M2, Industrial General	POS, Public/Open Space
Light Yellow =proposed new use/definition/consolidation *White =existing to be removed * includes Use Standards*		*B = By-Right SE = Special Exception Blank = Not Permitted (Black=existing; Red = proposed)*												
Family Health Care Structure, Temporary* Editor's Note: This use is required by the Code of Virginia.	As required by and pursuant to all conditions set forth in the Code of Virginia §15.2-2292.1, a transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation; (ii) is limited to one occupant who shall be the mentally or physically impaired person, or in the case of a married couple, two occupants, one of whom is a mentally or physically impaired person and the other requires assistance with one or more activities of daily living as defined in §63.2-2200, as certified in writing by a physician licensed in the Commonwealth; (iii) has no more than 300 gross square feet; and (iv) complies with applicable provisions of the Industrialized Building Safety Law (§36-70 et seq.).	B	B	B	B	B	B				B			
Temporary family health care structures	*A transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that (1) is primarily assembled at a location other than its site of installation; (2) is limited to one occupant who shall be the mentally of physically impaired person; (3) has no more than 300 gross square feet; and (4) complies with applicable provisions of the Industrialized Building Safety Law and the Uniform Statewide Building Code. Placing the temporary family health care structure on a permanent foundation shall not be required or permitted.*	B	B	B	B	B	B				B			

Use Types	Definitions	Districts												
		RA, Residential Agriculture	R1, Residential Low Density	R2, Residential Medium Density	R3, Residential High Density	RPUD, Residential Planned Unit Development	RB, Residential Business	C1, Commercial Office Limited	C2, Commercial Office General	GB, General Business	CBD, Central Business	M1, Industrial Limited	M2, Industrial General	POS, Public/Open Space
Light Yellow =proposed new use/definition/consolidation *White =existing to be removed* * *includes Use Standards*		*B = By-Right* *SE = Special Exception* *Blank = Not Permitted* *(Black=existing; Red = proposed)*												
Group home Editor's Note: Virginia Code requires this use be treated consistently as Single Family Dwelling(s).	As provided by Code of Virginia § 15.2-2291, a licensed residential facility in which no more than eight mentally ill, intellectually disabled, or developmentally disabled persons or no more than eight aged, infirmed or disabled persons reside, with one or more resident counselors or other resident or nonresident staff persons, shall be considered a residential occupancy by a single family. Mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in the Code of Virginia §54.1-3401. Such facility shall be licensed by the Virginia Department of Behavioral Health and Developmental Services (Code of Virginia §15.2-2291).	B	B	B	B	B	B							
Group home	*A dwelling unit serving up to eight mentally ill, mentally handicapped, or developmentally disabled persons who reside with one or more resident counselors or other staff persons in a residential facility for which the Virginia Department of Mental Health, Mental Retardation, and Substance Abuse services is the licensing authority under the Code of Virginia (1950), as amended. For the 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 Code of Virginia, § 54.1-3401, as amended. (Amended 11/13/07)*	B	B	B	B		B				B			

Use Types	Definitions	Districts												
		RA, Residential Agriculture	R1, Residential Low Density	R2, Residential Medium Density	R3, Residential High Density	RPUD, Residential Planned Unit Development	RB, Residential Business	C1, Commercial Office Limited	C2, Commercial Office General	GB, General Business	CBD, Central Business	M1, Industrial Limited	M2, Industrial General	POS, Public/Open Space
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Home Occupation*	Any occupation or activity which is clearly incidental and secondary to use of the premises as a dwelling and which is carried on wholly or in part within the main building by a resident of the home.	B	B	B	B	B	B							
Home Occupations	*An occupation carried on by the occupant of a dwelling unit as a secondary use, provided that:* *(a) No person other than members of the family residing on the premises shall be engaged in occupations.* *(b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.* *(c) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation. Signs are not permitted in the conduct of a home occupation.* *(d) No home occupation shall be conducted in any accessory building.* *(e) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.* *(f) There shall be no sales in connection with such home occupation.* *(g) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or cause fluctuation in line voltage off the premises.*	B	B	B	B	B	B				B			
Life Care Facility	A residential facility primarily for the continuing care of the elderly, providing for transitional housing progressing from independent living in various dwelling units, with or without kitchen facilities, and culminating in nursing home type care where all related uses are located on the same lot. Such facility may include other services integral to the personal and therapeutic care of the residents.				SE	B		B	B					
Nursing homes and assisted living facilities	*Any facility or identifiable component of a facility in which the primary function is the provision on a continuing basis of nursing services and health related services for the treatment and in-patient care of two or more non-related individuals and which is licensed by the Commonwealth of Virginia as a nursing home, but excluding a facility providing care for alcoholism, drug addiction, mental disease, or communicable disease.*									B	B			

Use Types	Definitions	Districts												
		RA, Residential Agriculture	R1, Residential Low Density	R2, Residential Medium Density	R3, Residential High Density	RPUD, Residential Planned Unit Development	RB, Residential Business	C1, Commercial Office Limited	C2, Commercial Office General	GB, General Business	CBD, Central Business	M1, Industrial Limited	M2, Industrial General	POS, Public/Open Space
Light Yellow =proposed new use/definition/consolidation *White =existing to be removed* * *includes Use Standards*		*B = By-Right*		*SE = Special Exception*			*Blank = Not Permitted*			*(Black=existing;*	*Red = proposed)*			
Manufactured Home Park*	An area designed, constructed, equipped, operated, and maintained for the purpose of providing spaces for manufactured homes intended for use as occupied dwelling units and meeting or exceeding all applicable requirements for manufactured home parks as stipulated by this Ordinance and the Commonwealth of Virginia.				**SE**									
Manufactured home park	*Lots or parcels of land designed for temporary or permanent parking and occupancy of one or more manufactured homes for human habitation. The location and operation of these parks are governed by the provisions of this ordinance, and the Uniform Statewide Building Code. A manufactured home park or subdivision shall contain at least five acres, and contain 25 or more manufactured homes for residential occupancy. (Amended 12/10/07)*				SE									
Manufactured home parks	*no definition*				SE									
Shelter, Residential	A facility providing temporary housing and feeding for one or more individuals who are otherwise temporarily or permanently homeless; and victims of abuse, those experiencing teenage pregnancy, orphaned, and/or similar situations. Ancillary community support services may be provided including, but not limited to, child care, counseling, food distribution, or vocational training.			**SE**	**SE**	**SE**	**SE**			**SE**				
Shelters	*An alternative living site providing accommodations, services, and supervision to individuals who are victims of: abuse, homelessness, teenage pregnancy, orphaned and/or similar uses.*									SE				
Short-Term Rental*	The accessory or secondary use of a residential dwelling unit or a portion thereof by a host to provide room or space that is intended for short term, transient rental purposes in exchange for a charge for the occupancy. This use type does not include bed-and-breakfast establishments and does not apply to month-to-month extensions following completion of a year's lease.	**B**		**B**	**B**						**B**			
Rooming and boarding	*no definition*				B									
Tourist homes	*A dwelling where only lodging is provided for compensation for up to 14 persons (in contradistinction to hotels and boarding houses) and open to transients.*				B									

Use Types	Definitions	Districts												
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Light Yellow =proposed new use/definition/consolidation *White =existing to be removed* * *includes Use Standards*		*B = By-Right* *SE = Special Exception* *Blank = Not Permitted* *(Black=existing; Red = proposed)*												
Public, Civic, and Recreational														
Cemetery, Public	Any land or structure used or intended to be used for the interment of human remains. Additionally, a cemetery includes mausoleums, columbaria, chapels, administrative offices, and maintenance and storage areas (Code of Virginia § 15.2-2288.5). The sprinkling of ashes or their burial in a biodegradable container on church grounds or their placement in a columbarium on church property shall not constitute the creation of a cemetery.									**B**				**B**
Cemeteries	*no definition*									B	B			B
Club	A use providing educational, meeting, or social facilities for civic or social clubs, fraternal/sororal organization, and similar organizations and associations, primarily for use by members and guests. Recreational facilities, unless otherwise specifically cited in this section, may be provided for members and guests as an accessory use. A Club does not include a building in which members reside.					**B**		**B**	**B**	**B**	**SE**			
Clubs	*A use providing educational, meeting, or social facilities for civic or social clubs, fraternal/sororal organizations, and similar organizations and associations, primarily for use by members and guests. Recreational facilities, unless otherwise specifically cited in this section, may be provided for members and guests as an accessory use. A "club" does not include a building in which members reside. (Amended 2/5/04)*			SE		B			B	B				
Lodges	*A facility providing meeting, recreational, social and/or dining spaces for a fraternal organization.*			SE						B				
Service, philanthropic, and social clubs	*no definition*										B			

Use Types	Definitions	Districts												
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Light Yellow =proposed new use/definition/consolidation *White =existing to be removed* * *includes Use Standards*		*B = By-Right*			*SE = Special Exception*			*Blank = Not Permitted*		*(Black=existing;*	*Red = proposed)*			
Communications Services	An establishment primarily engaged in the provision of broadcasting and other information relay services accomplished using electronic and telephonic mechanisms. Excluded from this use type are facilities classified as utility services, major or broadcasting or communication towers. Typical uses include television studios, telecommunication service centers, telegraph service offices or film and sound recording facilities.							**B**	**B**	**SE**	**SE**	**B**	**B**	
Communications service centers	*Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms. Excluded from this use type are facilities classified as major utility services or wireless telecommunications facilities. Typical uses include television studios, telecommunication service centers, telegraph service offices, or film and sound recording facilities.*							B	B	SE	SE	B	B	
Radio/television stations and services	*no definition*							SE						
Community/Cultural Center	A place, structure, or other facility used for the public display, performance, or enjoyment of heritage, history, or the arts. This use includes but is not limited to: museums, arts performance venues, recreational programs, cultural centers, or interpretive sites, but does not include commercially-operated theatres and event venues.					**B**		**B**	**B**		**B**			
Libraries, museums, art galleries, and other associated educational and instructional activities	*no definition*							B	SE					
Community centers	*See community accessory building.*					B		B	SE					
Educational Facility, College, University, Business or Trade	An educational institution authorized by the Commonwealth of Virginia toward certificate, license, associate, baccalaureate or higher degrees, and facilities associated with it. This term includes academic buildings, administrative facilities, dormitories, special housing, parking areas, dining halls and other physical plants associated with the college, university, business or trade school use.							**B**	**B**	**B**	**SE**			
Business school	*no definition*									B	B			
Colleges, universities, and community colleges.	*no definition*							B	B					

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Education Facility, Primary or Secondary	A public, private, or parochial school offering instruction at the primary, elementary, junior, and/or senior high school levels in the branches of learning and study required to be taught in the public schools of the Commonwealth of Virginia.	**B**	**B**	**B**	**B**	**B**	**B**	**B**	**B**					**B**
Elementary, secondary, trade, business, art, and vocational schools	*no definition*							B	SE					
Schools	*no definition*	B	B	B	B	B								B
Public Parks and Recreation	Publicly owned and operated parks, picnic areas, playgrounds, indoor/outdoor athletic or recreation facilities, indoor/outdoor shelters, amphitheaters, open spaces, and other similar uses. This use shall not include Public Use as defined in this Ordinance.	**B**	**B**	**B**	**B**	**B**	**B**	**B**	**B**					**B**
Bicycle and pedestrian paths and trails	*no definition*													B
Parks and playgrounds	*no definition*	B	B	B	B	B		B	SE					B
Public Use	Public use means facilities or the use of land, exclusively for public purposes, by any department or branch of the federal government, Commonwealth or any political subdivision, public authority, or any combination thereof. This use shall not include Educational Facilities, Public Parks and Recreation, or Utility Service (major or minor) as defined in this Ordinance.							**B**	**B**	**B**	**B**			**SE**
Libraries	*no definition*									B	B			
Municipal/county/state/federal buildings	*no definition*													B
Off-street parking	*no definition*													B
Post offices	*no definition*							B	SE					
Public parking facilities	*no definition*													B

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Recreation Facility, Neighborhood	An indoor or outdoor recreation facility that is managed and operated by an HOA or developer, and that is to be used specifically by the residents and guests of a particular residential development, planned development, or residential neighborhood.			**B**	**B**	**B**								
Community accessory buildings	*In high-density housing or planned developments, a structure and associated amenities owned and operated by a community corporation or association for the purpose of providing common meeting, social, recreational or dining spaces for the benefit of the members of the corporation or association. Some examples include: clubhouses, swimming pools and poolhouses, dining halls, ballrooms, tennis courts, locker rooms, recreational fields and associated buildings or similar uses associated with the mission of the corporation or association.*					B								
Recreational areas	*no definition*					B								
Tennis courts	*no definition*					B								
Religious Assembly	A use located in a permanent building or in outdoor spaces and providing regular organized religious worship and related incidental activities. This use may include a cemetery as an incidental, subordinate use and shall not include Educational facility, primary/secondary schools and Day care facilities.	**B**	**B**	**B**	**B**	**B**		**B**	**B**	**B**	**SE**			
Churches	*An institution of the community for the practice of established religion including worship, religious education, and conduct of approved church programs and activities within the church proper.*	B	B	B	B	B		B	SE	B	B			

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Telecommunications Facility*	Any unstaffed facility for the transmission and/or reception of radio, television, radar, cellular telephone, personal paging device, specialized mobile radio (SMR), and similar services. A broadcasting or communication tower usually consists of an equipment shelter or cabinet, a support tower or other structure used to achieve the necessary elevation, and the transmission or reception devices or antenna. Excluded are amateur radio antennas, which are defined separately. Also excluded are wireless communication antennas which fit the definition of Small cell facility and "Administrative review-eligible project" as defined in the Code of Virginia §15.2-2316.6 and supplied as Utility service, minor by this ordinance.	**SE**						**SE**	**SE**	**SE**		**B**	**B**	
Wireless telecommunication facilities	*Any structure used for the purpose of supporting antennas, microwave dishes or other electromagnetic transmission devekices, including, but not limited to, self-supporting lattice towers, guy wires, pole towers, radio and television transmission towers, alternative tower structures, buildings, roof tops, etc. For the purpose of this ordinance, new wierelsss telecommunication facilities shall be defined as a commercial activity and shall not be permitted in residential districts, unless co-locating on an existing tower.*	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
Utility Service, Major	Service of a regional nature which normally entails the construction of new buildings or structures such as electric generating plants and sources; electrical switching facilities and stations or substations; community wastewater treatment plants; water towers; sanitary landfills; waste recycling and collection centers; and similar facilities. All overhead transmission lines are included in this definition.											**SE**	**SE**	
Public utility generating booster or relay stations, transformers, substations, transmission lines and towers	*no definition*											B	B	
Recycling collection centers	*A neighborhood drop-off point for temporary storage of recoverable resources. No processing of such items is allowed. The term includes a collection point for bottles, newsprint, paper, aluminum can, and plastic containers generated from residential areas.*									B				

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Utility Service, Minor*	A service that is necessary to support development within the immediate vicinity and involve only minor structures. Included in this use type are small facilities such as "Administrative review-eligible project" as defined in the Code of Virginia §15.2-2316.3, transformers, and relay and booster devices.	B	B	B	B	B	B	B	B	B	B	B	B	B
Public utilities	*Poles, lines, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities including water and sewerage facilities.*	B	B	B	B	B	B			B	B		B	B
Suggested Public, Civic, and Recreation Additions														
Emergency Management Services Facility	A building or facility operated by a public or private entity or through a public private partnership for the provision of emergency operations and may include storage of emergency vehicles and equipment and ancillary operations. Such uses include but are not limited to fire stations, police stations, and ambulance services. This use does not include Office, Medical/Clinic, as defined by this Ordinance.							SE	B	B		B		SE
Recreation Facility, Noncommercial	Privately owned, not for profit park and recreation facilities that are open to the public. These uses may charge a fee but not for commercial gain. This use includes parks, picnic areas, playgrounds, active or passive recreation facilities, outdoor shelters, amphitheaters, open spaces, and other similar uses. This use does not include Recreation/Entertainment, Commercial Indoor or Outdoor; Recreation Facility, Neighborhood; Public Parks and Recreation, or Public Use, as defined by this Ordinance.	B	B	B	B	B	B	B	B	B	B	B	B	B
Shelter, Animal*	A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public body, an established humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.	B						SE	SE	SE		B	B	

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Telecommunications Facility, Small Cell* Editor's Note: This use is required by Code of Virginia to be permitted by-right throughout the locality.	A wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than six cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet and (ii) all other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet, or such higher limit as is established by the Federal Communications Commission. The following types of associated equipment are not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation boxes, back-up power systems, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services (Code of Virginia §15.2-2316.4).	B	B	B	B	B	B	B	B	B	B	B	B	B
Commercial														
Auction House	An enclosed place or establishment conducted or operated for compensation or profit as a private or public market where items are offered for sale through competitive bidding. The term "auction house" shall not include on-premises estate, foreclosure, real estate or personal property sales conducted upon the estate, foreclosed or for sale property. The term "auction house" shall not include flea markets, yard sales or livestock markets defined or regulated elsewhere or sheriff's or bank repossession sales.							SE	SE	SE		SE		
Auction houses	*An enclosed place or establishment conducted or operated for compensation or profit as a private or public market where items are offered for sale through competitive bidding. The term "auction house" shall not include on-premises estate, foreclosure, real estate or personal property sales conducted upon the estate, foreclosed or for sale property. The term "auction house" shall not include flea markets, yard sales or livestock markets defined or regulated elsewhere or sheriff's or bank repossession sales. (Amended 5/24/04)*									SE	SE	SE	SE	

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Automobile Sales and Rental*	A lot arranged, designed or used for the storage and display for sale, lease, or rent of any new or used automobile capable of independent operation or any type of boat, travel trailer, and recreation vehicle, provided the travel trailer and recreation vehicle is unoccupied, and where warranty repair work and other major and minor repair service is done wholly within an enclosed building as an accessory use.								**SE**	**B**				
Automobile sales within a completely enclosed building	*no definition*								SE					
Automobile rental or leasing	*no definition*								SE					
Auto truck sales and service	*no definition*									B				
Automobile Service, Major*	A facility for major body, engine, and transmission repairs of automobiles, commercial vehicles, or trucks, and trailers, but does not include a junkyard as defined by this Ordinance. Typical uses include, but are not limited to, automobile and truck repair garages, transmission shops, radiator shops, body and fender shops, painting, or other similar uses where installation or repair activities are conducted.									**B**		**B**	**B**	
Automobile painting, upholstery, repairing, rebuilding, reconditioning, body and fender work, truck repairing or overhauling.	*no definition*											B	B	
Automobile Service, Minor*	A facility for minor automobile repairs and maintenance including, but not limited to, oil change, inspections, car detailing, tire repair and replacement, and may also include electric vehicle charging facilities, fuel pumps, and underground or aboveground storage tanks, that provides fuels and oil by individual sale for motor vehicles and equipment. All repair work shall be conducted within a completely enclosed building.									**B**				
Gasoline service stations (with repairs within a completely enclosed building)	*A retail activity operated for the sale of gasoline, oil, minor accessories and vehicle repair work. All repair work, other than the sale of fuel and other products, shall be conducted within a completely enclosed building.*									B	B			

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Business Support Services	The use of land for the sale, rental, or repair of office equipment and supplies or the provision of services used by office and service establishments. Typical uses include, but are not limited to, office equipment and supply firms, small business machine repair shops, convenience printing and copying establishments, or information technology support services.							**B**	**B**	**B**	**SE**			
Business support services	*Establishments or places of business engaged in the sale, rental or repair of office equipment, supplies and materials, or the provision of services used by office, professional and service establishments. Typical uses include office equipment and supply firm, small business machine repair shops, convenience printing and copying establishments, as well as temporary labor services.*								B					
Car Wash*	A structure or portion thereof, standalone or accessory to gas station, containing facilities for washing and/or waxing motor vehicles, typically using production-line automated or semiautomated methods for washing, whether or not employing a chain conveyor, blower, steam cleaning or similar mechanical devices operated either by the patron or others. Car washes are a separate use and not treated as accessory to gasoline stations, automobile service, or other similar uses.									**B**				
Car washes	*no definition*									B				
Catering Facility	An establishment in which food and meals are prepared on premises, and where such food and meals are delivered to another location for consumption for a fee.						**B**			**B**	**SE**			
Bakeries and off-premises food catering	*no definition*						B							

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Construction Material Sales*	Establishment or place of business primarily engaged in retail or wholesale sale or equipment rental, from the premises, of materials used in the construction of buildings or other structures, but this use shall not include automobile or equipment supplies otherwise classified herein. Typical uses include building material stores and home supply establishments.								**SE**	**B**		**B**	**B**	
Building supply	*no definition*									B				
Contractor equipment rental within a completely enclosed building.	*no definition*								SE					
Lumber and building supply	*no definition*								SE			B	B	
Machinery sales and service	*no definition*								SE	B	B	B	B	
Plumbing and electrical supply	*no definition*								SE			B	B	
Day Care Center	Any facility operated for the purpose of providing care, protection, and guidance during only part of a 24 hour day. This term includes nursery schools, preschools, day care centers for individuals, including adults, and other similar uses. Excluded are public and private educational facilities, family day home, or any facility offering care to individuals for a full 24 hour period.				**SE**	**SE**	**B**	**B**	**B**	**B**	**B**			
Child day centers	*A facility complying with applicable Commonwealth of Virginia licensing requirements and operated for the purpose of providing care, protection and guidance to a group of 13 or more children separated from their parents or guardians during a portion of the day.*						SE	B	B	B	B			
Child care centers	*no definition*									B				

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Farmers Market	Farmers market means retail sale of fresh fruits and vegetables, and other food and related items, excluding livestock, at a facility with spaces occupied by several different temporary tenants on a short-term or daily basis; indoor or outdoor.									**B**	**B**			
Farmers' markets	*Any structure or land used for the sale or offering for sale of agricultural or horticultural produce, excluding livestock.*									B	B			
Financial Institution	An establishment whose principal purpose is the provision of financial services, including but not limited to, an insured depository institution, a credit union, a Federal home loan bank, a small business investment company, a depository institution holding company, a mortgage lending business, or other institutions as defined by Federal code.							**B**	**B**	**B**	**B**			
Banks and credit unions	*no definition*									B	B			
Financial institutions	*no definition*							B	B					
Funeral Home	A building used for and engaged in undertaking services such as preparing the dead for burial, cremation, and arranging and managing funerals.				**B**				**SE**	**B**	**B**			
Funeral homes	*A mortuary service facility licensed and inspected by the Commonwealth of Virginia which provides ordinary and customary on-site funerary services after death and before final disposition of a body, including, but not limited to: transfer of decedent remains to or from other mortuary services; embalming and associated disposition of fluids; preparation of remains for viewing and burial; holding wakes, memorials and funeral services; cremation of remains; pre-need planning; casket and vault sales; storage and parking for vehicles ordinarily used for funeral transportation*				B					B	B			

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Garden Center	Establishments or places of business primarily engaged in retail or wholesale (bulk) sale from the premises, of trees, shrubs, seeds, fertilizers, pesticides, plants and plant materials primarily for agricultural, residential, and commercial consumers. Such establishments typically sell products purchased from others, but may sell some material which they grow themselves. Typical uses include plant nurseries, plant stores, and lawn and garden centers.								**SE**	**B**	**B**			
Garden centers	*Establishments or places of business primarily engaged in retail or wholesale (bulk) sale from the premises, of trees, shrubs, seeds, fertilizers, pesticides, plants and plant materials primarily for agricultural, residential, and commercial consumers. Such establishments typically sell products purchased from others, but may sell some material which they grow themselves. Typical uses include plant nurseries, plant stores, and lawn and garden centers.*								SE	B	B			
Greenhouses	*A structure for the raising of plants or flowers indoors for retail purposes.*	B								B	B			
Hospital	Pursuant to § 32.1-123 of the Code of Virginia, any facility licensed in which the primary function is the provision of diagnosis, of treatment, and of medical and nursing services, surgical or nonsurgical, for two or more nonrelated individuals, including hospitals known by varying nomenclature or designation such as children's hospitals, sanatoriums, sanitariums and general, acute, rehabilitation, chronic disease, short-term, long-term, outpatient surgical, and inpatient or outpatient maternity hospitals.							**SE**	**SE**	**B**	**SE**			
General hospitals	*A facility, licensed by the Commonwealth of Virginia, in which the primary function is the provision of diagnosis, treatment and medical and nursing services, surgical or nonsurgical, for sick or injured persons, and which provides inpatient beds, and including ancillary facilities for outpatient and emergency care, training, research, administration and employee, patient and visitor services, but not including a facility exclusively or primarily for the care and treatment of psychiatric patients or persons suffering from substance abuse.*			SE	SE					B	B			

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Hotel	The use of land for transitory lodging or sleeping accommodations offered to transients for compensation, typically by the day or week. Typical uses include hotels, motels, travel lodges, or hostels, but not including a Bed and Breakfast or Short-term Rental.							**SE**	**SE**	**B**	**B**			
Mixed-use inn	*A building designed or occupied as an abiding place featuring no less than eight rooms and no more than 20 rooms available for temporary/overnight guests who are, for compensation, lodged, with or without meals, and in which provision is not generally made for cooking in individual rooms or suites. In addition to the eight to 20 rooms/suites, a mixed-use inn may or may not also include on premises restaurants, banquet halls, meeting rooms, retail uses and similar facilities as approved by the zoning administrator. The intent of this lodging category is to encourage compatible mixed uses as an enhancement and compliment to the primary use (lodging).*										SE			
Motels	*Any group of dwelling units, combined or separated, used for the purpose of housing more than 14 transient guests, each unit of which is provided with its own toilet, washroom and off-street parking facility.*							SE	SE	B				
Hotels	*A building designed or occupied as the more or less temporary abiding place for 14 or more individuals who are, for compensation, lodged, with or without meals, and in which provision is not generally made for cooking in individual rooms or suites.*							SE	SE	B				
Itinerant Vendor	Any person who engages in, does, or transacts a temporary or transient business in the Town.							**B**	**B**	**B**	**B**			
Kennel, Commercial*	Any location where raising, grooming, caring for, dog day care services, or boarding of three or more dogs, cats, or other small animals over four months of age for commercial purposes is conducted.	**B**						**SE**	**SE**	**B**		**B**	**B**	
Kennels including those with a conditional use permit.	*An enclosure or structure used to house, shelter, restrain, exercise, board, breed, handle or otherwise keep or care for more than two dogs six months of age or older, from which they cannot escape. The enclosure or structure shall not mean a dwelling or a fence used to demarcate a property line.*	B						SE	SE	SE		B	B	

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Medical Treatment Facility	A facility other than a hospital or medical or dental office where medical services are provided to individuals on an outpatient basis. Examples of medical treatment facilities include urgent care centers, dialysis centers, drug or alcohol treatment facilities, blood or tissue collection facilities, and diagnostic and laboratory services.							**SE**	**B**	**SE**				
Outpatient mental health and substance abuse centers	*no definition*							SE	SE	SE	SE			
Mobile Food Vendor*	A readily movable wheeled cart, trailer, or vehicle designed and equipped for the preparing, service, and/or selling of food and operated at temporary locations. This definition shall include food trucks, food trailers, and food carts.							**B**	**B**	**B**	**B**	**B**	**B**	
Mobile Food Vendor	*Any person who uses a readily movable wheeled cart, trailer, or vehicle designed and equipped for the preparing, serving, and/or selling of food and operated at temporary locations, which icludees food trucks and food carts.*							B	B	B	B	B	B	
Office, General*	The use of land wherein the primary use is the conduct of a business or profession such as, but not limited to accounting, tax-preparation, lenders and securities brokers, architecture, computer software, or information systems research and development, engineering, insurance, law, management, organization and association offices, psychology, theology, real estate, and travel. Retail Sales do not comprise more than an Accessory Use of the primary activity of a General Office. This definition does not include Medical/Clinic Office as defined by this Ordinance.						**B**	**B**	**B**	**B**	**B**			
General offices	*no definition*						B	B	B	B	B			
Office, Medical/Clinic	The use of a site for facilities which provide diagnoses, minor surgical care and outpatient care on a routine basis, but which does not provide overnight care or serve as a base for an ambulance service. Medical offices are operated by doctors, dentists, or similar practitioners licensed by the Commonwealth of Virginia. This use does not include the use Medical Treatment Facility, as defined by this Ordinance.							**SE**	**B**	**B**	**B**			
Medical offices	*no definition*						B	B	B	B	B			
Non-profit counseling facilities and services	*no definition*							B	SE					

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Outdoor Sales, Seasonal/Temporary*	Any business or use (primary or accessory) that is conducted on a temporary basis primarily out of doors, which may include but not be limited to: retail sales of fruits, vegetables, plants, flowers, Christmas trees, fireworks; or retail sales of used goods, such as rummage sales.								B	B	B			
Outdoor craft/food sales	*During a town festival, the sale of crafts, bake goods and other food items to the general public. These sales are limited to five days' duration at any one time and no more than two events are allowed in a calendar year.*									B	B			
Parking Lot, Commercial*	A site for surface parking use which is fee-based and provides one or more parking spaces together with driveways, aisles, turning and maneuvering areas, incorporated landscaped areas, and similar features meeting the requirements established by this Ordinance. This use type shall not include parking facilities accessory to a permitted principal use.									B	B			
Parking lots	*no definition*									B	B			
Personal Improvement Services	Establishments primarily engaged in the provision of informational, instructional, personal improvements and similar services. Typical uses include driving schools, health or physical fitness studios, dance studios, handicraft and hobby instruction.						B	B	B	B	B			
Music and dance instruction	*no definition*						B			B	B			
Personal improvement services	*Establishments primarily engaged in the provision of informational, instructional, personal improvements and similar services. Typical uses include driving schools, health or physical fitness studios, dance studios, handicraft and hobby instruction. (Amended 2/5/04)*								B					
Sports and fitness centers	*no definition*							B	B					

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Personal Services	Establishments or places of business engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty and barber shops; tattoo shops; grooming of pets; seamstresses, tailors, or shoe repairs; florists; photographic studios; and laundromats and dry cleaning stations serving individuals and households.						**B**	**B**	**B**	**B**	**B**			
Barber shops	*no definition*						B							
Beauty shops	*no definition*						B							
Laundromats	*no definition*									B	B			
Personal service establishments	*Any building wherein the occupation is the repair, care of, maintenance or customizing of personal properties that are worn or carried about the person or are a physical component of the person. For the purpose of this ordinance, personal service establishments shall include barbershops, beauty parlors, pet grooming establishments, tailors, dressmaking shops, dry cleaners, shoe cleaning, repair shops, photographic studios, linen and diaper service establishments.*						B	B	B	B	B			
Recreation/Entertainment, Commercial Indoor	An establishment which provides an enclosed building for indoor sports and spectator uses, and may include multiple coin operated amusement or entertainment devices or machines as an incidental use of the premises. Typical uses include bowling alleys, ice and roller skating rinks, indoor racquetball, swimming, billiard halls, game rooms, video arcades, movie theaters, and concert or music halls.							**B**	**B**	**B**	**B**			
Indoor theaters and assembly halls	*A building designated and/or used for the commercial exhibition of motion pictures or plays to the general public. For the purpose of this ordinance, a dinner theater shall be deemed a restaurant.*							B	B	B	B			
Public billiard parlors and pool rooms, bowling alleys, dance halls, video game arcades and similar forms of public amusement and flea markets	*no definition*									SE	SE			
Sports and fitness complexes	*A facility including the following activities or sports: ice hockey, gymnastics, basketball, football, wrestling, handball, tennis, racquet ball, exercise, running, weight lifting, volley ball, and indoor soccer. The facility may also provide other regular organized or franchised events, health club facilities, swimming pool, athletic courts, snack bar, restaurant and retail stores supporting persons utilizing the complex.*									B	B			

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Recreation/Entertainment, Commercial Outdoor	Participant or spectator uses conducted in open or partially enclosed or screened facilities for commercial purposes. Typical uses include driving ranges, miniature golf, swimming pools, paintball facilities, sports arenas, and outdoor movie theaters or drive ins.					**SE**				**B**				
Golf courses	*no definition*					SE								
Miniature golf courses and driving ranges	*no definition*									B				
Restaurant, General	An establishment in which, for compensation, food or beverages are dispensed for consumption on and/or off the premises, including, among other establishments, bars, cafes, tearooms, confectionery shops, eat-in delis, and fast-food restaurants. Excluded from this definition is Mobile Food Vendor, and Micro Brewery or Distillery.							**SE**	**B**	**B**	**B**			
Restaurants and catering establishments	*Any building in which, for compensation, food or beverages are dispensed for consumption on the premises, including, among other establishments, cafes, tea rooms, confectionery shops or refreshment stands. For the purposes of this ordinance, a dinner theater is considered to be a restaurant.*								B	B	B			
Store, Large	An establishment that is 3,000 square feet or more in total floor area and serves for the display and sale of merchandise at retail.									**B**				
Store, Small	A small-scale retail use less than 3,000 square feet in total floor area and serves for the display and sale of merchandise. Small Stores shall not include fuel pumps or the selling of fuel for vehicles.							**SE**	**B**	**B**	**B**			
Retail stores and shops	*Buildings for display and sale of merchandise at retail or for the rendering of personal services (but specifically exclusive of coal, wood, and lumber yards), such as the following, which will serve as illustration: drug store, news stand, food store, candy shop, milk dispensary, dry goods and notions store, antique store and gift shop, hardware store, household appliance store, furniture store, florist, optician, music and radio store, tailor shop, barber shop and beauty shop.*								SE	B	B			

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Veterinary Hospital/Clinic*	An establishment rendering surgical and medical treatment of animals. This use includes the incidental keeping of animals. Commercial Kennels are considered a separate use as defined by this Ordinance.							**B**	**B**	**B**		**B**	**B**	
Veterinary hospital	*no definition*							SE	SE	SE		B	B	
Veterinary clinics	*no definition*	B												
Suggested Commercial Additions														
Adult Use*	Any premise from which minors are excluded in which features the viewing, retail sale, and/or rental of any merchandise not purchasable by minors such as books, magazines, newspapers, digital media, movie films, devices, products, or other photographic or written productions. Additionally, any premise from which minors are excluded and operates as a nightclub, bar, restaurant, or similar establishment that regularly features live performances that have a dominant theme or purpose intended to provide sexual stimulation or sexual gratification to such customers, and which is distinguished by or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities, or specified anatomical areas.									**B**				
Brewery, Distillery, or Winery	An establishment primarily engaged in brewing ale, beer, malt liquors, and nonalcoholic beer, with a capacity of more than 1,000 barrels per year; or primarily engaged in distilling and blending potable liquors, including mixing them with other ingredients, with a capacity of more than 5,000 gallons of finished product per year; or primarily engaged in the crushing, fermentation, bulk aging/storage, and bottling of grapes that are primarily brought in and not grown on-site, at a capacity of more than 5,000 gallons per year. The development may include other accessory uses such as a standard restaurant, tasting room, or live entertainment.								**B**	**B**	**B**	**B**		

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Brewery, Distillery, or Winery, Micro-	An establishment primarily engaged in brewing ale, beer, malt liquors, and nonalcoholic beer, with a capacity of not more than 1,000 barrels per year; or primarily engaged in distilling and blending potable liquors, including mixing them with other ingredients, with a capacity of not more than 5,000 gallons of finished product per year; or primarily engaged in the crushing, fermentation, bulk aging/storage, and bottling of grapes that are primarily brought in and not grown on-site, at a capacity of less than 5,000 gallons per year. The development may include other accessory uses such as a standard restaurant, tasting room, or live entertainment.								B	B	B			
Commercial Laundry	Establishments primarily engaged in the provision of laundering, cleaning, or dyeing services other than those classified as Personal Services. Typical uses include bulk laundry and cleaning plants, diaper services, or linen supply services.									B		B	B	
Consumer Repair Services	An establishment or place of business primarily engaged in the provision of repair services to individuals, rather than businesses, but this use shall not include automotive and heavy equipment repair use types. Typical uses include repair of electronics, shoes, watches, jewelry, or musical instruments, vacuum cleaners, power tools, electric razors, and refrigerators.						B		B	B	B			
Drive-Through Window*	An accessory facility designed to provide access to commercial products and/or services for customers remaining in their motor vehicle, provided that this term does not include providing services to customers remaining in their motor vehicle while it is parked in a parking space.							B	B	B	B			
Equipment Sales, Service, and Repair (Heavy)	Establishments primarily engaged in the sale, rental, or repair of tools, tractors, construction equipment, commercial equipment, and similar industrial equipment. Included in this use type is the incidental storage, maintenance, and servicing of such equipment.											B	B	

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Event Venue*	A business where the primary use is to host events such as weddings, wedding receptions, bridal receptions, rehearsal luncheons and dinners, anniversary celebrations, galas, birthday parties, family reunions, ordinations, funeral receptions, fundraisers, retirement parties, corporate meetings, conferences, trade shows, speaker luncheon series, auctions, museum exhibits and similar events. An event venue may be indoors or outdoors. Event venues may also be accessory or ancillary uses to other uses, such as, hotels or restaurants. Event venues shall not include government and military services.	B							B	B	B			
Gas Station Editor's Note: This use is allowed by the existing ordinance, however, auto repairs have been removed from this use and added to Automobile service (major/minor).	Any place of business with fuel pumps and underground or aboveground storage tanks that provides fuels and oil by individual sale for motor vehicles and equipment and may include electric vehicle charging facilities. A store associated with automobile fuel sales shall be considered a gas station.									B	SE			
Tradesperson Service	Tradesperson service means an establishment or place of business primarily engaged in providing a specific trade service to individuals. Typical uses include plumbing, electricians, blacksmith, welding, and taxidermy. This definition does not include Vehicle Sales/Service, Construction Material Sales, or Home Occupations as otherwise defined in this Ordinance.								B	B		B	B	

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Industrial														
Construction Yard	Establishment or place of business primarily engaged in construction activities, including outside storage of materials and equipment. Typical uses are building contractor's yards.											**B**	**B**	
Building material sales yards, plumbing supplies storage	*no definition*											B	B	
Contractor's equipment storage yards or plants, or rental of equipment commonly used by contractors	*no definition*											B	B	
Factory outlet store	A retail activity offering for sale goods or products which are produced on the same premises, but do not exceed 25% of the total floor area of the manufacturing facility.								**B**			**B**	**B**	
Retail outlet stores	*A retail activity offering for sale goods or products which are produced only on the same premises. Outlet stores shall not exceed 25 percent of the total floor area of the manufacturing facility.*								B			SE	SE	
Hazardous Materials, Storage, and Distribution	The storage and/or distribution of any substance that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety of the environment.												**B**	
Acid, cement, lime, gypsum and fertilizer manufacturing	*no definition*												SE	
Dye manufacturing	*no definition*												B	
Petroleum refining, including by-products and petroleum	*no definition*												B	

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Junkyard/Salvage Yard*	An establishment or place of business which is maintained, operated or used for storing, keeping, buying, or selling scrap metal, or any lot or place upon which more than five motor vehicles of any kind, incapable of being operated, exposed to the weather, are placed. The definition does not include litter, trash, and other debris scattered along or upon roadways, or temporary operations and outdoor storage of limited duration. (Reference Code of Virginia § 33.2-804, as amended).												**SE**	
Junkyards, automobile graveyards	*Any lot or place which is exposed to the weather upon which more than five motor vehicles of any kind, incapable of being operated are placed. (State Law References: Similar provisions, Code of Virginia, § 33.1-348, as amended.)*											SE	SE	
Laboratory, Research, and Development	Laboratory, research and development means an establishment whose principal purpose is the research, compounding and/or packaging of scientific products, or research and development of innovative ideas in technology-intensive fields. Examples include research and development of communication systems, transportation, geographic information systems, multi-media and video technology. Development and construction of prototypes and light manufacturing may be associated with this use.								**B**			**B**	**B**	
Enclosed laboratories and facilities for manufacturing and research and development	*no definition*								SE			B	B	
Laboratories, support	*A facility for scientific laboratory analysis of natural resources, medical resources, and manufactured materials. The scientific analysis is generally performed for an outside customer, to support the work of that customer. This category includes environmental laboratories for the analysis of air, water, and soil; medical or veterinary laboratories for the analysis of blood, tissue, or other human medical or animal products. Forensic laboratories for analysis of evidence in support of law enforcement agencies would also be included in this category. (Amended 2/5/04)*								SE					
Laboratories, research	*A facility for scientific laboratory research in technology-intensive fields. Examples include biotechnology, pharmaceuticals, genetics, plastics, polymers, resins, coatings, fibers, fabrics, films, heat transfer, and radiation research facilities. (Amended 2/5/04)*								SE					

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Research and development	*A business that engages in research, or research and development of innovative ideas in technology-intensive fields. Examples include research and development of communication systems, transportation, geographic information systems, multi-media and video technology. Development and construction of prototypes may be associated with this use. (Amended 2/5/04)*								B					
Manufacturing, Heavy	The processing and/or converting of raw, unfinished material and/or products into articles or substances of a different character or for use for a different purpose. Uses may have significant external effects, or which pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in manufacturing or other processes. Uses may include, but are not limited to, asphalt plants, concrete plants, lumber mills, and planning mills.												**B**	
Abattoirs	*A commercial slaughterhouse.*												SE	
Asphalt mixing plant	*no definition*												B	
Brick manufacturing	*no definition*												B	
Boiler shops	*no definition*												B	
Concrete mixing plants	*no definition*												B	
Feed manufacturing	*no definition*												B	
Fiber optics and wire manufacturing	*no definition*												B	
Meat, poultry and fish processing	*no definition*												SE	
Paper and pulp manufacturing	*no definition*												SE	
Sand, gravel and crushed stone operations	*no definition*												B	
Sawmills	*A facility where logs or partially processed cants are sawn, split, shaved, stripped, chipped, or otherwise processed to produce wood products. This use includes lumber mills and planing mills.*												B	
Spinning and textile mills	*no definition*												B	
Steel fabricating	*no definition*												B	
Truck terminals, automobile assembly, tire recapping or battery manufacturing	*no definition*												B	
Wood preserving operations	*no definition*												B	

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Manufacturing, Light	Establishments primarily engaged in the on-site production of goods by hand manufacturing, assembly, packaging or fabrication of materials and products within enclosed structures without significant external effects such as smoke, noise, soot, vibration, odor, and the like. Uses may include, but are not limited to, a machine shop, bottling, electronic equipment, business machines, furniture, medical appliances, tools or hardware, any other product of a similar nature. Retail sales may be incidental to the manufacturing use.								**SE**			**B**	**B**	
Assembly of electrical appliances	*no definition*								SE			B	B	
Blacksmith shops and welding or machine shops	*no definition*								SE			B	B	
Boat building and repair	*no definition*											B	B	
Cabinet, furniture, and upholstery shops if conducted within a completely enclosed building	*no definition*								SE			B	B	
Coal and wood yards, lumber yards	*no definition*											B	B	
Manufacture, compounding, processing, packaging or treatment	*no definition*								SE			B	B	
Monumental stone works	*no definition*								SE			B	B	
sheet metal shops, storage warehouse mills	*no definition*											B	B	
Manufacturing, Small-Scale	An establishment where shared or individual tools, equipment, or machinery are used to make products on a small scale, including the design, production, processing, printing, assembly, treatment, testing, repair, and packaging, as well as any incidental storage, retail or wholesale sales and distribution of such products. Typical small-scale production establishments include, but are not limited to the making of electronics, prints, leather products, jewelry and clothing/apparel, metal work, glass, ceramic or paper, together with accessory uses such as training or educational programs.								**B**	**B**	**SE**	**B**	**B**	
Custom manufacturing	*Establishments primarily engaged in the on-site production of goods by hand manufacturing, within enclosed structures, involving the use of hand tools, or the use of mechanical equipment commonly associated with residential or commercial uses, or a single kiln. (Amended 10/19/04)*	SE							SE	SE	SE	B	B	
Manufacture of pottery and figurines	*no definition*								SE			B	B	
Manufacture of musical instruments, toys, novelties and metal stamps	*no definition*								SE			B	B	

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Self-Storage Facility*	A building or groups of buildings divided into separate compartments designed to provide rental storage space. Each storage space shall be enclosed by walls and ceiling and may have a separate entrance for the loading and unloading of stored goods, and shall not be pre-fabricated structures arranged on a lot. The conduct of sales, business or any other activity within the individual storage units, other than storage, shall be prohibited.								**B**	**B**		**B**		
Mini-warehouses and self-service storage facilities	*no definition*									B				
Truck/Freight Terminal	An area of land used for the switching, storing, assembling, distributing, consolidating, moving, repairing, weighing, or transferring of freight.												**B**	
Rail transfer facilities	*A facility, either standalone or incorporated with an industrial facility, designed to accommodate the intermodal transfer of goods and raw materials to or from rail cars and to or from highway carriers.*												B	
Warehousing and Distribution	Uses including storage, warehousing, and dispatching of goods within enclosed structures. Typical uses include wholesale distributors, storage warehouses, and moving/storage firm.									**B**		**B**	**B**	
Wholesale business or merchandising brokers	*Any business which deals in the bulk supply of goods that are sold to others who will retail the same goods in smaller quantities at a marked-up retail price. A wholesale business is a supply source for goods and raw materials.*						B		SE	B		B	B	

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Miscellaneous														
Accessory Structure*	A building or structure subordinate to and located on the same lot with a main building, the use of which is clearly incidental to that of the main building or to the use of the land, and which is not attached by any part of a common wall or roof to the main building. The term "accessory structure" also includes, but is not limited to, portable storage containers, gazebos, carports, private greenhouses, and sheds which may be modular in nature and are delivered to the site and which may or may not have a foundation. Accessory building or structure does not include motorhomes, travel trailers, or other recreational vehicles.	B	B	B	B	B	B							B
Accessory buildings	*A subordinate structure customarily incidental to and located upon the same lot occupied by the main structure. No such building structure shall be used for housekeeping purposes, with the exception that dwelling use shall not be prohibited for temporary family health care structures (as defined).*	B	B	B	B		B							B
Accessory uses	*A use of land or a use of a building or structure for purposes customarily incidental and clearly subordinate to the principal use of the lot on which it is located.*												SE	
Transportation Services	Individual modal or multimodal conveyances and terminals; facilities may be of local, regional, or statewide importance. Examples of facilities are highways, airports, rail transit lines, and transit stations. Uses may also include vehicle services such as limousine, taxi service, or bus transportation.								SE	SE	SE	SE	SE	
Airports	*no definition*											SE		
Temporary Structure	A temporary structure or mobile unit used only as a temporary substitute for any structure or use permitted in the district, to alleviate a hardship during periods required for reconstruction, replacement or repair of the primary structure.	B	B	B	B	B	B							B

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Wind Energy Generating Facility, Accessory*	A single system designed to supplement other electricity sources as an accessory use to existing buildings or facilities, wherein the power generated is used primarily for onsite consumption or net metered. A small wind energy conversion system consisting of a single wind turbine, a tower, and associated control or conversion electronics, that has a wind turbine height less than 100 feet and a rated capacity less than 100 KW.	**SE**						**SE**	**SE**	**SE**		**SE**	**SE**	
Wind Energy Facilities	*Wind energy facility. An electric generating facility, whose main purpose is to supply electricity, consisting of one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.* *Wind energy facility, large system: A wind energy conversion system consisting of one or more wind turbines, a tower(s), and associated control or conversion electronics, which has a rated capacity of not more than 999 kW.* *Wind energy facility, small system: A single system design to supplement other electricity sources as an accessory use to existing buildings or facilities, wherein the power generated is used primarily for onsite consumption. A small wind energy conversion system consisting of a single wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 25 kW.* *Wind energy facility, utility scale: A wind energy system consisting of more than one wind turbine, a tower(s), and associated control or conversion electronics, which has a rated capacity of one MW or greater.*	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
Yard or Garage Sales*	A use, accessory to a dwelling, that includes display and noncommercial sales for the disposal of personal property accumulated by the residents of a residential dwelling unit.	**B**	**B**	**B**	**B**	**B**	**B**	**B**						
Yard or Garage Sales	*no definition*	B	B	B	B	B	B	B	B	B	B	B	B	B
Suggested Miscellaneous														
Construction Temporary Uses*	A manufactured home or other similar structure used as a temporary office to meet a short-term need in conjunction with a construction project.			**B**	**B**	**B**		**B**	**B**	**B**	**B**	**B**	**B**	
Outdoor Storage	The keeping, in other than a building, of any goods, materials, or merchandise on the same parcel for more than twenty-four consecutive hours.							**B**	**B**	**B**		**B**	**B**	
Structure, Mixed-Use*	A building containing residential uses in addition to non-residential uses permitted in the zoning district. Mixed-use structure should not be confused with a mix of uses each in separate structures in a single development.				**B**		**B**			**B**	**B**			

Use Types	Definitions	Districts												
		RA, Residential Agriculture	R1, Residential Low Density	R2, Residential Medium Density	R3, Residential High Density	RPUD, Residential Planned Unit Development	RB, Residential Business	C1, Commercial Office Limited	C2, Commercial Office General	GB, General Business	CBD, Central Business	M1, Industrial Limited	M2, Industrial General	POS, Public/Open Space
Light Yellow =proposed new use/definition/consolidation *White =existing to be removed* * *includes Use Standards*		*B = By-Right SE = Special Exception Blank = Not Permitted (Black=existing; Red = proposed)*												
Solar Energy, Medium-Scale*	A solar facility that is attached to a structure or incorporated into building materials for structures, such as shingles or roofs, or as ground mounted equipment. It shall be an accessory use and generate electricity from sunlight on an area adequate to support a rated capacity of greater than 500 kilowatts (500 KW) and less than five megawatts (5 MW) alternating current. Generated electricity may be used for on-site consumption, provided to electric cooperative member-customers (non-retail, from behind the meter), or distributed for commercial consumption.							B	B	B	B	B	B	
Solar Energy, Small-Scale*	A solar facility that is attached to a structure or incorporated into building materials for structures, such as shingles or roofs, or as ground mounted equipment. It shall be an accessory use and generate electricity from sunlight on an area adequate to support a rated capacity of 500 kilowatts (500 KW) alternating current or less. Generated electricity may be used for on-site consumption and/or provided to electric cooperative member-customers (non-retail, from behind the meter).	B	B	B	B	B	B	B	B	B	B	B	B	B
Suggested Deletions from the Existing Ordinance														
Home gardens	*A garden in a residential district for the production of vegetables, fruits, and flowers generally for use and/or consumption by the occupants of the premises.*		B	B	B									
Satellite Dish Antennas	*Satellite dish antenna shall mean an accessory use that is a combination of (1) an antenna or dish antenna whose purpose is to receive communication or other signals from orbiting satellites and other extraterrestrial sources; (2) a low-noise amplifier (LNA) which is situated at the focal point of the receiving component and whose purpose is to magnify and transfer signals; and (3) a coaxial cable whose purpose is to carry the signals to the exterior of the building.*	B	B	B	B		B		B	B	B	B	B	
Security houses	*no definition*					B								
Water storage and distribution, detention ponds, dry dams	*no definition*													B

ATTACHMENT C

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ARTICLE 7. – Use Standards.

Division 1. General.

Section 7-1-1. Purpose and Intent.

(A) The following additional regulations apply to specific uses as set forth below. These regulations are intended to serve as the minimum standards for these uses and are not intended to exclude other provisions of this Ordinance that may apply.

(B) The standards set forth in this Article for a specific use apply to the particular individual use, regardless of the review procedure by which it is approved, unless otherwise specified in this Ordinance or approved through conditions of a Special Exception Permit.

Section 7-1-2. Must Meet Other Regulations.

(A) Each use provided in this Article may also require permits and approvals, including:

(1) Zoning Permit;

(2) Special Exception Permit;

(3) Site Plan Approval; and/or

(4) Other Town of Rocky Mount required permits, such as a business license or Erosion and Sediment Control Permit.

(B) Applicants should consult with the Town of Rocky Mount staff during the application process to ensure all permits and requirements are met.

Division 2. Agricultural Use Standards

Section 7-2-1. Agriculture/Residential.[1]

(A) Chickens.

(1) Lot Area. Minimum lot area of 25,000 sq. ft.

(2) Maximum Units. Maximum of 6 chickens.

(3) Setbacks.

(i) All enclosures, runs, and coops shall be located at least 10 ft. from any property line and at least 35 ft. from any dwelling not owned by the applicant.

(4) General Standards.

(i) The keeping of chickens shall comply with all relevant state and federal laws.

(ii) The keeping of roosters shall be prohibited.

[1] Editor's Note: Proposed new use and standards.

(iii) Chickens shall be used only for non-commercial domestic purposes. The selling of eggs and the harvesting of chickens for commercial purposes is prohibited.

(iv) No enclosures, runs, or coops shall be located in a front setback or within the front "yard" of a lot.

(a) The Zoning Administrator may grant an exception to this requirement in cases where due to unusual lot configuration, topography, or proximity of neighbors, another area of the yard is more suitable for such an activity.

(v) Chickens shall always be in a covered enclosure or within a fenced area.

(vi) All coops shall provide at least 3 sq. ft. of area per chicken and all runs shall provide at least 10 sq. ft. per chicken.

(B) Bees.

(1) Lot Area.

(i) 2 hives permitted with a minimum 15,000 sq. ft. of lot area.

(ii) 3 hives permitted with a minimum 20,000 sq. ft. of lot area.

(iii) 4 hives permitted with a minimum 25,000 sq. ft. of lot area.

(2) Hive Maximum. Maximum of 4 hives.

(3) Setbacks.

(i) Located a minimum of 10 ft. to any property line and at least 35 ft. from any dwelling not owned by the applicant.

(4) General Standards.

(i) Bees shall only include European Honeybees, otherwise known by the species name Apis Mellifera.

(ii) No hives shall be located in a front setback or within the front "yard" of a lot.

(iii) A constant supply of fresh water shall be provided on the lot within 20 ft. of all hives.

(iv) A fly away barrier of at least 6 ft. in height shall shield any part of a property line that is within 25 ft. of a hive.

i. Fly away barriers shall consist of dense vegetation, a wall, or solid fence. Any wall or fence shall comply with Article 8, Community Design Standards, of this Ordinance.

(v) Any sale of bees on combs or hives, used beekeeping equipment or appliances shall have a certificate of health as required by the Code of Virginia § 3.2-4407, as amended.

(vi) A minor sign, in accordance with Article 8, Community Design Standards, shall be provided for reasonable warning of the presence of beehives.

(vii) Beekeepers shall abide by the Beekeeping Best Management Practices provided by Virginia Department of Agriculture

Section 7-2-2. Agriculture/Silviculture.[2]

(A) Minimum Lot Size shall be five acres.

(B) No farm buildings intended to shelter animals shall be located closer than 200 feet to the property line of an adjoining property.

Section 7-2-3. Agritourism.[3]

(A) Applicability. This section applies only to events and activities and does not apply to the agricultural operation itself.

(1) Any agriculture operation event may be held only if the bona fide agricultural operation to which it is subordinate has:

(i) A minimum of 10 acres of land in active agricultural production on-site, or on any abutting lot under the same ownership.

(a) For lots smaller than 10 acres, applicants may seek a Special Exception, in accordance with Article 3, Permits and Applications, of this Ordinance.

(ii) At least 1 growing season each calendar year.

(B) Trip Generation. The event or activity shall generate no more than 200 visitor vehicle trips per day and each event or activity shall have 150 or fewer attendees at any single time.

(1) Events or activities that generate more than 200 visitor vehicle trips per day shall require a Special Exception.

(C) Noise. All noise shall comply with the Noise Ordinance, Chapter 42, Article III. Noise Control, of the Rocky Mount, Virginia Code of Ordinances.

(1) There shall be no amplified music between 10:00 p.m. and 8:00 a.m., seven days per week.

(D) Structures. Any structure intended for occupancy by members of the public shall provide emergency vehicle access and fire and safety measures to the extent permissible under the VA Administrative Code 13VAC5-63-20 and VA Administrative Code 13VAC5-63-200.

(E) Sanitary facilities. Sanitary facilities used in conjunction with an agritourism event shall be provided in accordance with Virginia Department of Health standards set forth in the Virginia Administrative Code 12VAC5-610-980, as amended.

(F) Food items. All food items available for sale shall be prepared in accordance with applicable federal, state, and local regulations.

(G) Parking.

(1) Adequate parking shall be provided that prevents dust and mud from leaving the site. No parking shall be allowed on highway rights-of-way.

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[2] Editor's Note: Standards are from the existing Ordinance, Article 19. Setback has been reduced from 300 to 200 ft.
[3] Editor's Note: Suggested addition as it is becoming a popular use across the State as a bolster to economic development. The definition aligns with the Code of Virginia and states that the activity must be on a "farm winery, farm brewery, farm distillery, farm, ranch, or other agricultural operation." This is to prevent barns and other farm-related structures from being built on land that is not used for bonafide agricultural operations.

(2) Grass parking areas shall be maintained to grass height of no more than 6 in. from grade.

(3) Grass parking areas shall be maintained in good condition with uniform grass coverage and free from rill or gully erosion.

(H) Access. All agritourism operations shall have a minimum of one access point to a public road, with buffers in accordance with Article 8, Community Design Standards, of this Ordinance.

Section 7-2-4. Roadside Farm Stand.[4]

(A) Roadside Farm Stand shall be an accessory use to an Agriculture/Silviculture use.

(B) Merchandise for retail sale may include items such as fruits, vegetables, flowers, herbs, plants, jams, jellies, sauces, baked goods, or homemade handicrafts. Merchandise shall not include warehouse items for resale, such as clothing and housewares.

Section 7-2-5. Stable, Private.[5]

(A) Private Stable shall be an accessory use to a primary residential use.

(B) Minimum Lot Area.

(1) Minimum of 2 acres for each horse.

(2) Horses shall be kept for the private use of the owners or their guests, but in no event for hire or compensation.

(C) Location.

(1) Any buildings, barns, pens, and areas for the keeping of animals or animal waste storage shall be located at least 200 ft. from any lot line.

(2) Any buildings for the keeping of animals shall be located at least 100 ft. from any highway or other right-of-way for passage.

(D) General Standards.

(1) Riding surfaces shall be covered and maintained with a substance to minimize dust and erosion.

(2) Fencing and other means of animal confinement shall be maintained at all times.

(3) Pens, stalls, and grazing areas shall be maintained in a sanitary manner.

(4) Manure or animal wastes shall not be stored, stockpiled, or permitted to accumulate within a designated flood zone.

Division 3. Residential Use Standards

Section 7-3-1. Bed and Breakfast.[6]

(A) Owner/Operator Occupied. Bed and breakfasts shall be occupied by the owner/operator wherein the owner or manager provides full-time management during operation.

[4] Editor's Note: Editor's Note: Proposed new use and standards.
[5] Editor's Note: (A) and (B) are from the existing Ordinance, (C) and (D) are new.
[6] Editor's Note: (B) and (C) are new proposed standards, as are (E) – (1), (2), (3), and (4).

(B) Licensure. The owner/operator shall hold a valid business license from the Town and, where applicable, a permit from the Department of Health.

(C) Registration.

(1) The owner/operator of a bed and breakfast shall maintain a log of all patrons, including their name, address, license plate number and state, and their length of stay. The log shall be available to Town staff upon request.

(2) Guest(s) may stay no longer than 30 consecutive days.

(D) Guest room Limit. A maximum of ten guest rooms is permitted unless otherwise approved through a Special Exception Permit.

(E) General Standards.

(1) If within a residential district, changes made to the exterior of the building occupied by the bed and breakfast shall maintain the residential character of the building.

(2) Signage and parking shall comply with the regulations of Article 8, Community Design Standards, of this Ordinance.

(3) Every room occupied for sleeping purposes shall comply with Uniform Statewide Building Code.

(4) Guest rooms shall not have cooking facilities.

(5) Food services in connection with the use shall be limited to meals provided to guests taking lodging at the facility. Restaurant service open to the general public is a separate use, permitted according to the district regulations.

(6) Additional activities, including indoor/outdoor events such as weddings, receptions, and similar activities on site are allowed subject to other applicable restrictions such as those in Article 8, Community Design, of this Ordinance, and Chapter 42, Article III, Noise Control, of the Code of the Town of Rocky Mount.

Section 7-3-2. Dwelling, Manufactured Home.

(A) The manufactured home dwelling shall comply with the Virginia Manufactured Housing Construction and Safety Standards Law.

(B) The manufactured home dwelling shall be placed on a permanent foundation and shall comply with the requirements of the Virginia Uniform Statewide Building code, including skirting requirements.

(C) Manufactured home dwellings shall not be joined or connected together as one dwelling, nor shall any accessory building, excluding decks or similar structures, be attached to a manufactured home dwelling. This does not prohibit manufactured home dwellings designed and manufactured as multi-section homes.

Section 7-3-3. Dwelling, Multi-Unit.[7]

(A) Property Line Setbacks. Groups of multi-family dwellings located on the same property shall be considered as one building for the purpose of determining front, side, and rear setback requirements. The entire group as a unit shall require one front, two side, and one rear setback as specified in the appropriate district, as provided in Article 4, Primary District Standards, of this Ordinance.

(B) Spacing Between Buildings. Spacing between buildings must meet the requirements in Article 4, Table 4-3, R2 and R3 Residential District Regulations.

(C) Pedestrian Access. Pedestrian access shall be provided with a sidewalk or other paved surface to all common area elements, including mail kiosks, parking lots, refuse collection areas, recreational amenities, and to adjoining properties and along public roadways.

(D) Roads and Private Pavement. All roads and private pavement shall have concrete curb and gutter.

(E) Parking Areas. A landscaped area of at least six feet in width shall be maintained at all times between parking areas and any street right-of-way line or any lot zoned for residential district R1 or R2.

(F) Screening of Mechanical Equipment and Refuse Collection. Whether ground-level or rooftop, any refuse collection or mechanical equipment visible from adjacent property or roads shall either be integrated into the architectural treatment of the building or screened from view in accordance with Article 8, Community Design Standards, of this Ordinance.

(G) General Design and Building Layout. The development shall be designed with special attention to compatibility of adjacent land uses, topography, existing vegetation, building height, and orientation. The development shall incorporate building layout and design that relates to and enhances the existing neighborhoods, natural vegetation, and terrain or incorporates natural design features, such as preservation of scenic vistas or other unique elements of the site.

(H) Landscaping and Buffer. Landscaping and/or transitional buffers shall be installed as required in Article 8, Community Design Standards, of this Ordinance.

(I) Architecture Standards.

(1) Buildings shall be designed to impart harmonious proportions and avoid monotonous facades and large masses.

(2) Buildings shall maintain architectural variety, while at the same time maintain an overall cohesive residential character.

(i) Residential character shall be achieved through the creative use of design elements such as, but not limited to, balconies, terraces, articulation of doors and windows, sculptural or textural relief of facades, architectural ornamentation, or varied roof lines.

Section 7-3-4. Dwelling, Townhouse.[8]

(A) Placement.

[7] Editor's Note: The majority of this Section is new.
[8] Editor's Note: This Section is from the existing Ordinance Article 6-3-2, except for items E, F, G, H, and I, which are proposed new standards.

(1) No more than eight adjoined townhouses may be contructed in a single row.

(2) Spacing between buildings must meet the requirements in Article 4, Table 4-3, R2 and R3 Residential District Regulations

(B) Architectural treatment. The facades of each unit of a townhouse structure shall be varied by changing front yard setbacks and utilizing variations in materials or design, so that no more than two abutting townhouse units have the same front yard setback depth or the same architectural treatment of facades or rooflines. Front yard setbacks of adjoining staggered units shall vary a minimum of two feet with a maximum of six feet.

(C) Maintenance.

(1) Maintenance to townhouse exteriors, yards, special lighting, drainage, utilities, common parking areas, common walkways, and any other area intended for the common use of townhouse occupants shall be the sole responsibility of the developer/owner of the townhouse development until such time as the developer/owner creates an association whose members shall be all of the individual owners of the townhouses in the townhouse development.

(2) The developer/owner may provide, among other things, that any costs of maintenance may be assessed to the individual townhouse owners and constitute a lien on the individual townhouse lots on a pro rata basis.

(3) The maintenance shall be provided in a manner so as to discharge any responsibility to the Town of Rocky Mount.

(D) Utilities. All townhouse units shall have individual utility connections. Maintenance easements as required by the Town Engineer for service lines shall be included by the developer for each townhouse unit. If main utility lines cross property not owned by the Town, the developer shall grant the Town an easement of 20 feet in width for these lines.

(E) Vehicular Access. Each townhouse unit shall have unencumbered access from a dedicated public street.

(F) Pedestrian Access**.** Pedestrian access shall be provided with a sidewalk, or similar paved surface if approved by the Administrator, to all common area elements, including mail kiosks, parking lots, refuse collection areas, recreational amenities and to adjoining properties and along public roadways.

(G) Roads and Private Pavement. All roads and private pavement shall have concrete curb and gutter.

(H) Landscaping and Buffer. Landscaping and/or transitional buffers shall be installed as required in Article 8, Community Design Standards, of this Ordinance.

(I) Screening of Mechanical Equipment and Refuse Collection. Whether ground-level or rooftop, any refuse collection or mechanical equipment visible from adjacent property or roads shall either be integrated into the architectural treatment of the building or screened from view in accordance with Article 8, Community Design Standards, of this Ordinance.

Section 7-3-5. Family Health Care Structure, Temporary.[9]

(A) In all residential districts, and in nonconforming single-unit uses in the CBD, temporary family health care structures shall be allowed to be placed on a lot, provided that:

(1) The primary use of the property is a single-family dwelling;

(2) The occupant of the temporary family health care structure meets the qualifications of a mentally or physically impaired person as defined in Code of Virginia §63.2-2200, and a letter of certification, written by a physician licensed in Virginia, has been provided to the zoning administrator;

(3) The property is occupied by the caregiver as his/her residence;

(4) The temporary family health care structure shall comply with all setback requirements that apply to the primary structure, and with any maximum floor area ratio limitations that may apply to the primary structure;

(5) Only one temporary family health care structure shall be allowed on a lot or parcel of land; and

(6) The proper permits shall be obtained before a temporary family health care structure may be placed on a lot or parcel of land. Required permits may include, but are not limited to, a zoning permit, building permit, electrical permit, mechanical permit, and plumbing permit.

(7) Any temporary family health care structure installed according to this section may be required to connect to any water, sewer, and electric utilities that are serving the primary residence on the property and shall comply with all applicable codes and requirements, including permits, for such connection.

(8) Any temporary family health care structure installed according to this section shall be removed within 30 days in which the mentally or physically impaired person is no longer receiving or is no longer in need of the assistance provided for in this section.

(9) A letter of certification, written by a physician licensed by the Commonwealth of Virginia, shall be provided to the zoning administrator on an annual basis to ensure continued compliance with this section. The zoning administrator may inspect the temporary family health care structure at reasonable times convenient to the caregiver, not limited to any annual compliance inspection.

(10) No signage advertising or otherwise promoting the existence of the temporary family health care structure shall be permitted, either on the exterior of the structure or elsewhere on the property.

Section 7-3-6. Home Occupation.[10]

(A) In all residential districts, and in nonconforming single-unit dwellings in the CBD and GB, home occupations shall be allowed as a secondary use, provided that:

(1) Employees and Customers.

(i) No person other than those residing on the premises shall be engaged in occupations.

[9] Editor's Note: This Section is from the existing Ordinance Article 6-3-3. This use is required by the Code of Virginia.
[10] Editor's Note: Taken from the Town's Amendment to the existing Ordinance, Definitions dated Nov. 8, 2021.

(ii) No more than five customers daily and two customer vehicles at a time.[11]

(2) Size of Use. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.

(3) General Standards.

(i) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation.

(ii) Signs are not permitted in the conduct of a home occupation.

(iii) No home occupation shall be conducted in any accessory building.

(iv) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.

(v) Sufficient parking shall be provided for the allowed number of customers, and in accordance with Article 8, Community Design Standards, of this Ordinance.

(a) Any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.

(vi) No storage or display of goods shall be visible from outside the dwelling unit. In addition, no direct sales of products off display shelves or racks shall be permitted. However, orders made by telephone or at a sales party may be filled on premises.

(vii) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuation in line voltage off the premises.

Section 7-3-7. Manufactured Home Park.[12]

(A) No manufactured home within a manufactured home park shall be located within 50 feet of an existing residence.

(B) A manufactured home park shall contain at least two acres and contain 10 or more manufactured homes for residential occupancy. [13]

(C) An application shall be submitted according to Article 3, Applications and Permits, of this Ordinance. In addition, it shall contain:

(1) Location and size of any proposed service building.

(D) Landscaping must comply with Buffer Type C as provided in Article 8, Community Design Standards, of this Ordinance.

[11] Editor's Note: New proposed standard.
[12] Editor's Note: This Section is from the existing Ordinance Article 6-3-1.
[13] Editor's Note: The existing Ordinance requires 10 acres and 25 homes. Proposed change to encourage more housing options while adhering to use standards for quality.

(E) Location and size of the manufactured home lots.

(1) Each manufactured home lot shall meet the following minimum requirements:

(i) Minimum lot area: 5,000 square feet.

(a) Maximum of one manufactured home per lot.[14]

(ii) Setbacks. Setbacks for individual lots shall be a minimum of:

(a) Front setback: 25 ft. from the right-of-way of public streets.

(b) Side and rear setbacks: 10 ft.

(F) Streets. The design and construction of the interior street system shall be sufficient to adequately serve the size and density of the development.

(1) All interior streets shall conform and be constructed to the specification of the Virginia Department of Transportation.

(2) The internal street improvements shall extend continuously from the existing improved street system to provide suitable access to manufactured homes, to provide adequate connections to the existing or future streets at the boundaries of the property, and to provide convenient circulation of vehicles with origins or destinations on the property.

Section 7-3-8. Short-Term Rental.[15]

(A) Definitions. The following shall apply as used in this section:

(1) *Booking transaction*. Any transaction in which there is a charge to a transient by a host for the occupancy of any dwelling, sleeping, or lodging accommodations.

(2) *Guest or transient*. A person who occupies a short-term rental unit.

(3) *Owner (or host)*. The owner of the short-term rental unit who occupies the property as his or her principal place of residence and domicile. In determining compliance with these regulations, the host has the burden of demonstrating that the dwelling unit is his or her primary residence.

(4) *Residential dwelling unit.* A residence where one or more persons maintain a household.

(B) Registration and Other Requirements.

(1) Any property with a short-term rental on premises shall be permanently occupied by the owner of the property, except that any owner of a short-term rental located in the Central Business District (CBD) shall not be required to use the short-term rental property as their primary residence.[16]

(2) No host shall operate a short-term rental business without having registered with the Administrator as required by Virginia Code § 15.2-983, as amended.

[14] Editor's Note: Proposed new standard.
[15] Editor's Note: Proposed new use and standards to replace "rooming and boarding" and "tourist homes" uses in the existing Ordinance. This Section borrows from several localities, including Franklin County, and content is tailored for Rocky Mount.
[16] Editor's Note: Provision exempts short-term rentals in the CBD from this requirement as per discussion with staff.

(3) The Administrator will report all registrations to the Rocky Mount Director of Finance for the collection of all appropriate tax, including transient lodging tax, and any required business licensure fees.

(4) The registration form shall include the following information:

(i) The name, telephone number, address, and email address of the host.

(ii) A reminder about the importance of having appropriate levels of insurance that covers the short-term rental, the host, and the guests.

(5) The registration shall be valid January 1st (or from whatever date the registration first occurs) through December 31st of the calendar year and shall be renewed annually.

(C) Use regulations.

(1) The unit shall meet all applicable building codes.

(2) No signage shall be allowed in conjunction with this use.

(3) A fire extinguisher and smoke detector(s) shall be installed in every dwelling.

(4) The owner of a dwelling unit used for short-term rental shall give the Town written consent to inspect any dwelling used for short-term rental to ascertain compliance with all applicable use standards.

(5) No recreational vehicles, buses, or trailers shall be used in conjunction with the short-term rental use to increase the occupancy of the rental unit.

(6) The host shall not permit occupancy of a short-term rental unit for a period of less than overnight, or more than 92 consecutive days, including all extensions and renewals to the same person or a person affiliated with the lessee, in accordance with Code of Virginia § 58.1-3510.4.

(D) Parking.

(1) The physical and aesthetic impact of required off-street parking shall not be detrimental to the existing character of the house and lot or to the surrounding neighborhood.

(2) All vehicles shall be parked in driveways or parking areas designed and built to be parking areas.

(E) Registration Revocation.

(1) A registration may be revoked, suspended, or cancelled for the following reasons:

(i) Failure to collect and/or remit the transient occupancy tax or other business taxes required by the Town of Rocky Mount.

(ii) Three (3) or more substantiated complaints (including, but not limited to, noise, excess trash, and use violations) within a rolling 12-month period.

(2) A formal complaint shall be filed with the Administrator to be considered received.

(i) If violations occur, as supplied in (C)(1), above, the Administrator may revoke, suspend, or cancel the registration.

(3) Before any suspension or cancellation can be effective, the Administrator shall give written notice to the short-term rental host.

(i) The notice of revocation, suspension, or cancellation issued under the provisions of this Ordinance shall contain:

(a) A description of the violation(s) constituting the basis of the suspension or cancellation; and

(b) If applicable, a statement of acts necessary to correct the violation.

(4) In accordance with Article 3, Permits and Applications, of this Ordinance, an applicant may appeal the Administrator's decision for revocation, suspension, or cancellation of the registration.

(F) Penalty.

(1) Any short-term rental business in violation of zoning regulations, including operation without registering, is subject to all relevant penalties as set forth by the Town of Rocky Mount.

(2) It shall be unlawful to operate a short-term rental:

(i) Without obtaining license and registration as required by this Article;

(ii) After a registration has been suspended or cancelled; or

(3) In violation of any other requirement of this Article.

Division 4. Public/Civic/Recreational Uses.

Section 7-4-1. Shelter, Animal.[17]

(A) Location. Except where animals are confined in soundproofed buildings, no portion of the use, excluding required screening and landscape buffers, shall be located within:

(1) 100 ft. from the property lines of adjoining residential zoned or planned development property; and

(2) 200 ft. from any dwelling not on the associated parcel.

(B) General Standards.

(1) All exterior runs, play areas, or arenas shall be designed with a minimum 6-foot-high opaque screen from adjacent lot lines and street rights-of-way.

(2) Animal shelters shall be kept free of waste on a regular basis to minimize impacts of odor and reduce propagation of pests.

(3) Waste disposal shall be in accordance with Virginia Department of Health standards.

(C) All animals shall be kept within a totally enclosed part of the structure(s) between the hours of 10:00 p.m. and 7:00 a.m. This does not include leashed walking of animals.

[17] Editor's Note: New use and standards for the Town's consideration.

Section 7-4-2. Telecommunications Facility.[18]

(A) Uses.

(1) Principal or Accessory Use. For the purposes of determining compliance with the standards of this Ordinance, telecommunication facilities may be considered either principal or accessory uses.

(i) An existing use or an existing structure on the same lot shall not preclude the installation of a telecommunication facility on such lot.

(ii) For purposes of determining whether the installation of a telecommunication facility complies with district regulations, the dimensions of the entire lot shall control, even though the facility may be located on leased area within such lots.

(2) Nonconforming Uses. Telecommunication facilities that are constructed, and antennas that are installed, in accordance with the provisions of this Section shall not be deemed to constitute the expansion of a nonconforming use or structure.

(3) Excluded Uses. The following uses are not subject to the requirements of this Section for telecommunications facilities:

(i) Amateur radio operations as regulated by § 15.2-2293.1 of the Code of Virginia, as amended.

(ii) Television reception antennas that are less than 35 ft. above ground level (AGL) and used exclusively for non-commercial purposes.

(iii) Ground-mounted satellite earth station antennas that are less than or equal to 10 ft. AGL, less than or equal to 6 ft. in diameter and used exclusively for non-commercial purposes.

(iv) Micro-wireless facilities, provided that they are less than or equal to eighty 80 ft. AGL. Co-location of additional antennae should be sought. The Town reserves the right to require "stealth technology" to hide or camouflage wireless facilities for micro-wireless facilities.

(v) Satellite earth station antennas. Ground-mounted satellite earth station antennas that are less than or equal to 10 ft. AGL, less than or equal to 6 ft. in diameter, and used exclusively for non-commercial purposes.

(vi) Town owned or operated wireless telecommunication facilities are exempt from the requirements of this Article but are expected to adhere, to the extent reasonably possible, to the standards described herein.

(vii) Any wireless communication antenna that meets the definition of a “Administrative review-eligible project” as defined in the Code of Virginia § 15.2-2316.6, as amended, is considered a “Utility Service, Minor” by this Article and is not subject to the provisions of this Section.

(B) Local Government Access. Owners of all new telecommunication facilities shall provide, at no cost to the Town, colocation opportunities as a community benefit to improve radio communication for Town departments and emergency services (including both tower space and sheltered equipment

[18] Editor’s Note: Telecommunications Facility, and Telecommunications Facility, Small Cell, update and replace language in the existing Ordinance for “wireless telecommunication facilities.”

space on the ground). All proposals for a telecommunication facility shall acknowledge the critical role of the Town's radio system for emergency services including fire, rescue, and law enforcement personnel and shall warrant that no interference with the Town's radio system shall result from such installation.

(C) Location Preference. The following sites shall be considered by applicants as the preferred order of location of proposed telecommunications facilities, (1) being the most preferred, and (3) being the least preferred:

(1) Existing telecommunication facilities (towers).

(2) Public structures, such as water towers, utility structures, fire stations, bridges, steeples, and other public buildings not utilized primarily for residential uses.

(3) Property zoned industrial.

(D) Colocation Requirements.

(1) Existing towers may be extended to allow for additional users provided that the overall height of the tower is not increased by more than 15 ft. for each new user, nor more than a total of 30 ft., and that the overall height of the structure does not exceed the zoning district height limit for towers.

(2) No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Town that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna shall consist of the following minimum information:

(i) No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements;

(ii) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements;

(iii) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment;

(iv) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna;

(v) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable; and

(vi) The applicant demonstrates that there are other limiting factors that render the existing towers and structures unsuitable.

(E) Design Standards.

(1) Broadcasting or communication towers shall be of a monopole design unless the Town Council determines that an alternative design would blend better into the surrounding environment.

(2) Towers shall be designed to collapse fully within the lot lines of the subject property in case of structural failure.

(3) Unless using camouflaging designs, towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the Federal Aviation Administration (FAA), be painted a neutral color, to reduce visual obtrusiveness.

(4) Dish antennas will be of a neutral, non-reflective color with no logos. Towers that are painted shall be repainted if the original color has significantly degraded as the result of the fading, pealing, flaking, or rust.

(5) At a facility site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and surrounding structures.

(6) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment shall be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure to make the antenna and related equipment as visually unobtrusive as possible.

(7) Towers shall be illuminated as required by the Federal Communications Commission, (FCC) but no lighting shall be incorporated if not required by the FCC, other than essential security lighting. Site lighting shall be full cut-off and directed downward. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower.

(8) No advertising of any type shall be placed on the tower or accompanying facility.

(9) All towers shall meet or exceed current standards and regulations of the FAA and the Federal Communications Commission (FCC), and any other agency of the federal government with the authority to regulate towers and antennas. Towers that are painted, as required by the FAA, shall be repainted as necessary to maintain minimum visibility requirements as set forth by the FAA.

(10) To ensure structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable federal, state, and local building codes and regulations.

(11) The area immediately surrounding the tower and access road shall be kept free of trash and debris.

(12) All electrical devices, fixtures, and wires, to include electric generators and fuel tanks, shall be maintained in compliance with the requirements of the National Electrical Safety Code.

(13) Tower owners shall maintain towers, telecommunication facilities and antenna support structures in safe condition so that the same shall not menace or endanger the life or property of any person.

(F) Setbacks. The following setback distances for towers shall be required and shall replace the setbacks otherwise required in the zoning district in which the facility is located.

(1) The tower shall be set back from any off-site residential structure at least 200 ft.

(2) Towers, guys, and accessory facilities shall be set back:

(i) 100 ft. from any property line which abuts a residential or planned development district; and

(ii) 50 ft. from any property line which abuts a commercial or industrial district.

(3) No habitable structures or places where people gather shall be located within any "fall zone" as certified by a registered professional engineer licensed in Virginia.

(4) A tower's setback may be reduced or its location in relation to a public street varied, at the sole discretion of the Town Council, to allow the integration of a tower into an existing or proposed structure such as a church steeple, light pole, utility pole, water tower, public facility, or similar structure.

(G) Height Restrictions.

(1) Telecommunications facilities attached to structures are exempt provided they are not taller than the structure to which they are attached.

(2) Towers used to achieve the necessary elevation for telecommunication facilities shall be designed not to exceed an overall height as shown in Table 8-1, except as otherwise approved in the conditions of a Special Exception Permit.

Table 8- 1 Telecommunications Facility Height

ZONING DISTRICT	MAXIMUM HEIGHT
RA	65 ft.
C1	120 ft.
C2	
GB	
M1	199 ft.
M2	

(H) Security fencing. Ground-mounted towers and equipment shall be enclosed by security fencing to protect against unauthorized access. Unless otherwise specified, a minimum 6 ft. high chain link fence, incorporating an anti-climb device and locked access gate, shall be provided.

(I) Landscaping. Tower facilities shall be landscaped with a buffer of plant materials that effectively screen the view of the support buildings from adjacent property. The standard buffer shall consist of a landscaped strip at least 4 ft. wide outside the perimeter of the facilities. All plantings must follow the tree and plant standards provided in Article 8, Community Design Standards.

(1) Natural vegetation sufficient to serve as buffer may be used in lieu of planting a landscaped buffer.

(2) Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible.

(3) All plant material used as landscaping and/or buffering shall be tended and maintained in a healthy growing condition. Dead plant material shall be replaced in kind.

(J) Signage. Signage on site shall be limited to no trespassing, safety, or FCC required signs to be positioned on the fence surrounding the facility. The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.

(1) The appropriate signage as required by FCC guidelines governing Electromagnetic Energy Fields (EMEF) shall be clearly posted.

(2) 24-hour emergency contact information shall be posted at the site by the owner and each co-locator.

(3) FCC tower registration shall be clearly posted.

(K) Required Application Information.

(1) Actual photographs of the site that include a simulated photographic image of the proposed tower. The photograph with the simulated image shall include foreground, the midground, and the background of the site.

(i) The Town staff reserves the right to select the locations for the photographic images and require additional images. As photo simulations may be dependent upon a balloon test first being conducted, the applicant is not required to submit photo simulations with their initial application but shall provide them prior to the public hearing with the Planning Commission.

(2) An engineering report, certifying that the proposed tower is structurally suitable and of adequate height for co-location with a minimum of 3 users including the primary user.

(3) Copies of the co-location policy. The applicant shall provide copies of propagation maps demonstrating that antennas and sites for possible co-locator antennas are no higher in elevation than necessary.

(4) A copy of the FAA airspace study shall be provided prior to the issuance of a building permit for the construction tower. The FAA airspace study shall provide confirmation that the tower will not pose any hazard to air navigation.

(5) A commitment from a service provider to locate on the proposed tower.

(6) An agreement allowing the Town to collocate on the tower for the purpose of emergency service communications.

(7) A proposed construction schedule.

(8) Site Plans for telecommunications facilities shall include:

(i) Radio frequency coverage and tower height requirements.

(ii) All designated “fall zones” as certified by a registered professional engineer licensed in Virginia.

(9) Any other information to assess compliance, deemed necessary by the Administrator.

(L) Application Process.

(1) Balloon Test. For towers requiring a Special Exception Permit, a balloon test shall be required for new towers prior to the public hearing with the Planning Commission.

(i) The applicant shall arrange to raise a colored balloon (no less than 3 ft. in diameter) at the maximum height of the proposed tower and within 50 horizontal ft. of the center of the proposed tower.

(ii) The applicant shall inform the Administrator and adjacent property owners in writing of the date and times of the test at least 7, but no more than 14 days in advance. The notice will direct readers to a new date if the test is postponed due to inclement weather. The applicant shall request in writing permission from the adjacent property owners to access their property during the balloon test to take pictures of the balloon and to evaluate the visual impact of the proposed tower on their property.

(iii) The date, time, and location of the balloon test shall be advertised in the Town's newspaper of record by the applicant at least 7 but no more than 14 days in advance of the test date. The advertisement will direct readers to a new date if the test is postponed due to inclement weather.

(iv) The balloon shall be flown for at least 4 consecutive hours during daylight hours on the date chosen.

(v) Signage shall be posted on the property to identify the property where the balloon is to be launched. The signage will direct readers to a new date if the test is postponed due to inclement weather. This signage shall be posted a minimum of 72 hours prior to the balloon test. If inclement weather postpones the test, then cancellation of the test for that day shall be clearly noted on the signage.

(vi) If the wind during the balloon test does not allow the balloon to sustain its maximum height or there is significant fog or precipitation which obscures the balloon's visibility, then the test shall be postponed and moved to the alternate inclement weather date provided in the advertisement. Town staff reserves the right to declare weather inclement for purposes of the balloon test.

(2) Community Meeting. For towers requiring a Special Exception Permit, a community meeting shall be held by the applicant prior to the public hearing with the Planning Commission.

(i) The applicant shall inform the Administrator and adjacent property owners in writing of the date, time, and location of the meeting at least 7 but no more than 14 days in advance.

(ii) The date, time, and location of the meeting shall be advertised in the Town's newspaper of record by the applicant at least 7 but no more than 14 days in advance of the meeting date.

(iii) The meeting shall be held within the Town, at a location open to the public with adequate parking and seating facilities which shall accommodate persons with disabilities.

(iv) The meeting shall give members of the public the opportunity to review application materials, ask questions of the applicant and provide feedback.

(v) The applicant shall provide to the Administrator a summary of any input received from members of the public at the meeting.

(3) Approval Process and Time Restrictions.

(i) For all tower applications, the following applies:

(a) Unless some other timeframe is mutually agreed upon, an application for a tower shall be reviewed by the Town and a written decision shall be issued within 150 days of a completed submission.

(b) Unless some other timeframe is mutually agreed upon, an application for collocation shall be reviewed by the Town and a written decision shall be issued within 90 days of a completed submission.

(c) A complete application for a project shall be deemed approved if the Town fails to approve or disapprove the application within the applicable period specified or mutually agreed upon.

(ii) For towers requiring a Special Exception Permit, the following applies:

(a) The approving bodies, in exercise of the Town's zoning regulatory authority, may disapprove an application on the grounds that the tower's aesthetic effects are unacceptable, or may condition approval on changes in tower height, design, style, buffers, or other features of the tower or its surrounding area. Such changes need not result in performance identical to that of the original application.

i. Factors relevant to aesthetic effects are: the protection of the view in sensitive or particularly scenic areas, and areas containing unique natural features, scenic roadways or historic areas; the concentration of towers in the proposed area; and, whether the height, design, placement or other characteristics of the proposed tower could be modified to have a less intrusive visual impact.

(b) The approving bodies, in accord with Code of Virginia § 15.2-2316.4:2, as amended, may disapprove an application based on the availability of existing wireless support structures within a reasonable distance that could be used for co-location at reasonable terms and conditions without imposing technical limitations on the applicant.

(c) If the Town disapproves an application, it shall provide the applicant with a written statement of the reasons for disapproval. If the locality is aware of any modifications to the project as described in the application that if made would permit the locality to approve the proposed project, the locality shall identify them in the written statement provided. The written statement shall contain substantial record evidence and be publicly released within 30 days of the decision.

(M) Structural Certification and Inspections. All proposed towers shall be certified by a licensed professional engineer to be structurally sound and in conformance with the requirements Structural Standards for Steel Antenna Towers and Antenna Supporting Structures (ANSI/TIA/EIA-222-F), International Statewide Building Code and all applicable Town, state, and federal laws.

(1) For new structures, or the extension of existing structures, such certification shall be submitted prior to issuance of the building permit. For existing towers being utilized for co-location, certification shall be provided to verify its capability to support additional loading.

(2) Over the life of the tower, the Town may require the tower owner to inspect and certify the structural integrity of the tower should there be a reason to believe that the tower has degraded to the point where it is believed to pose a legitimate threat to life and/or property. Structural analysis shall be performed within 30 days, upon formal written request of the Town.

(3) The Town reserves the right to perform inspections upon reasonable notice to the tower owner. The Town and its agent retain authority to enter onto the property for the purpose of assessing compliance with the statewide building code and all other construction standards provided by the Town Code and federal and state law. If defects had been identified on previous inspections, the Town may, at its discretion, require the tower owner to bear the cost of the inspection.

(4) The tower or telecommunication facilities owner shall certify to the Town on an annual basis that it is in compliance with all of the requirements set forth above.

(N) Review Fee. Any out-of-pocket costs incurred by the Town for the review of any of the above required information shall be reimbursed by the tower owner.

(O) Bond. To secure the removal of abandoned structures, the Town shall require the tower owner to post a bond, or provide some other reasonable assurance, in an amount to be determined by the Town based upon the anticipated removal cost of the tower.

(P) Abandoned Towers. Any antenna or tower that is not operational for a continuous period of 24 months shall be considered abandoned, and the owner of each such antenna or tower shall remove the tower.

(1) Removal includes the removal of the tower, all tower and fence footers, underground cables, and support buildings. The buildings may remain with the owner's approval.

(2) If there are 2 or more users of a single tower, then this provision shall become effective when all users cease using the tower.

(3) The Town may dismantle and remove the tower and recover the cost of the same from the owner.

(Q) In the event that the Bond amount is insufficient to cover the cost of removal, the Town reserves the right to seek the remaining balance from the owner.

Section 7-4-3. Telecommunications Facility, Small Cell.

(A) In accordance with Code of Virginia § 15.2-2316.4, as amended, small cell telecommunications facilities shall be permitted by-right in all zoning districts subject to the following general performance standards.

(B) Installation.

(1) The small cell telecommunications facility shall be installed by a wireless services provider or wireless infrastructure provider on an existing structure.

(2) The wireless services provider or wireless infrastructure provider has obtained permission from the owner of the existing structure to collocate the small cell telecommunications facility on the existing structure and to collocate the associated transmission equipment on or proximate to the existing structure.

(3) Each antenna is located inside an enclosure of, or the antenna and all its exposed elements could fit within an imaginary enclosure of, no more than 6 cubic ft.; and

(4) Excluding electric meter, concealment, telecommunications demarcation boxes, backup power systems, grounding equipment, power transfer switches, cut-off switches, and vertical cable

runs for the connection of power and other services, all other equipment associated with the facility does not exceed 28 cubic ft., or such higher limit as may be established by the Federal Communications Commission.

(C) Application and Review.

(1) A wireless services provider or wireless infrastructure provider may submit up to 35 permit requests for small cell telecommunications facilities on a single application. Permit application fees shall be in accordance with Code of Virginia § 15.2-2316.4, Paragraph B (2) of the Code of Virginia, as amended.

(2) Permit applications for small cell telecommunications facilities shall be reviewed and approved as follows:

(i) Permit applications for the installation of small cell telecommunications facilities shall be approved or disapproved within 60 days of receipt of the complete application. The 60-day period may be extended by staff upon written notification to the applicant, for a period not to exceed an additional 30 days.

(ii) Within 10 days of receipt of an application submission and a valid electronic mail address for the applicant, the applicant shall receive an electronic mail notification if the application is incomplete. If the application is determined to be incomplete, the notification shall specify the missing information which needs to be included in a resubmission in order to be determined complete.

(iii) Any disapproval of the application shall be in writing and accompanied by an explanation for the disapproval. The disapproval may be based only on any of the following reasons:

(a) Material potential interference with other pre-existing communications facilities or with future communications facilities that have already been designed and planned for a specific location or that have been reserved for future public safety communications facilities;

(b) Public safety or other critical public service needs; and/or

(c) In instances where the installation is to be located on or in publicly owned or publicly controlled property (excluding privately owned structures where the applicant has an agreement for attachment to the structure), aesthetic impact or the absence of all required approvals from all departments, authorities, and agencies with jurisdiction over such property.

(iv) A permit application approval shall not be unreasonably conditioned, withheld, or delayed.

(v) An applicant may voluntarily submit, and staff may accept, any conditions that address potential visual or aesthetic effects resulting from the placement of small cell facilities.

(vi) The submission of a permit application shall represent a wireless services provider's or wireless infrastructure provider's notification to the Town as required by Code of Virginia § 15.2-2316.4(A), as amended.

Section 7-4-4. Utility Service, Minor.[19]

(A) For utility uses requiring a structure, not including public water and sewer lines and appurtenances, service lines to consumers, water towers, and above and below ground cables, wires, or pipes where such uses are located in easements:

(1) If visible from adjacent residential or planned development districts and/or properties that are occupied by a residential dwelling, the use shall be located within an enclosed structure having a style and character compatible with the surrounding residential structures or shall be screened from view in accordance with Article 8, Community Design Standards, of this Ordinance.

(2) A minor utility shall not include facilities for construction, repair, service, or storage of vehicles or off-site utility equipment.

Division 5. Commercial Uses.

Section 7-5-1. Adult Use.[20]

(A) Purpose. It is a purpose of this Section to regulate adult uses in order to promote the health, safety, and general welfare of the citizens of the Town and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of adult uses within the Town. The requirements of this Section have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this Section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this Ordinance to condone or legitimize the distribution of obscene material.

(B) Findings. Based on evidence of the adverse secondary effects of adult uses, and on findings, interpretations, and narrowing constructions incorporated in numerous legal cases, it is recognized that:

(1) Adult uses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, declining property value, urban blight, litter, and sexual assault and exploitation.

(2) Adult uses should be separated from sensitive land uses, including schools, churches, parks, libraries, public recreation areas, and residential areas, to minimize the impact of their secondary effects upon such uses and should be separated from other sexually oriented businesses to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of sexually-oriented businesses in one area.

(3) Each of the foregoing negative secondary effects constitutes a harm, which the Town has a substantial government interest in preventing and/or abating. This substantial government

[19] Editor's Note: This is a new use with new standards to replace "public utilities" in the existing Ordinance.
[20] Editor's Note: Proposed new use and standards.

interest in preventing secondary effects exists independent of any comparative analysis between adult uses and non-adult uses. Additionally, the interest in regulating adult uses to prevent future secondary effects of either current or future adult uses that may locate in the Town. The Town finds that the cases and documentation relied on in this Ordinance are reasonably believed to be relevant to said secondary effects.

(C) Establishment. The establishment of an adult use as referred to herein shall include the opening of such use as a new use, the relocation of such use, the enlargement of such use in either scope or area, or the conversion, in whole or part, of an existing business into an adult use.

(D) Measurements of distance. All distances specified in this Section shall be measured from the property line of one use to another. The distance between an adult use and a residentially or planned development zoned district shall be measured from the property line of the use to the nearest point of the boundary line of the residentially or planned development zoned district.

(1) No adult use shall be established within 1,000 ft. of any other adult use in any zoning district.

(2) No adult use shall be established within 1,000 ft. of a residential zoned district, planned development district, designated historic district, educational facility, religious assembly, public park and recreation area, public use, hotel, life care facility, medical treatment facility, adult day care center, family day home, group home, or day care centers as defined in this Ordinance.

(E) Hours of Operation.[21]

(1) No adult use shall be open:

(i) More than 72 hours in any week (a week being consecutive days from Sunday to Saturday);

(ii) More than 12 hours within any 24-hour period; or

(iii) Prior to 9 a.m. or later than 11 p.m.

(F) Design Standards.

(1) Any signs and exterior lighting shall be in accordance with the regulations of Article 8, Community Design Standards, of this Ordinance.

(i) Signs shall not include graphic or pictorial depiction of material available on the premises.

(2) No adult use shall display adult media, depictions of specified sexual activities or specified anatomical areas in its window, or in a manner visible from the street, highway, or public sidewalk, or the property of others.

(3) Window areas shall remain transparent.

Section 7-5-2. Automobile Sales and Rental; Automobile Service, Major/Minor.[22]

(A) Development Standards.

[21] Editor's Note: Proposed setting hours of operation, as provided.
[22] Editor's Note: Proposed updated standards for these uses.

(1) All principal and accessory structures shall comply with the district standards for which they are located.

(2) The use shall be located and designed so that vehicular circulation does not conflict with traffic movements and pedestrian access within adjacent streets, service drives, and/or parking areas.

(3) No portion of the use, excluding required screening and landscape buffers, shall be located within 50 ft. of a residential or planned development district or structure containing a dwelling unit.

(B) Parking Standards.

(1) All parking shall comply with Article 8, Community Design Standards of this Ordinance.

(2) All parking, excluding display of vehicles for sale or rental, shall be located to the side or rear of the establishment.

(C) General Standards.

(1) All repairs and maintenance of vehicles, including parts installation, shall be performed within a completely enclosed building.

(2) No vehicle or equipment displays shall be located within a required setback, fire lane, travel way, sidewalk, or landscaped area.

(3) The temporary on-site storage of vehicles awaiting repair, service, or removal shall be on the side or rear of the principal structure and screened from view from any adjacent right-of-way by a building, or by an opaque fence or wall, in accordance with Article 8, Community Design Standards, of this Ordinance.

(i) Temporary on-site storage of vehicles is 30 days or less.

(4) An appropriately sized and designed in-ground grease and oil separator device shall be installed on-site and properly maintained to prevent grease and oil entry into the wastewater system.

(5) No outdoor storage of inoperable vehicles, parts, or equipment shall be permitted.

(6) Nothing, including vehicles and vehicle equipment, shall be displayed on the top of a building.

(D) Sales and Rental Standards.

(1) All vehicles for sale or rent shall be parked in a parking space or a vehicle display pad, as shown on an approved Site Plan.

(2) One vehicle display pad may be elevated up to 2 ft. above grade level.

(E) Hazardous Materials Standards.

(1) The discharge of fuel, oil, solvents, anti-freeze, and/or other pollutants, hazardous materials, or flammable substances into any public sewer, storm drainage, or other surface waters is prohibited.

(2) The owner/operator shall prepare an emergency spill notification Contingency Plan to be approved by the Town and posted on the premises before the issuance of any occupancy permits. The owner/operator/tenant shall be responsible for notifying all Town departments

identified in the Contingency Plan immediately in the event of a spill or any petroleum product, chemical waste, or other hazardous substance on the property. The owner/operator shall assume full responsibility for all public and private expenses incurred in the clean-up of such spills.

Section 7-5-3. Car Wash.[23]

(A) Location.

(1) Car washes shall be located and designed so that vehicular circulation does not conflict with traffic movements and pedestrian access within adjacent streets, service drives, and/or parking areas.

(2) Buildings, structures, and vacuuming facilities shall be a minimum of 100 ft. from any residential district or use.

(B) Prohibited. No sales, repair, or outside storage of motor vehicles shall be conducted on the site.

(C) Design Standards.

(1) The site must be designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation.

(2) An appropriately sized and designed in-ground grease and oil separator device shall be installed on-site and properly maintained to prevent grease and oil entry into the wastewater system.

(3) An automatic water reclamation system shall be used to recover a minimum of 70% of the car wash rinse water for reuse.

(D) Hazardous Materials Standards.

(1) The discharge of fuel, oil, solvents, anti-freeze, and/or other pollutants, hazardous materials, or flammable substances into any public sewer, storm drainage, or other surface waters is prohibited.

(2) The owner/operator shall prepare an emergency spill notification Contingency Plan to be approved by the Town and posted on the premises before the issuance of any occupancy permits. The owner/operator/tenant shall be responsible for notifying all Town departments identified in the Contingency Plan immediately in the event of a spill or any petroleum product, chemical waste, or other hazardous substance on the property. The owner/operator shall assume full responsibility for all public and private expenses incurred in the clean-up of such spills.

Section 7-5-4. Construction Material Sales.

Outdoor storage as an accessory use to a Construction Materials Sales operation shall conform with the standards of Outdoor Storage, as provided in Section 7-7-4 of this Article.

[23] Editor's Note: Proposed new standards for an existing use.

Section 7-5-5. Drive-Through Window.[24]

(A) Access.

(1) Access to public streets or other public ways shall be provided from at least 2 points at all times. Access points shall be kept clear at all times.

(i) The Administrator may modify the number of required accesses.

(2) All drive-through window facilities shall be located and designed so that vehicular circulation does not conflict with traffic movements in adjacent streets, service drives, and/or parking areas.

(B) General Standards. Drive-through window openings shall be located at least 20 ft. from any property line.

(C) Lighting. The parking area of any drive-through facility shall be adequately illuminated. Such illumination shall be in conformance with the regulations of Article 8, Community Design Standards, of this Ordinance.

(D) Stacking Spaces.

(1) A minimum of 4 stacking spaces shall be located behind the order speaker and 4 stacking spaces shall be located between the order speaker and the pickup window.

(i) A minimum of 8 stacking spaces shall be provided when there is only a pickup window.

(ii) Stacking spaces shall not interfere with the travel way traffic or designated parking spaces

Section 7-5-6. Event Venue.[25]

(A) Noise. All noise shall comply with the Noise Ordinance, Chapter 42, Article III. Noise Control, of the Rocky Mount, Virginia Code of Ordinances.

(1) There shall be no amplified music between 10:00 p.m. and 8:00 a.m., seven days per week.

(B) Occupancy Limitations. For all indoor and outdoor areas, occupancy limits shall comply with all local and state laws.

(1) Any structure or building utilized for an event, or as an event venue, shall meet the International Building Code requirements for public occupancy.

(C) Parking. Parking for 50 or more vehicles shall require a Special Exception Permit.

(D) Health Standards. Event Venues shall have approval from the Virginia Health Department (as applicable) stating that the venue meets all applicable standards prior to operation.

Section 7-5-7. Gas Station.[26]

(A) Location and Dimensional Requirements.

[24] Editor's Note: Proposed new use and standards.
[25] Editor's Note: Proposed new use and standards.
[26] Editor's Note: Proposed new use and standards.

(1) Entrances to the gas station shall be minimized and located in a manner promoting safe and efficient traffic circulating while minimizing the impact on the surrounding neighborhood.

(2) All fuel pump islands, compressed air connections, and similar equipment shall be a minimum of 15 ft. from any property line.

(3) On all corner lots, all driveways, access points, and curb openings shall be set back a minimum of 25 ft. from the corner property lines.

(B) Screening.

(1) A 6 ft. solid fence, wall, or landscaping shall be provided along property lines adjoining any residentially zoned district or lot containing a dwelling unit. Buffers and fences shall be in compliance with Article 8, Community Design Standards, of this Ordinance.

(2) Dumpsters or other refuse shall be screened in accordance with Article 8, Community Design Standards, of this Ordinance.

(C) Design Standards.

(1) In cases where there is no existing curb, gutter, or sidewalk along the street or streets from which the gas station shall take access, the developer shall, at his own expense, construct the necessary curb, gutter, and sidewalk according to the specifications of the Town.

(2) Gas canopy shall be compatible with the principal use with regard to design, material, and architectural style.

(3) Outdoor speakers shall not be audible beyond the property lines.

(4) Under-canopy lighting shall consist of recessed, flat lens fixtures.

(5) An appropriately sized and designed in-ground grease and oil separator device shall be installed on-site and properly maintained to prevent grease and oil entry into the wastewater system.

(D) General Standards.

(1) There shall be no storage of automobiles, trailers, recreational vehicles, boats, or similar equipment.

(2) Sales of limited fuel oil or bottled gas is permitted as an accessory use.

(3) Fuel dispensers, pump islands, overhead canopy, and air and water dispensers shall be removed upon cessation of the use for a period of more than 1 year.

(4) The Administrator may require a traffic analysis to be provided by the applicant. Such analysis may include, but not be limited to, the proposed traffic flows, sight visibility for emerging vehicles, and other public safety factors.

(E) Hazardous Materials Standards.

(1) All hazardous materials shall be handled, recycled, or disposed of according to federal, state, and local laws.

(2) The owner/operator shall prepare an emergency spill notification Contingency Plan to be approved by the Town and posted on the premises before the issuance of any occupancy permits. The owner/operator/tenant shall be responsible for notifying all Town departments identified in the Contingency Plan immediately in the event of a spill or any petroleum product,

chemical waste, or other hazardous substance on the property. The owner/operator shall assume full responsibility for all public and private expenses incurred in the clean-up of such spills.

Section 7-5-8. Itinerant vendor.[27]

(A) General Standards:

(1) Shall obtain a Town business license (or a statement from the Finance Department that no Town business license is required.

(2) Shall obtain written permission from the owner(s) of the private properties upon which they will operate.

(3) No signage shall be permitted except temporary signs.

(4) Shall occupy any location for a maximum of seven (7) consecutive days at one time for no more than four (4) times per calendar year.

(5) Shall not be allowed to locate within 100 ft. of a Residential Zoning District.

(6) Shall be positioned on improved, designated parking spaces and shall not block:

(i) The main entry drive aisle or impact circulation overall;

(ii) other access to loading areas; or

(iii) emergency access and fire lanes.

(7) Shall be positioned at least 15 feet away from any fire hydrant, fire department connection (FDC), driveway entrance, alley, and handicapped parking space.

(B) Farmers market vendors sell on official market days and exclusively sell goods that they have grown or produced.

Section 7-5-9. Kennel, Commercial.[28]

(A) Location. Except where animals are confined in soundproofed buildings, no portion of the use, excluding required screening and landscape buffers, shall be located within:

(1) 100 ft. from the property lines of adjoining residential zoned or planned development property; and

(2) 200 ft. from any dwelling not on the associated parcel.

(B) General Standards.

(1) All exterior runs, play areas, or arenas shall be designed with a minimum 6-foot-high opaque screen from adjacent lot lines and street rights-of-way.

(2) Animals shall be in an enclosure or structure from which they cannot escape.

[27] Editor's Note: Itinerant vendor standards are from the Amendment to the existing Article 6 Supplementary District Regulations, 6-6 Temporary uses, dated 9-12-2022.
[28] Editor's Note: Proposed new standards for an existing use.

(3) Animal shelters shall be kept free of waste on a regular basis to minimize impacts of odor and reduce propagation of pests.

(4) Waste disposal shall be in accordance with Virginia Department of Health standards.

(5) All animals shall be kept within a totally enclosed part of the structure(s) between the hours of 10:00 p.m. and 7:00 a.m. This does not include leashed walking of animals.

Section 7-5-10. Mobile Food Vendor.[29]

(A) Exceptions. The requirements of this section shall not apply to mobile food vendors at catered events (events where the food is not sold through individual sales but provided to a group under a catering contract with a single payer).

(B) Licensure and Permits:

(1) Mobile food vendors shall have a Town business license (or a statement from the Finance Department that no Town business license is required). All food sales are subject to meals tax and must be paid monthly at current rates;

(2) Mobile food vendors shall have approval from the Virginia Health Department (as applicable) stating that the mobile food vendor meets all applicable standards prior to operation.

(3) Mobile food vendors shall have written permission from the owners of private properties upon which the mobile food vendor will operate;

(C) Operation Hours. For the purpose of this section, a calendar week shall start on a Sunday and end on a Saturday.

(1) Shall be allowed to operate between the hours of 6:00 a.m. and 10 p.m.

(2) All materials associated with the business shall be removed from the lot or parcel by 10:30 p.m. each day.

(D) Location:

(1) Shall locate a maximum of three (3) days per calendar week at any one (1) lot or parcel within the Town;

(2) Shall not be located in the public right of way or obstruct a public sidewalk;

(3) Shall not be allowed to locate within 100 ft. of a Residential Zoning District;

(4) Shall not locate within 150 ft. of an established restaurant during the restaurant's operating hours (determined by measuring from the edge of the mobile food vendor to the foundation of the restaurant) unless permission of the restaurant owner is provided;

(5) Shall be positioned at least 15 feet away from any fire hydrant, fire department connection (FDC), driveway entrance, alley, and handicapped parking space; and

(6) Shall be positioned on improved, designated parking spaces and shall not block:

(i) The main entry drive aisle or impact circulation overall;

[29] Editor's Note: Mobile food vendor language is from the Amendment to the existing Article 6 Supplementary District Regulations, 6-6 Temporary uses, dated 9-12-2022.

(ii) Other access to loading areas; or

(iii) Emergency access and fire lanes.

(E) Noise and lighting.

(1) Amplified music shall not be audible outside of the vehicle.

(2) Operation of the vehicle or a generator shall not be loud enough to be plainly audible at a distance of 100 feet. Excessive complaints about vehicle generator noise will be grounds for the Administrator to require that the mobile food vendor change locations on the site or move to another property.

(3) Portable or temporary lighting shall meet Town lighting requirements and may remain on until 10:30 p.m. to allow for the safety of the patrons and employees and to allow for the site to be cleaned properly.

(F) Dining Areas. One ten feet by ten feet (10' x 10') area is allowed next to the mobile food vendor. All activities must be wholly contained within this area, which may be covered or uncovered, with tables and chairs for dining or for a table with condiments for patrons.

(G) Number of mobile food vendors permitted.

(1) No more than 3 Mobile Food Vendors may operate from the same lot or parcel at the same time, except that the Zoning Administrator may approve more than 3 vendors on the same lot or parcel for a one-time event.

(2) Use of the lot or parcel must at all times be in accordance with all other Town regulations.

(H) Signage. All signage shall be temporary and limited to the mobile food vendor itself. Only the food products for sale, the name of the business and a price list shall be listed. Alternative signage not affixed to the mobile food vendor is allowed when related to daily menu information only. This signage shall be located within five feet of the mobile food vendor and not exceed eight square feet in size.

(I) Waste.

(1) A mobile food vendor shall provide trash and recycling receptacles and workers shall properly recycle containers and dispose of all trash, refuse, and compost that is generated by the patrons.

(2) No liquid wastes shall be discharged from the mobile food vendor.

(J) General Standards.

(1) The sale of anything other than food and non-alcoholic beverages (and items incidental to the product and its consumption) is prohibited.

(2) Mobile food vendors are allowed at public or private events as follows:

(i) At events approved by the Town of Rocky Mount;

(ii) At events conducted by the Town of Rocky Mount; and

(iii) At events conducted by Franklin County public schools on school property.

Section 7-5-11. Office, General.[30]

Within the Central Business District no general office use shall be permitted on the ground floor of properties or buildings that have an address on Franklin Street or have a property boundary adjacent to Franklin Street.

Section 7-5-12. Outdoor Sales, Seasonal/Temporary.[31]

(A) Permits. Each stand for the retail sale of seasonal/temporary goods, including Christmas trees or fireworks, shall obtain a Seasonal/Temporary Outdoor Sales Permit by the Administrator prior to setup and sales.

(1) No more than 6 permits shall be issued for the same lot during a calendar year.

(2) No permit shall be issued to an applicant, unless or until:

(i) A minimum of 30 consecutive days after a permit issued to that applicant for the same or an adjacent lot or parcel has expired.

(B) Time Limits.

(1) Seasonal sales (fireworks, Christmas trees, etc.) shall be permitted for a period not to exceed 60 consecutive days.

(2) Temporary sales (rummage sales, yard sales, sidewalk sales, etc.) shall be permitted for a period not to exceed 3 consecutive days.

(C) Setbacks. The outdoor sales stand or display shall be setback at least 15 ft. from any public right-of-way and outside any required landscape buffer.

(D) Parking. Parking shall be supplied on the site of the primary use and not along the public right-of-way.

(E) Signs. Signs for the use shall be in accordance with Article 8, Community Design Standards, of this Ordinance.

Section 7-5-13. Parking Lot, Commercial.[32]

(A) Activity.

(1) Parking shall be the principal use of all parking facilities. Spaces may be rented for parking, but no other business of any kind shall be conducted in the structure or lot except for Town-sanctioned outdoor markets or permitted mobile food vendors.

(2) No motor vehicle work shall be permitted in association with a parking facility except under emergency service work.

(3) No outdoor storage of inoperable vehicles or equipment shall be permitted.

(B) Design.

[30] Editor's Note: Standard added per staff discussion to increase the vitality of the downtown area.
[31] Editor's Note: Proposed new standards for an existing use.
[32] Editor's Note: Proposed new standards for an existing use.

(1) To retain all cars completely within the parking lot, a rail, fence, wall, landscape hedge, or other continuous barricade of no less than 3 ft. tall shall be provided except at exit or access driveways.

(2) In the Central Business District (CBD) all parking lots shall be located behind buildings or screened from the road.

(C) Screening. Screening shall be provided on each side of the parking lot which:

(1) Abuts upon any residential district or use or planned development; or

(2) Faces across a street, alley, or place from any lot in a residential district or use or planned development.

(3) Screening shall be in conformance with the regulations of Article 8, Community Design Standards, of this Ordinance.

Section 7-5-14. Veterinary Hospital/Clinic.[33]

(A) Location. Except where animals are confined in soundproofed buildings, no portion of the use, excluding required screening and landscape buffers, shall be located within:

(1) 100 ft. from the property lines of adjoining residential zoned or planned development property; and

(2) 200 ft. from any dwelling not on the associated parcel.

(B) General Standards.

(1) All exterior runs, play areas, or arenas shall be designed with a minimum 6-foot-high opaque screen from adjacent lot lines and street rights-of-way.

(2) Animal shelters shall be kept free of waste on a regular basis to minimize impacts of odor and reduce propagation of pests.

(3) Waste disposal shall be in accordance with Virginia Department of Health standards.

(4) All animals shall be kept within a totally enclosed part of the structure(s) between the hours of 10:00 p.m. and 7:00 a.m. This does not include leashed walking of animals.

Division 6. Industrial Uses.

Section 7-6-1. Junkyard/Salvage Yard.[34]

(A) General Standards. In accordance with Code of Virginia § 33.2-804, as amended, junkyards are permitted with the following standards.

(1) Shall be:

(i) Setback at least 500 ft. from any street, road, or other right-of-way.

(ii) Completely screened by a solid wall or fence, including solid entrance and exit gates, not less than 6 ft. in height, so as not to be visible from any right-of-way.

[33] Editor's Note: Proposed new standards for an existing use.
[34] Editor's Note: Proposed new standards for an existing use.

(a) All walls and fences shall have a uniform and durable character and shall be properly maintained. All screening shall be in accordance with Article 8, Community Design Standards, of this Ordinance.

(b) No wall or fence screening shall encroach into a sight distance triangle.

(c) Vehicles, parts, materials, and equipment stored shall not be stacked higher than the screening wall or fence.

(d) When walls and fences are adjacent to commercial or residential districts, a landscaped buffer shall be provided to break visibility of the fence in accordance with Article 8, Community Design Standards, of this Ordinance.

(iii) Operated and maintained in such a manner as not to allow the breeding of rats, flies, mosquitoes or other disease-carrying animals and insects.

(iv) Operated in compliance with all federal and state record keeping and reporting requirements, to include, but not limited to:

(a) Reporting to Department of Motor Vehicles to confirm proper ownership;

(b) Research through National Motor Vehicle Title Information Systems to confirm clean title history; and

(c) Reporting to leadsonline.com for the Town of Rocky Mount Police Department to access the vehicle history.

(2) Shall not:

(i) Involve collection or storage of any material containing, or contaminated with, dangerous explosives, chemicals, gases, or radioactive substances.

Section 7-6-2. Self-Storage Facility.[35]

(A) Activity. No portion of the facility shall be used to manufacture, fabricate, or process goods; to service or repair vehicles, small engines, or electrical equipment, or conduct similar repair activities; to conduct sales or retail sales of any kind, or to conduct any other commercial or industrial activity on the site.

(1) The owner/operator shall be allowed to sell moving and packaging materials and related items and to hold auctions on site for the disposal of goods stored on the premises.

(B) Prohibited.

(1) No storage of hazardous, toxic, or explosive materials shall occur in the facility. Signs shall be posted within the facility describing such limitations. No storage of combustible or flammable liquids, combustible fibers, or explosive materials, or toxic materials, shall be permitted on the premises.

(2) Self-storage facilities shall not include portable storage containers, shipping containers and/or tractor trailers.

[35] Editor's Note: Proposed new standards for an existing use.

(3) Incidental parking or storage of motor vehicles, including trucks or moving vans is not allowed, except for purposes of loading and unloading, or if approved as a part of an automobile sales and rental establishment.

(C) General Standards.

(1) Except as otherwise authorized in this Section, all personal property shall be stored within enclosed buildings.

(2) Access to all self-service storage rental spaces must be from the interior of the site. No individual storage bay doors, storage items, or lighted hallways along the lengths of the building façades may be visible from the public right-of-way.

(3) Fire hydrants and/or fire suppression devices shall be provided, installed, and maintained in compliance with applicable codes and regulations.

(4) No more than one security or caretaker quarters may be developed on the site, and any such quarters shall be integrated into the facility's design.

(5) All access ways on the site shall be paved with asphalt, concrete, or comparable paving materials.

(6) Loading and unloading areas must be located, screened, or fully enclosed to minimize the potential for adverse impacts on adjacent property.

(7) All areas with street frontage not occupied by a building or structure shall include a wall/fence or screening in accordance with Article 8, Community Design Standards, of this Ordinance.

Division 7. Miscellaneous Uses.

Section 7-7-1. Accessory Structure.[36]

(A) Exemptions. Residential accessory structures including, but not limited to, basketball hoops, clotheslines, arbors, swings, structures less than 6 sq. ft., or residential yard ornaments shall be exempt from the minimum setback, lot area, and certification requirements as specified in this Section.

(B) Location. Accessory structures are allowed in the General Business District (GB) and Central Business District (CBD) with nonconforming residential uses only.[37]

(C) Development Standards.

(1) Accessory structures shall meet the standards of the underlying zoning district, including setbacks and height regulations provided in Article 4, Primary Zoning Districts, of this Ordinance.

(2) Accessory structures are not permitted in front setbacks.

(D) Permanent Portable Storage Containers.[38]

[36] Editor's Note: Taken from the existing Ordinance, Article 19.
[37] Editor's Note: New standard as per discussion with staff.
[38] Editor's Note: Permanent and Temporary Portable Storage Container standards are proposed new standards.

(1) A Zoning Permit is required for any portable storage container used as permanent storage.

(2) Portable storage containers used as permanent storage located outside of a fully enclosed building or structure is only permitted in the C2, M1, and M2 zoning districts.

(3) When visible from adjacent properties or streets, the storage containers shall be screened in compliance with Article 8, Community Design Standards, of this Ordinance, and kept in good condition.

(4) The portable storage container shall meet all accessory structure setback requirements for the district in which it is located.

(5) Other than the required Zoning Permit, no sign shall be attached to a portable storage container except to provide the contact information of the container provider.

(6) Portable storage containers shall not be used as a principal use or main building or structure.

(7) The vertical stacking of portable storage containers and the stacking of any other materials or merchandise on top of any storage container shall be prohibited.

(E) Temporary Portable Storage Containers.

(1) A Zoning Permit is required for any portable storage container used temporarily and located on a lot for more than 15 calendar days.

(2) No permit shall be granted for more than 60 calendar days.

(3) The portable storage container shall be placed a minimum of 5 ft. from the property line, or on the driveway of the lot.

(4) When it can be demonstrated that space is not available on the lot, one portable storage container may be placed in a legal parking space on the street for a period no longer than 15 days, with the approval of the Town.

(5) Other than the required Zoning Permit, no sign shall be attached to a portable storage container except to provide the contact information of the container provider.

(6) The vertical stacking of portable storage containers and the stacking of any other materials or merchandise on top of any storage container shall be prohibited.

Section 7-7-2. Construction Temporary Uses.[39]

(A) Intent. Construction temporary uses are intended for administration offices, storage facilities, and/or portable toilet facilities used during construction on a site.

(B) General Standards.

(1) Construction temporary uses shall have the name of the construction company printed on a maximum of 4 ft. by 8 ft. sign permanently affixed on the outside of the building.

(2) Construction temporary uses shall meet all requirements of the Building Code, including tie down requirements for mobile structures.

(3) Structures containing toilet facilities shall:

[39] Editor's Note: Proposed new use and standards.

(i) Have a contract for sewage pump-out or exchange;

(ii) Shall be strapped down; and

(iii) Shall have means of pollution prevention, in accordance with Town stormwater regulations.

(4) Any construction temporary use shall be removed within 30 days of the date on which the permanent structure's construction is complete and a final approval or Certificate of Occupancy is issued, or an associated bond is released.

(C) Setbacks. Construction temporary uses, excluding portable toilet facilities, may be located within required setbacks, provided that the location does not constitute a safety hazard to the public or a nuisance to surrounding properties.

Section 7-7-3. Mixed-Use Structure.[40]

(A) General Design and Building Layout.

(1) Exterior modifications to existing structures shall maintain the architectural character of the existing structure.

(2) Architectural design of new structures shall conform to Article 5, Division 4, Section 5-4-3 (B), Architectural Design Requirements, as applicable.

(3) Parking, amenities, and structures shall provide special attention to compatibility of adjacent land uses, topography, existing vegetation, and orientation.

(4) When the structure is located in a commercial or business district a minimum of 50% of the ground floor shall be used for commercial uses.

(i) These areas shall be along pedestrian walkways/sidewalks and/or facing the right-of-way.

(i) All portions of the ground-floor that are adjacent to a pedestrian walkway shall remain transparent to blend in with the commercial character of the district.

(B) Central Business District. In addition to the above standards, the following standards shall apply to all mixed-use structures within the CBD district.

(1) Dwelling units located within the ground floor shall be located to the rear of the building.

Section 7-7-4. Outdoor Storage.[41]

(A) Intent. The following standards are intended to mitigate impacts of outdoor storage as a principal use, or as an accessory use to commercial and industrial businesses. Examples include construction materials, such as stacks of lumber or stone; equipment; surplus goods; among other items.

(B) Location. No outdoor storage shall be located within 50 ft. of a residential or planned development district.

(C) Screening, Buffering, and Landscaping.

[40] Editor's Note: Proposed new use and standards.
[41] Editor's Note: Proposed new use and standards.

(1) Outdoor storage areas shall be screened by a solid wall or fence, including solid entrance and exit gates, not less than 6 ft. nor more than 10 ft. in height. All walls and fences shall have a uniform and durable character and shall be properly maintained. All screening shall be in accordance with Article 8, Community Design Standards, of this Ordinance.

(2) When walls and fences are adjacent to commercial, residential, or planned development districts, a landscaped buffer shall be provided to break visibility of the fence in accordance with Article 8, Community Design Standards, of this Ordinance.

(3) Outdoor storage shall be located on the side or rear of the main structure and screened from view from any adjacent roadway.

(4) Parts, materials, and equipment stored in a storage area shall not be stacked and/or piled higher than the screening wall or fence.

Section 7-7-5. Solar Energy, Medium-Scale.[42]

(A) Intent.

(1) The intent of this Section is to allow medium-scale solar energy facilities in a manner that promotes the development of renewable energy sources, while limiting and mitigating impacts on natural resources and existing residential, commercial, industrial, historical, cultural, and recreational uses of property, or the future development of such uses of property within the Town.

(2) The purpose of this Section is to outline the process and requirements for the construction, installation, operation, and decommissioning of medium-scale solar energy facilities that ensures the protection of health, safety, and welfare, while also avoiding adverse impacts on Town resources .

(3) This Section is not intended to abridge safety, health, environmental, or land use requirements contained in other applicable laws, codes, regulations, standards, or ordinances. This Section does not supersede or nullify any provision of local, State, or Federal law that applies to solar energy facilities.

(B) Compliance.

(1) All medium-scale solar energy facilities shall fully comply with all applicable local regulations, as well as all applicable state and federal regulations, including but not limited to, the U.S. Environmental Protection Agency (EPA), Federal Aviation Administration ("FAA"), State Corporation Commission ("SCC") or equivalent, any state departments related to environmental quality, parks, and wildlife protection, as well as all the applicable regulations of any other agencies that were in force at the time of the permit approval.

(2) The design and installation of all medium-scale solar energy facilities shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), or other similar certifying organizations and shall comply with all fire and safety requirements.

[42] Editor's Note: Proposed new use and standards per discussion with staff.

(C) Megawattage.

(1) Minimum generation of greater than 500 kilowatts (500 KW).

(2) Maximum generation of less than 5 megawatts (5 MW).

(D) Consumption. Generated electricity may be used for on-site consumption, provided to electric cooperative member-customers (non-retail, from behind the meter), or distributed for commercial consumption.

(E) Land Disturbance.

(1) The clearing, grading, and overall site disturbance is limited to only that which is necessary; superfluous clearing and grading is not permitted, in order to retain existing trees and other groundcover.

(2) Any medium-scale solar facility that has 2,500 sq. ft. or more of land disturbance for ground mounted panels shall require a Special Exception.

(F) Grid Tied System. No grid-tied system shall be installed until evidence has been given as part of the application that the owner has been approved by the utility company to install the system.

(G) Height Limits.

(1) If the medium-scale solar energy facility is ground-mounted or not flush-mounted on a principal or accessory building, the facility's height shall not exceed 15 ft. at the tallest point.

(2) If the medium-solar energy facility is roof-mounted or otherwise integrated into a principal or accessory building, the facility's height shall not exceed the maximum height limit of the district in which it is located.

(H) Setbacks. The solar energy facility shall comply with all setback requirements of the district in which it is located.

(1) Regardless of whether a medium-scale solar facility is accessory to another use on the lot, all medium-scale solar facilities shall comply with the district's principal structure setbacks.

(I) Landscaping and Screening**.** Landscaping and screening shall be provided for ground mounted solar to block visibility of the panel(s) and ancillary equipment from adjacent properties. All landscaping and screening shall be in accordance with Article 8, Community Design Standards, of this Ordinance.

(J) Design Standards.

(1) The lowest surface of any panel shall be a maximum of 4 ft. above the finished grade on which the panel is located.

(2) All wiring not on the solar arrays shall be underground except where necessary to connect to the public utility.

(K) Liability Insurance. The owner shall provide proof of adequate liability insurance for a medium-solar facility prior to beginning construction and before the issuance of any permits.

(L) Inspection.

(1) The owner will allow designated Town staff access to the facility for inspection purposes. The Town staff will provide the owner with 24-hour notice prior to such inspection when practicable.

(2) The owner shall reimburse the Town its costs in obtaining an independent third-party to conduct inspections required by local and state laws and regulations.

(M) Decommissioning and Reclamation.

(1) All applications for a medium-scale solar energy facility shall require a Decommission and Reclamation plan, as provided in Section 7-7-5 (N), below.

(2) Medium-scale solar energy facilities which have reached the end of their useful life, have been abandoned, or have not been in active and continuous service for a period of 12 months shall be removed at the owner's or operator's expense, except if the project is being repowered or a force majeure event has or is occurring requiring longer repairs; however, the Town may require evidentiary support that a longer repair period is necessary.

(3) The owner or operator shall notify the Administrator by certified mail of the proposed date of discontinued operations and plans for removal.

(4) If a facility is abandoned and the owner receives a notice of abandonment from the Administrator, the owner shall either complete all decommissioning activities and remove the solar energy facility in accordance with the Decommission and Reclamation Plan or resume regular operation within 30 days.

(5) If the owner of the solar facility fails to remove the installation in accordance with the requirements of the Decommission and Reclamation Plan, or within the proposed date of decommissioning, the Town may collect the surety and the Town or hired third party may enter the property to physically remove the installation.

(N) Decommission and Reclamation Plan.

(1) All Decommissioning and Reclamation Plans shall be certified by an engineer or contractor with demonstrated expertise in solar facility removal, and shall include the following:

(i) The anticipated life of the project.

(ii) An estimated deconstruction schedule.

(iii) The estimated decommissioning cost in current dollars.

(iv) The estimated cost of decommissioning shall be guaranteed by bond, letter of credit, or other security approved by the Town.

1. The owner shall deposit the required amount into the approved escrow account before any building permit is issued to allow construction of the medium-scale solar facility.

2. The escrow account agreement shall prohibit the release of the bond without the written consent of the Town. The Town shall consent to the release of the bond upon the owner's compliance with the approved Decommission and Reclamation Plan. The Town may approve the partial release of the bond as portions of the approved Decommission and Reclamation Plan are performed.

3. The dollar amount of the bond shall be the full amount of the estimated decommissioning cost without regard to the possibility of salvage value.
4. The owner or occupant shall recalculate the estimated cost of decommissioning every five years. If the recalculated estimated cost of decommissioning exceeds the original estimated cost of decommissioning by ten percent (10%), then the owner or occupant shall deposit additional funds into the bond to meet the new cost estimate. If the recalculated estimated cost of decommissioning is less than 90% of the original estimated cost of decommissioning, then the Town may approve reducing the amount of the bond to the recalculated estimate of decommissioning cost.

(2) Decommissioning shall include removal of all solar electric systems, buildings, cabling, electrical components, security barriers, roads, foundations, pilings, and any other associated facilities.

(3) The site shall be graded and re-seeded or replanted within 12 months of removal of solar facilities to restore it to as natural a pre-development condition as possible.

(i) Any exception to site restoration, such as leaving driveways, entrances, or landscaping in place, or substituting plantings, shall be requested by the landowner in writing, and this request shall be approved by the Town Council.

(4) Hazardous material from the property shall be disposed of in accordance with federal and state law.

Section 7-7-6. Solar Energy, Small-Scale.[43]

(A) Intent.

(1) The intent of this Section is to allow small-scale solar energy facilities in a manner that promotes the development of renewable energy sources, while limiting and mitigating impacts on natural resources and existing residential, commercial, industrial, historical, cultural, and recreational uses of property, or the future development of such uses of property within the Town.

(2) The purpose of this Section is to outline the process and requirements for the construction, installation, operation, and decommissioning of small-scale solar energy facilities that ensures the protection of health, safety, and welfare of the Town.

(3) This Section is not intended to abridge safety, health, environmental, or land use requirements contained in other applicable laws, codes, regulations, standards, or ordinances. This Section does not supersede or nullify any provision of local, State, or Federal law that applies to solar energy facilities.

(B) Compliance.

(1) All small-scale solar energy facilities shall fully comply with all applicable local regulations, as well as all applicable state and federal regulations, including but not limited to, the U.S. Environmental Protection Agency (EPA), Federal Aviation Administration ("FAA"), State Corporation Commission ("SCC") or equivalent, any state departments related to

[43] Editor's Note: Proposed new use and standards per discussion with staff.

environmental quality, parks, and wildlife protection, as well as all the applicable regulations of any other agencies that were in force at the time of the permit approval.

(2) The design and installation of all small-scale solar energy facilities shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), or other similar certifying organizations and shall comply with all fire and safety requirements.

(3) Site Plans shall be required for all small-scale solar energy facilities, in accordance with Article 3, Permits and Applications, of this Ordinance.

(C) Megawattage. Maximum generation of 500 kilowatts (500 KW).

(D) Consumption. Generated electricity may be used for on-site consumption or provided to electric cooperative member-customers (non-retail, from behind the meter).

(E) Land Disturbance. The clearing, grading, and overall site disturbance is limited to only that which is necessary; superfluous clearing and grading is not permitted, in order to retain existing trees and other groundcover.

(F) Height Limits. If the small-scale solar energy facility is ground-mounted or not flush-mounted on a principal or accessory building, the facility's height shall not exceed 15 ft. at the tallest point.

(G) Setbacks. The solar energy facility shall comply with all setback requirements of the district in which it is located.

(1) Regardless of whether a small-scale solar facility is accessory to another use on the lot, all small-scale solar facilities shall comply with the district's principal structure setbacks.

(H) Landscaping and Screening. Landscaping and screening shall be provided for ground mounted solar to block visibility of the panel(s) and ancillary equipment from adjacent properties. All landscaping and screening shall be in accordance with Article 8, Community Design Standards, of this Ordinance.

(I) Design Standards.

(1) If the small-scale solar energy facility is ground-mounted or not flush-mounted on a principal or accessory building, then:

(i) The lowest surface of any panel shall be a maximum of 4 ft. above the finished grade on which the panel is located.

(ii) All wiring not on the solar arrays shall be underground except where necessary to connect to the public utility.

(J) Inspection.

(1) The owner will allow designated Town staff access to the facility for inspection purposes. The Town staff will provide the owner with 24-hour notice prior to such inspection when practicable.

(2) The owner shall reimburse the Town its costs in obtaining an independent third-party to conduct inspections required by local and state laws and regulations.

(K) Decommissioning.

(1) Small-scale solar energy facilities which have reached the end of their useful life, have been abandoned, or have not been in active and continuous service for a period of 12 months shall be removed at the owner's or operator's expense, except if the facility is being repowered or a force majeure event has or is occurring requiring longer repairs; however, the Town may require evidentiary support that a longer repair period is necessary.

(2) The owner or operator shall notify the Administrator by certified mail of the proposed date of discontinued operations and plans for removal.

(3) If a facility is abandoned and the owner receives a notice of abandonment from the Administrator, the owner shall either remove the solar energy facility or resume regular operation within 30 days.

(4) If the owner of the solar facility fails to remove the installation within the proposed date of decommissioning, a hired third party may enter the property to physically remove the installation.

(5) Decommissioning shall include removal of all solar electric systems, buildings, cabling, electrical components, security barriers, roads, foundations, pilings, and any other associated facilities.

(6) Hazardous material from the property shall be disposed of in accordance with federal and state law.

Section 7-7-7. Structure, Temporary.[44]

(A) In case of catastrophe deemed sufficient in the judgment of the Town Manager or designee involving instances wherein the replacement, reconstruction, or major repair of improvements, which have been substantially damaged or destroyed and rendered unusable, is required, the use of a temporary structure or mobile unit, as a temporary substitute for any structure or use permitted by this Ordinance, upon being satisfied that the intended use is only temporary and will alleviate a hardship during periods required for reconstruction, replacement or repair. Such structure shall be permitted for a period not exceeding 90 calendar days and which may be renewed or extended for an additional period of 90 calendar days by the Town Manager or designee for good cause shown, but not thereafter.

(1) Any such temporary structure or unit approved by the Town shall be required to meet the setback requirements for accessory buildings as defined in this Ordinance and as applicable to the District in which such temporary structure is to be located.

(2) One such structure shall be permitted on any one lot.

(3) Nothing herein contained shall be construed to modify any provisions related to nonconforming uses, nor shall any temporary structure or unit be used to continue any nonconforming use or activity.

(4) Nothing herein contained shall be deemed to prohibit the tool sheds and usual temporary structures normally and necessarily associated with the construction, reconstruction, replacement, or repair of improvements.

[44] Editor's Note: Temporary structure is from Article 5-6 of the existing Ordinance..

(5) The Town Manager or designee may permit sewer and water utilities to the temporary structure. Application for the cost of temporary utilities shall be under the standard procedures and at the standard rate for sewer and water connections and service. Such utilities shall be permanently abandoned once the temporary use expires, and sewer connections shall be sealed off permanently in accordance with the instructions of the Town Engineer and the water connection shall be cut at the main.

(6) Upon the expiration of the period for which any such special temporary use is permitted, or lawful extension thereof, or within 15 days after occupancy of the primary structure, the unit shall forthwith be removed from the property upon which it is located, by the applicant (or other person then in possession of the property if not the applicant), and failure to do so shall constitute a misdemeanor under this Ordinance and shall be punishable as herein provided.

Section 7-7-8. Wind Energy Facility, Accessory.[45]

(A) The following dimensional requirements shall apply to the installation of wind turbines and/or wind energy facilities:

(1) Maximum height from curb grade: 100 ft.

(2) Setbacks:

(i) Setbacks shall be measured from the center of the wind turbine base to the property line.

(ii) Minimum setback from property lines: 100 ft.

(B) Design/construction requirements:

(1) Maximum rated capacity: 100KW

(1) The installation and design of the wind energy facility shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI).

(2) All electrical and mechanical components of the wind energy facility shall conform to relevant and applicable local, state, and national codes.

(3) Any on-site electrical lines shall, to the maximum extent possible, be placed underground.

(4) The visual appearance of wind energy facilities shall at a minimum:

(i) Maintain a galvanized or matte finish and be non-obtrusive color such as white, off-white, or gray; and

(ii) Not display advertising (including flags, streamers, or decorative items), except for identification of the turbine manufacturer, facility owner and operator.

(C) Application submission requirements:

(1) The application shall demonstrate that the proposed wind energy facility will comply with this Ordinance and shall at a minimum contain the following:

[45] Editor's Note: This Section is revised from the existing Ordinance: provisions for large and utility-scale wind energy facilities have been removed per direction from staff; the name has been changed from "small system" to "accessory;" and the definition and use standards revised accordingly.

(i) A narrative describing the proposed wind energy facility, including an overview of the project;

(ii) The representative type, and height of the wind turbine to be constructed, including the generating capacity, dimension and respective manufacturer, and a description of ancillary facilities;

(iii) Identification and location of the property on which the proposed wind energy facility will be located;

(iv) A site plan showing the planned location of the wind turbine, property lines, setback lines, electrical lines, ancillary equipment, buildings, and structures;

(v) Other relevant studies, reports, certifications, and approvals as may be reasonable requested by the Town of Rocky Mount to ensure compliance with this Ordinance; and

(vi) Signature of the property owner(s) and the facility owner/operator of the wind energy facility.

(D) Factors to be considered prior to approval.[46]

(1) The governing authority shall consider the following factors in determining whether to issue a Special Exception, although the governing authority may waive or reduce the burden on the applicant of one or more of these criteria if the governing authority concludes that the goals of this Ordinance are better served thereby:

(i) Height of the wind energy facility;

(ii) Proximity of the wind energy facility to residential structures;

(iii) Impact(s) on the uses on adjacent and nearby properties, including:

(a) Noise; and

(b) Shadow flicker.

(iv) Impact(s) on surrounding viewsheds, tree coverage, and foliage;

(v) Design of the wind energy facility, with particular reference to design characteristics that have effect of reducing or eliminating visual obtrusiveness; and

(vi) Consistency with the Comprehensive Plan and the purposes to be served by zoning.

(E) Decommissioning or abandonment.

(1) The wind energy facility property owner shall have three months to complete decommissioning of the facility if no electricity is generated for a continuous period of 18 months.

(2) Decommissioning shall include removal of wind turbines, electrical lines, electrical components, and other associated equipment.

[46] Editor's Note: The Town should consider if it wants to allow this use by-right.

Section 7-7-9. Yard or garage sales.[47]

(A) A public sale at a dwelling shall be permitted in any District on a Friday, Saturday, Sunday, and federal holidays only during daylight hours, provided that:

(1) Items purchased elsewhere expressly for resale at a yard or garage sale shall be prohibited; and

(2) Items intended for sale shall not be stored or displayed in the front or side yards of a dwelling except on the day of sale.

[47] Editor's Note: Yard sale language is from the Amendment to the existing Article 6 Supplementary District Regulations, 6-6 Temporary uses, dated 9-12-2022.

ATTACHMENT D

*Editor's Note: These definitions are included for review, and to aid in understanding the concepts of the articles being reviewed during this Worksession. They will be placed in Article 11, Definitions, following review by Town Council and Planning Commission.

Draft Definitions for Article 6 and 7.[1]

Accessory structure. A building or structure subordinate to and located on the same lot with a main building, the use of which is clearly incidental to that of the main building or to the use of the land, and which is not attached by any part of a common wall or roof to the main building. The term "accessory structure" also includes, but is not limited to, portable storage containers, gazebos, carports, private greenhouses, and sheds which may be modular in nature and are delivered to the site and which may or may not have a foundation. Accessory building or structure does not include motorhomes, travel trailers, or other recreational vehicles.

Adaptive reuse. The renovation and reuse of existing structures for new purposes.

Adaptive reuse residential. The redevelopment and adaptive reuse of existing structures to a multi-unit dwelling. In the case of adaptive reuse, the existing structure was originally designed for fully-commercial uses, or ground-level commercial use with upper-floor residential uses.

Adult day care center. As defined in § 63.1-194.1 of the Code of Virginia an adult day care center is a facility which provides supplementary care and protection during part of the day only to four or more aged, infirm, or disabled adults who reside elsewhere, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Mental Health, Mental Retardation and Substance Abuse Services, and (ii) the home or residence of an individual who cares for only persons related to him by blood or marriage.

Adult use. Any premise from which minors are excluded and in which features the viewing, retail sale, and/or rental of books, magazines, newspapers, digital media, movie films, devices, or other photographic or written productions. Additionally, any premise from which minors are excluded and operates as a nightclub, bar, restaurant, or similar establishment that regularly features live performances that have a dominant theme or purpose intended to provide sexual stimulation or sexual gratification to such customers, and which is distinguished by or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities, or specified anatomical areas.

Agriculture/Silviculture. Any operation devoted to the bona fide production of crops, or animals, or fowl; the growing, harvesting, and production of fruits and vegetables of all kinds; the production and harvest of products from silvicultural activity; and farm wineries, farm breweries, and farm distilleries as defined by the Code of Virginia.

Agriculture, Residential. The personal and recreational practice of maintaining, raising, and/or breeding of bee colonies within apiaries, hives, or similar container and the keeping and raising of chickens on land incidental to a principal dwelling.

[1] Editor's Note: Definitions are new or revised from that of the existing Ordinance's definitions.

Agritourism. Pursuant to the Code of Virginia §15.2-2288.6, any activity carried out at a farm winery, farm brewery, farm distillery, farm, ranch, or other agricultural operation, that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, wineries, ranching, historical, cultural, harvest-your-own activities, or natural activities and attractions, regardless of whether or not the participant paid to participate in the activity. These rural activities also include, but are not limited to, farm tours, tours of an individual agricultural operation, hayrides, heirloom plant/animal exhibits, crop mazes, and educational programs, workshops, or demonstrations related to agriculture or silviculture. This use does not include weddings and other non-agricultural events as provided by the use Event Venue, as defined by this Ordinance.

Auction house. An enclosed place or establishment conducted or operated for compensation or profit as a private or public market where items are offered for sale through competitive bidding. The term "auction house" shall not include on-premises estate, foreclosure, real estate or personal property sales conducted upon the estate, foreclosed or for sale property. The term "auction house" shall not include flea markets, yard sales or livestock markets defined or regulated elsewhere or sheriff's or bank repossession sales.

Automobile sales and rental. A lot arranged, designed, or used for the storage and display for sale, lease, or rent of any new or used automobile capable of independent operation or any type of boat, travel trailer, and recreation vehicle, provided the travel trailer and recreation vehicle is unoccupied, and where warranty repair work and other major and minor repair service is done wholly within an enclosed building as an accessory use.

Automobile service, major. A facility for major body, engine, and transmission repairs of automobiles, commercial vehicles, or trucks, and trailers, but does not include a junkyard as defined by this Ordinance. Typical uses include, but are not limited to, automobile and truck repair garages, transmission shops, radiator shops, body and fender shops, painting, or other similar uses where installation or repair activities are conducted.

Automobile service, minor. A facility for minor automobile repairs and maintenance including, but not limited to, oil change, inspections, car detailing, tire repair and replacement, and may also include electric vehicle charging facilities, fuel pumps, and underground or aboveground storage tanks, that provides fuels and oil by individual sale for motor vehicles and equipment. All repair work shall be conducted within a completely enclosed building.

Bed and Breakfast. A single-unit dwelling, that is occupied by the owner or agent who resides on premises, that provides temporary lodging. Food service shall be at least one meal per day, for each person to whom overnight lodging is provided.

Brewery, distillery, or winery. An establishment primarily engaged in brewing ale, beer, malt liquors, and nonalcoholic beer, with a capacity of more than 1,000 barrels per year; or primarily engaged in distilling and blending potable liquors, including mixing them with other ingredients, with a capacity of more than 5,000 gallons of finished product per year; or primarily engaged in the crushing, fermentation, bulk aging/storage, and bottling of grapes that are primarily brought in and not grown on-site, at a capacity of more than 5,000 gallons per year. The development may include other accessory uses such as a standard restaurant, tasting room, or live entertainment.

Brewery, distillery, or winery, Micro-. An establishment primarily engaged in brewing ale, beer, malt liquors, and nonalcoholic beer, with a capacity of not more than 1,000 barrels per year; or primarily engaged in distilling and blending potable liquors, including mixing them with other ingredients, with a capacity of not more than 5,000 gallons of finished product per year; or primarily engaged in the crushing, fermentation, bulk aging/storage, and bottling of grapes that are primarily brought in and not grown on-site, at a capacity of less than 5,000 gallons per year. The development may include other accessory uses such as a standard restaurant, tasting room, or live entertainment.

Business support services. The use of land for the sale, rental, or repair of office equipment and supplies or the provision of services used by office and service establishments. Typical uses include, but are not limited to, office equipment and supply firms, small business machine repair shops, convenience printing and copying establishments, or information technology support services.

Car wash. A structure or portion thereof, standalone or accessory to gas station, containing facilities for washing and/or waxing motor vehicles, typically using production-line automated or semiautomated methods for washing, whether or not employing a chain conveyor, blower, steam cleaning or similar mechanical devices operated either by the patron or others. Car washes are a separate use and not treated as accessory to gasoline stations, automobile service, or other similar uses.

Catering facility. An establishment in which food and meals are prepared on premises, and where such food and meals are delivered to another location for consumption for a fee.

Cemetery, Public. Any land or structure used or intended to be used for the interment of human remains. Additionally, a cemetery includes mausoleums, columbaria, chapels, administrative offices, and maintenance and storage areas (Code of Virginia § 15.2-2288.5). The sprinkling of ashes or their burial in a biodegradable container on church grounds or their placement in a columbarium on church property shall not constitute the creation of a cemetery.

Club. A use providing educational, meeting, or social facilities for civic or social clubs, fraternal/sororal organization, and similar organizations and associations, primarily for use by members and guests. Recreational facilities, unless otherwise specifically cited in this section, may be provided for members and guests as an accessory use. A Club does not include a building in which members reside.

Commercial laundry. Establishments primarily engaged in the provision of laundering, cleaning, or dyeing services other than those classified as Personal Services. Typical uses include bulk laundry and cleaning plants, diaper services, or linen supply services.

Communications services. An establishment primarily engaged in the provision of broadcasting and other information relay services accomplished using electronic and telephonic mechanisms. Excluded from this use type are facilities classified as utility services, major or broadcasting or communication towers. Typical uses include television studios, telecommunication service centers, telegraph service offices or film and sound recording facilities.

Community/Cultural center. A place, structure, or other facility used for the public display, performance, or enjoyment of heritage, history, or the arts. This use includes but is not limited to: museums, arts performance venues, recreational programs, cultural centers, or interpretive sites, but does not include commercially-operated theatres and event venues.

Construction material sales. Establishment or place of business primarily engaged in retail or wholesale sale or equipment rental, from the premises, of materials used in the construction of buildings or other structures, but this use shall not include automobile or equipment supplies otherwise classified herein. Typical uses include building material stores and home supply establishments.

Construction temporary uses. A manufactured home or other similar structure used as a temporary office to meet a short-term need in conjunction with a construction project.

Construction yard. Establishment or place of business primarily engaged in construction activities, including outside storage of materials and equipment. Typical uses are building contractor's yards.

Consumer repair services. An establishment or place of business primarily engaged in the provision of repair services to individuals, rather than businesses, but this use shall not include automotive and heavy equipment repair use types. Typical uses include repair of electronics, shoes, watches, jewelry, or musical instruments, vacuum cleaners, power tools, electric razors, and refrigerators.

Day care center. Any facility operated for the purpose of providing care, protection, and guidance during only part of a 24 hour day. This term includes nursery schools, preschools, day care centers for individuals, including adults, and other similar uses. Excluded are public and private educational facilities, family day home, or any facility offering care to individuals for a full 24 hour period.

Drive-through window. An accessory facility designed to provide access to commercial products and/or services for customers remaining in their motor vehicle, provided that this term does not include providing services to customers remaining in their motor vehicle while it is parked in a parking space.

Dwelling, Manufactured Home. A "single-wide," "double-wide," or "triple-wide" structure that is transportable in one (1) or more sections, is eight (8) feet or more in width and forty (40) feet or more in length in the traveling mode, is built on a permanent chassis and is designed for use as a dwelling unit with or without a permanent foundation when connected to the required utilities. For purposes of this Ordinance, a Manufactured Home must meet the standards promulgated by the United States Department of Housing and Urban Development (HUD), published at 24 CFR Part 3280, including the ANSI standards incorporated therein by reference. For purposes of this chapter, a Manufactured Home must bear a data plate declaring that it meets HUD standards.

Dwelling, Multi-Unit. A building arranged or designed to be occupied by three or more dwelling units for permanent occupancy, regardless of the method of ownership. Included in the use type but not limited to would be garden apartments, low-and high-rise apartments, apartments for elderly housing, and condominiums.

Dwelling, Single-Unit. A site built or modular building designed for and used exclusively as one dwelling unit for permanent occupancy, which is surrounded by open space or yards on all sides, is located on its own individual lot, and which is not attached to any other dwelling by any means.

Dwelling, Townhouse. A row of three or more dwelling units, each separated from one another by a continuous vertical wall without opening from basement floor to roof between units, which is commonly known as a firewall, and each on a separate parcel.

Dwelling, Two-Unit. Also referred to as a duplex; a building arranged or designed to have only two dwelling units.

Dwelling Unit. A building, structure, or portion thereof, providing complete and independent living facilities for one or more persons, including permanent provisions for living, sleeping, cooking and sanitation.

Education facility, college, university, business, or trade. An educational institution authorized by the Commonwealth of Virginia toward certificate, license, associate, baccalaureate or higher degrees, and facilities associated with it. This term includes academic buildings, administrative facilities, dormitories, special housing, parking areas, dining halls, and other physical plants associated with the college, university, business, or trade school use.

Educational facility, primary or secondary. A public, private, or parochial school offering instruction at the primary, elementary, junior, and/or senior high school levels in the branches of learning and study required to be taught in the public schools of the Commonwealth of Virginia.

Emergency management services facility. A building or facility operated by a public or private entity or through a public private partnership for the provision of emergency operations and may include storage of emergency vehicles and equipment and ancillary operations. Such uses include but are not limited to fire stations, police stations, and ambulance services. This use does not include Office, Medical/Clinic, as defined by this Ordinance..

Equipment sales, service, and repair (heavy). Establishments primarily engaged in the sale, rental, or repair of tools, tractors, construction equipment, commercial equipment, and similar industrial equipment. Included in this use type is the incidental storage, maintenance, and servicing of such equipment.

Event venue. A business where the primary use is to host events such as, but not limited to, weddings, wedding receptions, bridal receptions, rehearsal luncheons and dinners, anniversary celebrations, galas, birthday parties, family reunions, ordinations, funeral receptions, fundraisers, retirement parties, corporate meetings, conferences, trade shows, speaker luncheon series, auctions, museum exhibits and similar events. An event venue may be indoors or outdoors. Event venues may also be accessory or ancillary uses to other uses, such as, hotels or restaurants. Event venues shall not include government and military services.

Factory outlet store. A retail activity offering for sale goods or products which are produced on the same premises, but do not exceed 25% of the total floor area of the manufacturing facility.

Family day home (1-4 children). A child day program, as defined under Code of Virginia § 22.1-289.02, for children offered in the residence of the provider for up to four children at any one time, exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation.

Family day home (5-12 children). A child day program, as defined under Code of Virginia § 22.1-289.02, for children offered in the residence of the provider for up to four children at any one time, exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation.

Family health care structure, temporary. As required by and pursuant to all conditions set forth in the Code of Virginia §15.2-2292.1, a transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation; (ii) is limited to one occupant who shall be the mentally or physically impaired person, or in the case of a married couple, two occupants, one of whom is a mentally

or physically impaired person and the other requires assistance with one or more activities of daily living as defined in Code of Virginia §63.2-2200, as certified in writing by a physician licensed in the Commonwealth; (iii) has no more than 300 gross square feet; and (iv) complies with applicable provisions of the Industrialized Building Safety Law (§36-70 et seq.).

Farmers Market. Farmers market means retail sale of fresh fruits and vegetables, crafts, and other food and related items, excluding livestock, at a facility with spaces occupied by several different temporary tenants on a short-term or daily basis; indoor or outdoor.

Financial institution. An establishment whose principal purpose is the provision of financial services, including but not limited to, an insured depository institution, a credit union, a Federal home loan bank, a small business investment company, a depository institution holding company, a mortgage lending business, or other institutions as defined by Federal code.

Funeral home. A building used for and engaged in undertaking services such as preparing the dead for burial, cremation, and arranging and managing funerals.

Garden center. Establishments or places of business primarily engaged in retail or wholesale (bulk) sale from the premises, of trees, shrubs, seeds, fertilizers, pesticides, plants and plant materials primarily for agricultural, residential, and commercial consumers. Such establishments typically sell products purchased from others but may sell some material which they grow themselves. Typical uses include plant nurseries, plant stores, and lawn and garden centers.

Gas station. Any place of business with fuel pumps and underground or aboveground storage tanks that provides fuels and oil by individual sale for motor vehicles and equipment and may include electric vehicle charging facilities. A store associated with automobile fuel sales shall be considered a gas station.

Group home. As provided by Code of Virginia § 15.2-2291, a licensed residential facility in which no more than eight mentally ill, intellectually disabled, or developmentally disabled persons or no more than eight aged, infirmed, or disabled persons reside, with one or more resident counselors or other resident or nonresident staff persons, shall be considered a residential occupancy by a single family. Mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in the Code of Virginia §54.1-3401. Such facility shall be licensed by the Virginia Department of Behavioral Health and Developmental Services (Code of Virginia §15.2-2291).

Hazardous materials, storage, and distribution. The storage and/or distribution of any substance that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety of the environment.

Hospital. Pursuant to § 32.1-123 of the Code of Virginia, any facility licensed in which the primary function is the provision of diagnosis, of treatment, and of medical and nursing services, surgical or nonsurgical, for two or more nonrelated individuals, including hospitals known by varying nomenclature or designation such as children's hospitals, sanatoriums, sanitariums and general, acute, rehabilitation, chronic disease, short-term, long-term, outpatient surgical, and inpatient or outpatient maternity hospitals.

Hotel. The use of land for transitory lodging or sleeping accommodations offered to transients for compensation, typically by the day or week. Typical uses include hotels, motels, travel lodges, or hostels, but not including a Bed and Breakfast or Short-term Rental.

Home occupation. Any occupation or activity which is clearly incidental and secondary to use of the premises as a dwelling and which is carried on wholly or in part within the main building by a resident of the home.

Itinerant vendor. Any person who engages in, does, or transacts a temporary or transient business in the Town.

Junkyard/salvage yard. An establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling scrap metal, or for the maintenance or operation of an automobile graveyard. The definition does not include litter, trash, and other debris scattered along or upon roadways, or temporary operations and outdoor storage of limited duration. (Reference Code of Virginia § 33.2-804, as amended).

Kennel, Commercial. Any location where raising, grooming, caring for, dog day care services, or boarding of three or more dogs, cats, or other small animals over four months of age, in an enclosure or structure from which they cannot escape, for commercial purposes is conducted.

Laboratory, research and development. Laboratory, research and development means an establishment whose principal purpose is the research, compounding and/or packaging of scientific products, or research and development of innovative ideas in technology-intensive fields. Examples include research and development of communication systems, transportation, geographic information systems, multi-media and video technology. Development and construction of prototypes and light manufacturing may be associated with this use.

Life care facility. A residential facility primarily for the continuing care of the elderly, providing for transitional housing progressing from independent living in various dwelling units, with or without kitchen facilities, and culminating in nursing home type care where all related uses are located on the same lot. Such facility may include other services integral to the personal and therapeutic care of the residents.

Manufactured home park. An area designed, constructed, equipped, operated, and maintained for the purpose of providing spaces for manufactured homes intended for use as occupied dwelling units and meeting or exceeding all applicable requirements for manufactured home parks as stipulated by this Ordinance and the Commonwealth of Virginia.

Manufacturing, heavy. The processing and/or converting of raw, unfinished material and/or products into articles or substances of a different character or for use for a different purpose. Uses may have significant external effects, or which pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in manufacturing or other processes. Uses may include, but are not limited to, asphalt plants, concrete plants, lumber mills, and planing mills.

Manufacturing, light. Establishments primarily engaged in the on-site production of goods by hand manufacturing, assembly, packaging or fabrication of materials and products within enclosed structures without significant external effects such as smoke, noise, soot, vibration, odor, and the like. Uses may include, but are not limited to, a machine shop, bottling, electronic equipment, business machines, furniture, medical appliances, tools or hardware, any other product of a similar nature. Retail sales may be incidental to the manufacturing use.

Manufacturing, small-scale. An establishment where shared or individual tools, equipment, or machinery are used to make products on a small scale, including the design, production, processing, printing, assembly, treatment, testing, repair, and packaging, as well as any incidental storage, retail or wholesale sales and distribution of such products. Typical small-scale production establishments include, but are not limited to the making of electronics, prints, leather products, jewelry and clothing/apparel, metal work, glass, ceramic or paper, together with accessory uses such as training or educational programs.

Medical treatment facility. A facility other than a hospital or medical or dental office where medical services are provided to individuals on an outpatient basis. Examples of medical treatment facilities include urgent care centers, dialysis centers, drug or alcohol treatment facilities, blood or tissue collection facilities, and diagnostic and laboratory services.

Mentally or physically impaired person. A person who is a resident of Virginia and who requires assistance with two or more activities of daily living, as defined in Code of Virginia, § 63.2-2200, as amended, as certified in a writing provided by a physician licensed by the Commonwealth of Virginia.

Mobile food vendor. A readily movable wheeled cart, trailer, or vehicle designed and equipped for the preparing, service, and/or selling of food and operated at temporary locations. This definition shall include food trucks, food trailers, and food carts.

Office, general. The use of land wherein the primary use is the conduct of a business or profession such as, but not limited to accounting, tax-preparation, lenders and securities brokers, architecture, computer software, or information systems research and development, engineering, insurance, law, management, organization and association offices, psychology, theology, real estate, and travel. Retail Sales do not comprise more than an Accessory Use of the primary activity of a General Office. This definition does not include Medical/Clinic Office as defined by this Ordinance.

Office, medical/clinic. The use of a site for facilities which provide diagnoses, minor surgical care, and outpatient care on a routine basis, but which does not provide overnight care or serve as a base for an ambulance service. Medical offices are operated by doctors, dentists, or similar practitioners licensed by the Commonwealth of Virginia.

Outdoor sales, seasonal/temporary. Any business or use (primary or accessory) that is conducted on a temporary basis primarily out of doors, which may include but not be limited to: retail sales of fruits, vegetables, plants, flowers, Christmas trees, fireworks; or retail sales of used goods, such as rummage sales.

Outdoor storage. The keeping, in other than a building, of any goods, materials, or merchandise on the same parcel for more than twenty-four consecutive hours.

Parking lot, commercial. A site for surface parking use which is fee-based and provides one or more parking spaces together with driveways, aisles, turning and maneuvering areas, incorporated landscaped areas, and similar features meeting the requirements established by this Ordinance. This use type shall not include parking facilities accessory to a permitted principal use.

Personal improvement services. Establishments primarily engaged in the provision of informational, instructional, personal improvements, and similar services. Typical uses include driving schools, health or physical fitness studios, dance studios, handicraft, and hobby instruction.

Personal services. Establishments or places of business engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty and barber shops; tattoo shops; grooming of pets; seamstresses, tailors, or shoe repairs; florists; photographic studios; and laundromats and dry cleaning stations serving individuals and households.

Public parks and recreation. Publicly owned and operated parks, picnic areas, playgrounds, indoor/outdoor athletic or recreation facilities, indoor/outdoor shelters, amphitheaters, open spaces, and other similar uses. This use shall not include Public Use as defined in this Ordinance.

Public use. Public use means facilities or the use of land, exclusively for public purposes, by any department or branch of the federal government, Commonwealth or any political subdivision, public authority, or any combination thereof. This use includes emergency services such as fire stations, police stations, and ambulance services, and shall not include Educational Facilities, Public Parks and Recreation, or Utility Service (major or minor) as defined in this Ordinance.

Recreation/entertainment, commercial indoor. An establishment which provides an enclosed building for indoor sports and spectator uses and may include multiple amusement or entertainment devices or machines as an incidental use of the premises. Typical uses include bowling alleys, ice- and roller-skating rinks, indoor racquetball, swimming, billiard halls, game rooms, video arcades, movie theaters, and concert or music halls.

Recreation/entertainment, commercial outdoor. Participant or spectator uses conducted in open or partially enclosed or screened facilities for commercial purposes. Typical uses include driving ranges, miniature golf, swimming pools, paintball facilities, sports arenas, and outdoor movie theaters or drive ins.

Recreation facility, neighborhood. An indoor or outdoor recreation facility that is managed and operated by an HOA or developer, and that is to be used specifically by the residents and guests of a particular residential development, planned development, or residential neighborhood.

Recreation facility, noncommercial. Privately owned, not for profit park and recreation facilities that are open to the public. These uses may charge a fee but not for commercial gain. This use includes parks, picnic areas, playgrounds, active or passive recreation facilities, outdoor shelters, amphitheaters, open spaces, and other similar uses. This use does not include Recreation/Entertainment, Commercial Indoor or Outdoor; Recreation Facility, Neighborhood; Public Parks and Recreation, or Public Use, as defined by this Ordinance.

Religious assembly. A use located in a permanent building or in outdoor spaces and providing regularly organized religious worship and related incidental activities. This use may include a cemetery as an incidental, subordinate use and shall not include Educational facility, primary/secondary schools, and Day care facilities.

Restaurant, general. An establishment in which, for compensation, food or beverages are dispensed for consumption on and/or off the premises, including, among other establishments, bars, cafes, tearooms, confectionery shops, eat-in delis, and fast-food restaurants. Excluded from this definition is Mobile Food Vendor, and Micro Brewery or Distillery.

Roadside Farm Stand. An establishment for the seasonal retail sale of agricultural or forestal goods and merchandise incidental to an agricultural operation.

Self-storage facility. A building or groups of buildings divided into separate compartments designed to provide rental storage space. Each storage space shall be enclosed by walls and ceiling and may have a separate entrance for the loading and unloading of stored goods, and shall not be pre-fabricated structures arranged on a lot. The conduct of sales, business, or any other activity within the individual storage units, other than storage, shall be prohibited.

Shelter, animal. A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public body, an established humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.

Shelter, Residential. A facility providing temporary housing and feeding for one or more individuals who are otherwise temporarily or permanently homeless; and victims of abuse, those experiencing teenage pregnancy, orphaned, and/or similar situations. Ancillary community support services may be provided including, but not limited to, childcare, counseling, food distribution, or vocational training.

Short-term rental. The use of a residential dwelling unit or a portion thereof by a host to provide room or space that is intended for short term, transient rental purposes in exchange for a charge for the occupancy. This use type does not include bed-and-breakfast establishments and does not apply to month-to-month extensions following completion of a year's lease.

> ***Booking transaction.*** Any transaction in which there is a charge to a transient by a host for the occupancy of any dwelling, sleeping, or lodging accommodations.
>
> ***Guest or transient.*** A person who occupies a short-term rental unit.
>
> ***Owner (or host).*** The owner of the short-term rental unit who occupies the property as his or her principal place of residence and domicile. In determining compliance with these regulations, the host has the burden of demonstrating that the dwelling unit is his or her primary residence.
>
> ***Residential dwelling unit.*** A residence where one or more persons maintain a household.

Solar energy generating facility (solar facility). Solar energy generating devices, inverters, a substation, ancillary equipment, buildings, security fencing, access roads, setbacks, and screening on the site. Solar energy generating devices utilize sunlight as an energy source to heat or cool buildings, heat or cool water, or produce mechanical power by means of any combination of collecting, transferring, or converting solar generated energy. The term applies to, but is not limited to, solar photovoltaic systems, solar thermal systems, and solar hot water systems. The following words, terms and phrases pertaining to solar energy generating facilities, when used in the Town of Rocky Mount Zoning Ordinance or in the administration thereof, shall have the following meanings ascribed to them:

> ***Operator.*** The company or individual responsible for the overall operation and management of the solar facility.
>
> ***Owner.*** The company or person who owns all or a portion of a solar facility.
>
> ***Participating landowner.*** A person who owns real property under lease or other property agreement with the owner or operator of a solar facility.

Photovoltaic (PV). Materials and devices that absorb sunlight and convert it directly into electricity.

Rated capacity. The maximum capacity of a solar facility based on the sum total of each photovoltaic system's nameplate capacity.

Solar energy, medium-scale. A solar facility that is attached to a structure or incorporated into building materials for structures, such as shingles or roofs, or as ground mounted equipment. It shall be an accessory use and generate electricity from sunlight on an area adequate to support a rated capacity of greater than 500 kilowatts (500 KW) and less than five megawatts (5 MW) alternating current. Generated electricity may be used for on-site consumption, provided to electric cooperative member-customers (non-retail, from behind the meter), or distributed for commercial consumption.

Solar energy, small-scale. A solar facility that is attached to a structure or incorporated into building materials for structures, such as shingles or roofs, or as ground mounted equipment. It shall be an accessory use and generate electricity from sunlight on an area adequate to support a rated capacity of 500 kilowatts (500 KW) alternating current or less. Generated electricity may be used for on-site consumption and/or provided to electric cooperative member-customers (non-retail, from behind the meter).

Viewshed. The view of an area from a specific vantage point. It includes all surrounding points that are in line of sight with that location.

Stable, private. A building, or group of buildings, which are accessory to a single-unit dwelling where horses are kept for the private use of the owners or their guests.

Store, Large. An establishment that is 3,000 square feet or more in total floor area and serves for the display and sale of merchandise at retail.

Store, Small. A small-scale retail use less than 3,000 square feet in total floor area and serves for the display and sale of merchandise. Small Stores shall not include fuel pumps or the selling of fuel for vehicles.

Structure, mixed-use. A building containing residential uses in addition to non-residential uses permitted in the zoning district. Mixed-use structure should not be confused with a mix of uses each in separate structures in a single development.

Substance abuse centers, outpatient. An establishment which provides outpatient services primarily related to the diagnosis and treatment of alcohol or other drug or substance abuse disorders. Services include the dispensing and administering of controlled substances and pharmaceutical products by professional medical practitioners licensed by the Commonwealth of Virginia.

Telecommunications facility. Any unstaffed facility for the transmission and/or reception of radio, television, radar, cellular telephone, personal paging device, specialized mobile radio (SMR), and similar services. A broadcasting or communication tower usually consists of an equipment shelter or cabinet, a support tower or other structure used to achieve the necessary elevation, and the transmission or reception devices or antenna. Excluded are amateur radio antennas, which are defined separately. Also

excluded are wireless communication antennas which fit the definition of Small cell facility and "Administrative review-eligible project" as defined in the Code of Virginia §15.2-2316.6 and supplied as Utility service, minor by this ordinance.

Telecommunications facility, small cell. A wireless facility that meets both of the following qualifications: (1) each antenna is located inside an enclosure of no more than six cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet and (2) all other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet, or such higher limit as is established by the Federal Communications Commission. The following types of associated equipment are not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation boxes, back-up power systems, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services (Code of Virginia §15.2-2316.4).

Temporary structure. A temporary structure or mobile unit used only as a temporary substitute for any structure or use permitted in the district, to alleviate a hardship during periods required for reconstruction, replacement or repair of the primary structure.

Tradesperson service. Tradesperson service means an establishment or place of business primarily engaged in providing a specific trade service to individuals. Typical uses include plumbing, electricians, blacksmith, welding, and taxidermy. This definition does not include Vehicle Sales/Service, Construction Material Sales, or Home Occupations as otherwise defined in this Ordinance.

Transportation services. Individual modal or multimodal conveyances and terminals; facilities may be of local, regional, or statewide importance. Examples of facilities are highways, airports, rail transit lines, and transit stations. Uses may also include vehicle services such as limousine, taxi service, or bus transportation.

Truck/freight terminal. An area of land used for the switching, storing, assembling, distributing, consolidating, moving, repairing, weighing, or transferring of freight.

Utility service, major. Service of a regional nature which normally entails the construction of new buildings or structures such as electric generating plants and sources; electrical switching facilities and stations or substations; community wastewater treatment plants; water towers; sanitary landfills; waste recycling and collection centers; and similar facilities. All overhead transmission lines are included in this definition.

Utility service, minor. A service that is necessary to support development within the immediate vicinity and involves only minor structures. Included in this use type are small facilities such as "Administrative review-eligible project" as defined in the Code of Virginia §15.2-2316.3, transformers, and relay and booster devices.

Veterinary hospital/clinic. An establishment rendering surgical and medical treatment of animals. This use includes the incidental keeping of animals. Commercial Kennels are considered a separate use as defined by this Ordinance.

Warehousing and distribution. Uses including storage, warehousing, and dispatching of goods within enclosed structures. Typical uses include wholesale distributors, storage warehouses, and moving/storage firm.

Wind energy generating facility, accessory.[2] A single system designed to supplement other electricity sources as an accessory use to existing buildings or facilities, wherein the power generated is used primarily for onsite consumption or net metered. A small wind energy conversion system consisting of a single wind turbine, a tower, and associated control or conversion electronics, that has a wind turbine height less than 100 feet and a rated capacity less than 100 KW.

The following words, terms and phrases pertaining to wind energy generating facilities, when used in the Town of Rocky Mount Zoning Ordinance or in the administration thereof, shall have the following meanings ascribed to them:

Anemometer. Measures the wind speed and transmits wind speed data.

Operator. The company or individual responsible for the overall operation and management of the wind energy system.

Owner. The company or person who owns all or a portion of a wind energy system.

Participating landowner. A person who owns real property under lease or other property agreement with the owner or operator of a wind energy system.

Rated capacity. The maximum capacity of a wind facility based on the sum total of each turbine's nameplate capacity, which is typically specified by the manufacturer with a label on the turbine equipment.

Shadow flicker. The visible effect that occurs when rotating turbine blades cast shadows on the ground and nearby structures causing the repeating pattern of light and shadow.

Temporary meteorological tower (MET) or wind monitoring tower. A free-standing tower equipped with instrumentation, such as anemometers, designed to provide real-time data pertaining to wind speed and direction, and used to assess the wind resources at a particular site.

Tower. Towers include vertical structures that support the electrical generator, rotor blades, or meteorological equipment. This includes a structure on which a wind turbine is mounted, or on which anemometers and other instrumentation are mounted in the case of MET towers.

Wind power. Power generated in the form of electricity by converting the rotation of turbine blades into electrical current by means of an electrical generator.

Wind pump. A type of windmill used for pumping water from a well or draining land.

Wind turbine. A device that converts wind energy into electricity through the use of a wind turbine generator, and may include a nacelle, rotor, tower, blades, controller, and associated mechanical and electrical conversion components.

Wind turbine height. The vertical height of a wind turbine as measured from the existing grade to the highest vertical point of turbine rotor or tip of the turbine blade when it reaches its highest elevation.

[2] Editor's Note: New definition.

Windmill. A machine designed to convert the energy of the wind into more useful forms using rotating blades to turn mechanical machinery to do physical work, such as crushing grain or pumping water.

Yard or garage sale. A use, accessory to a dwelling, that includes display and noncommercial sales for the disposal of personal property accumulated by the residents of a residential dwelling unit.

ATTACHMENT E

GUIDE TO USE PERFORMANCE STANDARDS

What are Use Performance Standards?

Use performance standards regulate the location, design, and intensity of a use based on the characteristics of an area and potential impacts of the activity. These standards are regulations that apply to uses in addition to the underlying zoning district regulations. Use performance standards are an important tool to help mitigate the impacts of development on nearby properties.

Photo: Courtesy of Richmond County, VA Government

Why Implement Use Performance Standards?

Use performance standards can offer a more flexible and consistent approach to development regulations. With additional control over the effects of certain land uses through use performance standards, the range of permitted uses in a particular zoning district may be broadened. Some advantages of use performance standards include:

- Ensuring uses are properly suited for an area;
- Improving the quality of development;
- Reducing potential conflicts between incompatible uses and sites;
- Providing clear expectations for developers and the community; and
- Giving additional measures of direction when considering use permits.

What Types of Criteria are Regulated?

Use performance standards typically include criteria to regulate **site development** and/or **activity**. Site-based standards regulate the location, appearance, or design of the site. Activity-based standards regulate the intensity or outputs of the use.

Site development, or area-based, standards regulate the appearance of a use, such as:

- Heights and Setbacks
- Landscaping Requirements
- Buffering & Screening Requirements

Activity-based standards regulate the intensity or outputs of a use, such as:

- Daily Vehicle Trip Generation
- Services Rendered
- Restrictions on Noise, Odor, Dust, or Smoke

GUIDE TO USE PERFORMANCE STANDARDS

What Uses Commonly Have Use Performance Standards?

Agricultural Uses
- Intensive agriculture
- Agritourism
- Stables, commercial and private

Residential Uses
- Home occupations
- Manufactured home parks
- Multifamily dwellings
- Short-term rentals
- Townhouses

Industrial Uses
- Industry, heavy or light
- Manufacturing
- Storage buildings
- Warehousing and distribution

Business Uses
- Adult stores
- Automobile repair services
- Car washes
- Equipment sales/rental
- Gasoline stations
- Restaurants, general, mobile, and drive-in
- Seasonal outdoor sales
- Shopping centers

Public/Civic/Recreational Uses
- Campgrounds
- Public Parks and Recreation facilities

Miscellaneous Uses
- Accessory buildings
- Accessory dwelling units
- Broadcasting and telecommunication towers
- Small cell facilities
- Outdoor storage
- Solar facilities
- Utility services, major or minor

Examples of Typical Performance Standards

Photo: CreativeCommons, User: majunznk

Mobile Restaurants

- Requirements for business and health permits
- Requirements for distance from active restaurant
- Limits on operating hours
- Restrictions on sound, light, and signage

Photo: Premier Auto Body Harrisonburg, VA

Automobile Repair Service

- Setbacks from residential uses
- Minimum required lot size
- Limits on exterior storage
- Repair in enclosed building only
- Maximum allowable square footage
- On-site parking required
- Restrictions on daily vehicle generation
- Limitation for on-site sales