



City of Manassas, Virginia
Planning Commission Meeting

AGENDA

Planning Commission Meeting
City Hall - Council Chambers
9027 Center Street
Manassas, VA 20110
Wednesday, November 5, 2025

1. Call to Order and Pledge of Allegiance - 5:30 p.m.
2. Roll Call and Determination of a Quorum
3. Approval of the Minutes
 - 3.1 **Approval of the Meeting Minutes for October 1, 2025**
[Draft Meeting Minutes for October 1, 2025](#)
4. Public Comment - Other Than Public Hearing Items

The public comment portion of the agenda is set aside for all those who wish to address the Planning Commission for less than three minutes each on topics that are not scheduled for a public hearing.

Members of the public are encouraged to submit comments to the Planning Commission by visiting www.manassascity.org/hearings, emailing the Planning Commission at planningcommission@manassasva.gov, mailing a letter to the Community Development Office, 9027 Center Street, Manassas, Virginia or by calling 703-257-8223 and leaving a voicemail. All written/electronic comments will be provided to the Planning Commission and included in the meeting minutes.

5. Public Hearings
 - 5.1 **SUP #2026-0001, MCPS Alternative Education Program, 8700 Centreville Road (Staff: Audra Ovalle, AICP, CZO, Planner II)**
[Staff Report](#)

[Attachment 1. Draft SUP Conditions](#)
[Attachment 2. SUP Plan](#)
[Attachment 3. Draft Planning Commission Resolution](#)
[Attachment 4. Draft Comprehensive Plan Map 7.1](#)

**5.2 ZTA #2026-0001, Zoning Ordinance Text Amendment
(Staff: Christian Samples, AICP, Planning Manager)**

[Memorandum](#)

[Attachment 1. Draft Ordinance - Clean Copy](#)

[Attachment 2. Draft Ordinance - Redline](#)

[Attachment 3. Draft Cannabis Ordinance - Clean Copy](#)

[Attachment 4. Draft Cannabis Ordinance - Redline](#)

[Attachment 5. Draft Planning Commission Resolution](#)

6. Other Business

**6.1 Proposed Update to Planning Commission Rules & Procedures
(Staff: Christian Samples, AICP, Planning Manager)**

[Memorandum](#)

[Attachment 1. Rules of Procedure - Redline](#)

[Attachment 2. Vice-Chairperson Keller Draft](#)

[Attachment 3. Draft Planning Commission Resolution](#)

[Attachment 4. Adopted Rules of Procedure](#)

**6.2 Monthly Land Use Case Update
(Staff: Christian Samples, AICP, Planner II)**

[Pending Land Use Cases - November 2025](#)

7. Adjournment

Manassas City Hall – Council Chambers
9027 Center Street, Manassas, Virginia 20110

1. Call to Order & Pledge of Allegiance

Chairperson Jagadev called the meeting to order at 5:02 pm.

2. Roll Call & Determination of a Quorum

Members Present

Chair, Dheeraj (DJ) Jagadev
Vice-Chair, Robert Keller
Commissioner Eric Brescia
Commissioner Miguel Pires
Commissioner Jeremy Rood
Commissioner Leah Sanders
Commissioner Charles Sweet

Members Absent

Commissioner Charles Sweet

Staff Present

Christian Samples
Christen Miller

3. Approval of Minutes

3.1 Approval of Minutes for September 3, 2025

Commissioner Keller made a motion to **APPROVE** the minutes for September 3, 2025 as presented.

Motion: Keller **Second:** Rood
Vote: *Passed Unanimously, 6-0*
Ayes: Keller, Rood, Jagadev, Brescia, Pires, Sanders

4. Public Comment

The public comments portion of the agenda is set aside for those citizens who wish to address the Planning Commission for less than three minutes each on topics that are not scheduled for a public hearing. In-person comments are welcome, or written comments can be submitted to the Planning Commission by visiting www.manassasva.gov/hearings, emailing the Planning Commission at planningcommission@manassasva.gov, mailing a letter to the Community Development Office at 9027 Center Street in Manassas, Virginia or by calling 703-257-8225 and leaving a voicemail. All written/electronic comments will be provided to the Planning Commission and included in the meeting minutes.

Chairperson Jagadev opened the floor for public comment. There was none.

5. Other Business

**5.1 FY2025 Planning Commission Annual Report
(Staff: Christian Samples, AICP, Planning Manager)**

Mr. Samples presented the Annual Report for FY2025 and opened the floor for comments or suggested edits. Commissioner Brescia requested a correction to the committee assignments.

Commissioner Rood made a motion to **APPROVE** the FY25 Annual Report as amended.

Motion: Rood **Second:** Keller
Vote: *Passed Unanimously, 6-0*
Ayes: Rood, Keller, Jagadev, Pires, Sanders, Brescia

5.2 Committee Assignments

The Commission discussed committee assignments and agreed to the following:

Zoning Ordinance Review Committee: Eric Brescia (Chair), Charles Sweet (Vice-Chair), DJ Jagadev

CIP Committee: Miguel Pires (Chair), Jeremy Rood (Vice-Chair), Bob Keller

Comprehensive Plan Committee: Jeremy Rood (Chair), Miguel Pires (Vice-Chair), Robert Keller

Manassas Regional Airport Commission Liaison: DJ Jagadev

Parks and Recreation Committee Liaison: Leah Sanders

Sustainability Task Force: Charles Sweet

City of Manassas School Board Liaison: Eric Brescia, Leah Sanders

5.3 Land Use Case Update

Planning Manager, Christian Samples, presented the land use case update and opened the floor for discussion. There was none.

Vice-Chair Keller introduced an update to the Planning Commission Rules of Procedure, noting the current rules and procedures were adopted in 2020. The proposed updates will be presented to the Commission after Staff review.

6. Adjournment

Vice-Chair Keller made a motion to **ADJOURN**.

Motion: *Keller* **Second:** *Brescia*

Vote: ***Passed Unanimously, 6-0***

Ayes: *Keller, Brescia, Jagadev, Rood, Pires, Sanders*

Nays: *None*

The meeting was adjourned at **5:56 P.M**

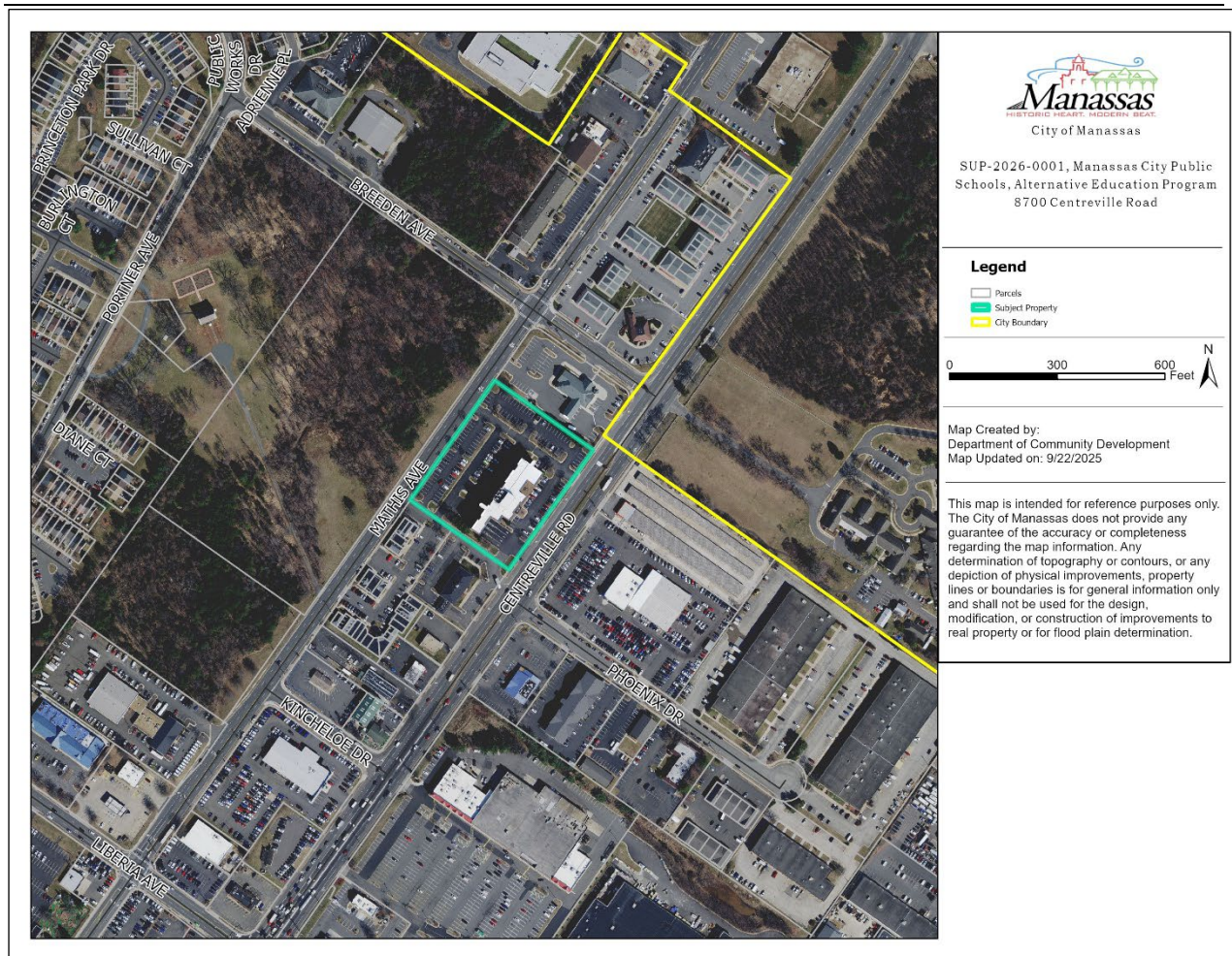
Dheeraj Jagadev, Chair

Christen Miller, Clerk

Date Approved

CITY OF MANASSAS PLANNING COMMISSION STAFF REPORT

**SUP #2026-0001, MCPS ALTERNATIVE EDUCATION PROGRAM
8700 CENTREVILLE ROAD
NOVEMBER 5, 2025**



Request: To consider a special use permit and comprehensive plan amendment for a new education facility, primary or secondary for the Manassas City Public Schools to establish an alternative education program in the existing building located at 8700 Centreville Road.

Existing Zoning: B-4, General Commercial

Parcel Size: ±3.22 acres

Comprehensive Plan Designation: Mathis Character Area & Gateways and Corridors

Public Notice: This case has been advertised in accordance with requirements of the Code of Virginia and the City of Manassas, including newspaper advertisement, adjacent property owner notification (a total of 16 mailings), and public hearing signs posted on the property. A community meeting was held on September 25, 2025. No public comments have been received to date.

CITY OF MANASSAS PLANNING COMMISSION STAFF REPORT

SUP #2026-0001, MCPS ALTERNATIVE EDUCATION PROGRAM
8700 CENTREVILLE ROAD
NOVEMBER 5, 2025



Surrounding Land Uses:



STAFF RECOMMENDATION

The request, with the proposed SUP conditions and performance measures, is not anticipated to have a negative land use impact on the existing patterns of development. Staff **RECOMMENDS APPROVAL** of SUP #2026-0001, as conditioned.

Staff finds that the proposed location of the alternative education program at 8700 Centreville Road is consistent with the adopted Comprehensive Plan and the requirements of state code. Staff recommends that the Planning Commission **APPROVE** CPA #2026-0001 for the location, character, and extent of the alternative education program and school central offices.

Staff: Audra Ovalle, AICP, CZO, Planner II

Contact Information: 703-257-8224, aovalle@manassasva.gov

Attachments:

1. Draft SUP Conditions
2. Special Use Permit Plan
3. Draft Planning Commission Resolution
4. Draft Comprehensive Plan Map 7.1 – Community Facilities & Infrastructure



STAFF ANALYSIS

Background and History:

The Manassas City Public School (MCPS) System has submitted a request to operate an alternative education program, known as Manassas Pathways, in the existing building at 8700 Centreville Road, which is a 3.2 acre parcel located between Centreville Road and Mathis Avenue. The 4-story office building was constructed circa 1989 and is approximately 56,000 square feet. The School Board is in the process of purchasing the property. Current uses in the building include a financial institution, medical care facility, and general offices, including the School Board central offices.

The proposed program is designed for 30-40 students ranging from 5th to 12th grade to attend classes in a non-traditional educational setting. Eligible students typically include at-risk students dealing with socio-economic challenges, behavioral issues, learning disabilities or special needs, and mental health concerns. Placement consideration is based on the MCPS student code of conduct. Any student determined to be at high risk for violence would not be considered for placement in this alternative education program. Currently students requiring alternative education are sent to Independence School, in Prince William County, which has limited spaces available for Manassas City students.

The program will operate on the 3rd floor of the building including, 3 high school classrooms (22 students), 1 middle school classroom (5 students), 1 intermediate school classroom (5 students), and 1 intermediate/middle school classroom (5 students), along with administrative spaces, calm room, and a dining area. The program will have badge access, with a reception area on the first floor where students will check in and be escorted to the program space.

Comprehensive Plan Analysis:**Land Use**

Manassas will be a vibrant, mixed-use community that reinforces the positive qualities of existing neighborhoods, promotes compatible infill and redevelopment, and emphasizes improved design principles that reflect its historic character and charm.

Comprehensive Plan Strategy	Staff Analysis
Chapter 3: Land Use	
<i>LU 3.2.1:</i> Assess development or redevelopment impacts on the visual quality, mobility and cohesiveness of the community, and additional factors that otherwise define its character.	Minor exterior renovations are proposed (ADA improvements) along with interior renovations to the third floor to create a space for the program to operate.
<i>Mathis Character Area</i>	Educational facilities are classified as institutional and are an appropriate land use in the Mathis Character Area.
<i>Gateways & Corridors: Centreville Road & Mathis Avenue</i>	Centreville Road and Mathis Avenue are classified as Corridors in the Comprehensive Plan. The Plan notes that the visual appearance and functionality of a Corridor are important to the community and the



Comprehensive Plan Strategy	Staff Analysis
Chapter 3: Land Use	
	community's character. The existing 4-story office building is set back from both roadways, with parking areas and landscaping surrounding the building.

Economic Development

Manassas is an economically thriving City where the combination of an entrepreneurial spirit, an involved business community, and a supportive City economic development presence results in growing businesses, a thriving active community, and a strong sense of place and opportunity.

The Department of Economic Development had no comment on this application.

Comprehensive Plan Strategy	Staff Analysis
Chapter 5: Economic Development	
<i>ED 5.4.1:</i> Recognize the Manassas School System as a crucial component of the City's sustained economic development. Provide the support required to continue the School System's success in providing an educated, skilled workforce to fill the community's needs.	The alternative education program will provide a missing level of service for the Manassas City School system and provide enhanced services to those students struggling to excel in a traditional learning environment.

Mobility

Manassas will have a sustainable and well-connected transportation system that equitably balances walking, bicycling, transit, and driving, while providing streetscapes consistent with the design character of the City and its neighborhoods.

Centreville Road is designated as a Commercial Corridor and Mathis Avenue is designated as an Urban Street in the Complete Streets Typology Map. A TIA was not required due to the traffic demand below the trips per day thresholds. The Department of Engineering did not raise any concerns regarding significant traffic impacts stemming from the alternative education program.

The property can be accessed from Centreville Road and Mathis Avenue. Buses bringing students to the site will enter and exit the property from Mathis Avenue, it is estimated that 2 buses will be required to transport students. Students will be dropped at the entrance fronting Mathis Avenue and be escorted to the 3rd floor for the program. The existing parking lot has sufficient parking for the existing uses and the proposed educational program.

Site Trip Generation – Peak House of Generator

Table 1. Existing and Proposed Trip Generation

Table 1: Existing and Proposed Site Trip Generation (Peak Hour of the Adjacent Street; ITE 11th Ed.)

Land Use	ITE Code	Size	----- Week day -----						Daily Total
			AM Peak Hour			PM Peak Hour			
			In	Out	Total	In	Out	Total	
MCPS Administrative Building									
Existing									
General Office Building	710	18.9 kSF of GFA	35	5	40	7	35	42	272
School District Office	528	35.8 kSF of GFA	66	21	87	13	63	76	520
Total Existing			101	26	127	20	98	118	792
Proposed									
General Office Building	710	18.9 kSF of GFA	35	5	40	7	35	42	272
School District Office	528	29.6 kSF of GFA	54	17	71	11	51	62	430
Day Care Center	565	80 Students	32	29	61	28	32	60	332
Total Proposed			121	51	172	46	118	164	1,034
Difference			20	25	45	26	20	46	242

On-site Parking

The proposed vehicle parking meets the parking requirements of Zoning Ordinance Article 7.

Table 2. Proposed Parking

Parking Requirement	Required	Proposed
1 per non-instructional staff, plus 1 per 20 students	8	165

Bicycle Parking

The City and MCPS partner to provide new and enhanced bicycle parking as part of the City's annual transportation CIP. If approved, this facility will be added to the list of locations to receive bicycle parking consistent with the DCSM in Spring 2026.

Community Facilities & Infrastructure

Manassas' facilities and infrastructure will be well-maintained and carefully planned to provide quality, dependable service to citizens while supporting economic development and meeting the needs of anticipated long-term growth.

The Planning Commission is responsible for reviewing all proposed public improvements for conformity with the adopted Comprehensive Plan in accordance with Section 15.2-2232 of the Code of Virginia. Section 15.2-2232 of the Code of Virginia states, in part:

Whenever a local planning commission recommends a comprehensive plan or part thereof for the locality and such plan has been approved and adopted by the governing body, it shall control the general or approximate location, character and extent of each feature shown on the plan. Thereafter, unless a feature is already shown on the adopted master plan or part thereof... no street or connection to an existing street, park or other public area, public building or public structure, public utility facility or public service corporation facility...shall be constructed, established or authorized, unless and until the general location or approximate location, character, and extent thereof has been submitted to



and approved by the commission as being substantially in accord with the adopted comprehensive plan or part thereof.

The Community Facilities and Infrastructure chapter of the Comprehensive Plan does not include 8700 Centreville Road as a school or city facility location. Planning Commission approval of this location is required (Attachment 4) to add the school central offices and alternative education program.

Comprehensive Plan Strategy	Staff Analysis
Chapter 7: Community Facilities & Infrastructure	
<i>CFI 7.1.6:</i> Strategically locate facilities where they can serve the community efficiently and effectively.	The proposed location for this program is consistent with the Comprehensive Plan (CPA #2026-0001). The property location off Centreville Road and Mathis Avenue is highly visible and easily accessible. The School Board is finalizing the purchase of the property and as this space is currently vacant it is a prudent location for the program to make use of an existing publicly owned space.
<i>CFI 7.2:</i> Provide state-of-the-art education facilities where educational best practices and programs, facility design, and technology combine to promote lifelong learning and achievement.	The City does not have an existing alternative education program, and currently partners with Prince William County Schools to provide this service, which limits the number of students able to attend a non-traditional education program. Having a dedicated program will allow for additional students to attend and create enhanced accountability and support for these students. The program is designed to foster students' academic success, attendance, skill development, and adherence to behavioral expectations in a smaller academic setting.
<i>CFI 7.2.2:</i> Provide permanent facilities and eliminate temporary classrooms at public schools by supporting the replacement of Dean Elementary, construction of classroom additions, and reconfiguration of existing space to increase efficiency per the <u>Manassas City Public Schools' School Facility Plan 2020-2030</u> .	Establishment of a dedicated alternative education program will enable students who require a non-traditional setting to achieve educational success. The proposed 3 rd floor space is currently vacant and located in a highly visible and easily accessible property.

Public Safety

The Police Department and Fire Marshal expressed no issues or concerns with the proposed use.

Public Utilities

Public Utilities requires that existing water and sewer services have adequate capacity to support future needs. This will be addressed prior to the certificate of occupancy is issued for the alternative education program.



Environmental Sustainability & Health

Manassas will be a sustainable and resilient city that values the environment, encourages access to nature, and provides a safe, pleasant, and healthy community for residents of all ages, abilities, and incomes.

Comprehensive Plan Strategy	Staff Analysis
Chapter 8: Environmental Sustainability	
ESH 8.6.1: Apply special use permit conditions and accept rezoning proffers that limit lighting and noise impacts on adjacent properties and the City as a whole. Support development standards that address lighting and noise pollution.	Conditions of approval have been proposed to address light and noise impacts.

PROPOSED SUP CONDITIONS

Section 130-241 of the City's Zoning Ordinance permits this use pursuant to a Special Use Permit. The complete set of conditions are provided in Attachment 1. The following conditions are recommended to mitigate the potential impacts of the proposal on adjacent properties and to address agency and staff comments:

- Condition #1 limits the permitted use to Educational Facility, Primary or Secondary.
- Condition #2 requires substantial conformance with the special use permit plan.
- Condition #3 requires the applicant to improve the accessible routes through the parking lot and to access the building.
- Condition #4 addresses the installation of bicycle racks.
- Condition #5 addresses exterior lighting.
- Condition #6 addresses amplified sound on-site and requires it to comply with the City Noise Ordinance.
- Condition #7 requires ongoing compliance with federal, state, and local laws.

Special Use Permit Conditions

SUP #2026-0001: Manassas City Public Schools Alternative Education Program 8700 Centreville Road

October 21, 2025

In addition to compliance with all applicable zoning, subdivision, and Design & Construction Standards Manual (DCSM) requirements, the development and use of the designated property shall be subject to the following conditions:

1. This special use permit is for an Educational Facility, Primary or Secondary. The occupancy of the facility shall be in accordance with the Virginia Uniform Statewide Building Code.
2. Site Development – The use shall be developed and operated in substantial conformance with the special use permit plan entitled, 8700 Centreville Road, prepared by the Christopher Consultants and dated October 28, 2022, subject to minor modifications in connection with final occupancy review or final engineering. Sheets A1 & A2 of the plan are included for reference only.
3. Prior to issuance of an occupancy permit, exterior walkways, curb ramps and pedestrian connections through the parking lot shall be improved to provide accessible routes, meeting ADA requirements, to and from the parking lot and to the building.
4. Bicycle racks will be installed through partnership with the City and consistent with Design and Construction Standards Manual requirements.
5. Lighting - All new or replacement exterior wall mounted lighting fixtures shall be of the sundowner style or equivalent shielded downward with full cut-off to prevent glare onto adjacent property.
6. Exterior bells, speakers or other amplified audio devices shall be set and maintained so as not to exceed City noise ordinance limits at any property line.
7. The use of this property shall be in compliance with all federal, state, and local ordinances.

Christian Samples, Zoning Administrator

Date

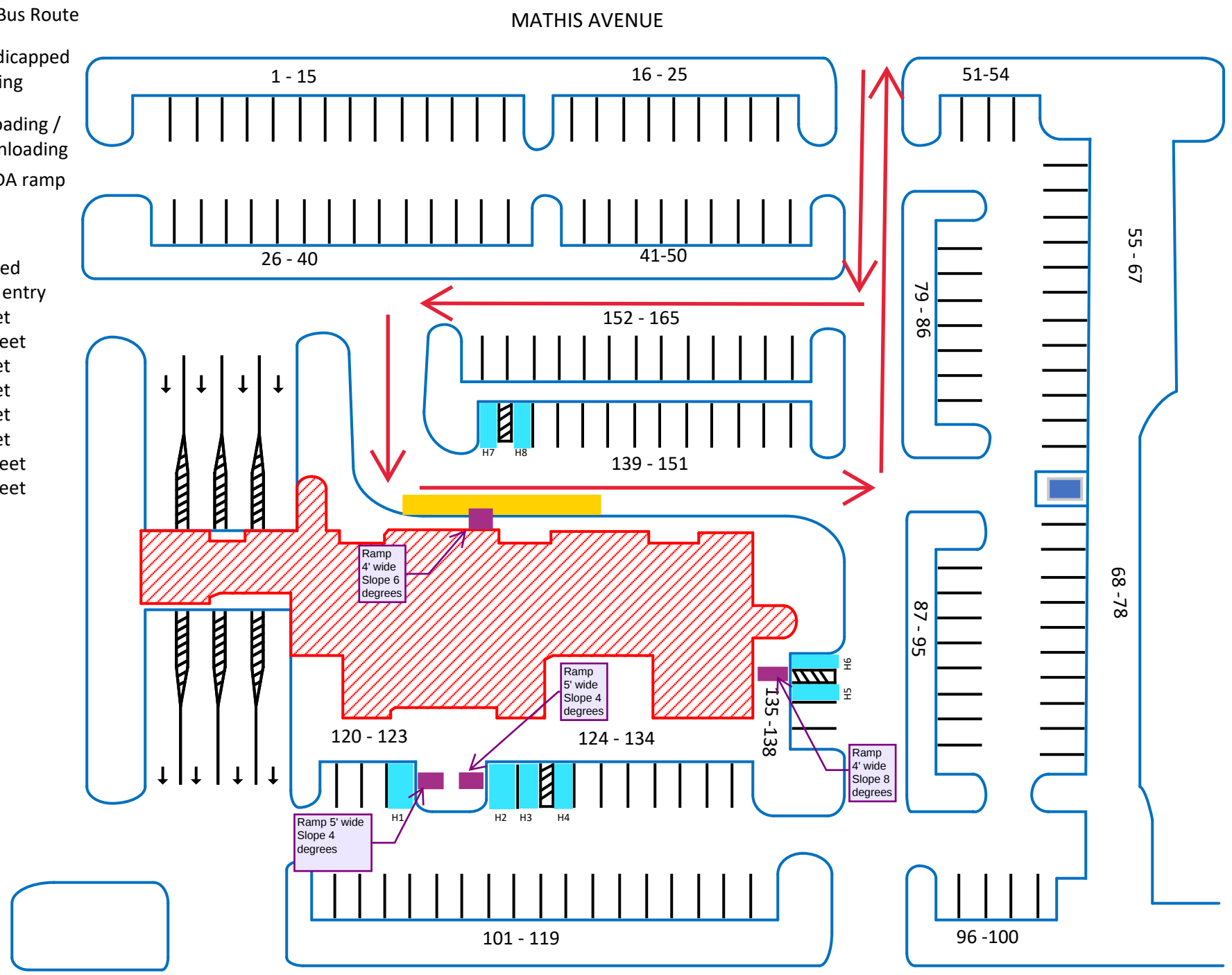
This signature certifies that these conditions were approved by the Manassas City Council as part of the above referenced special use permit.

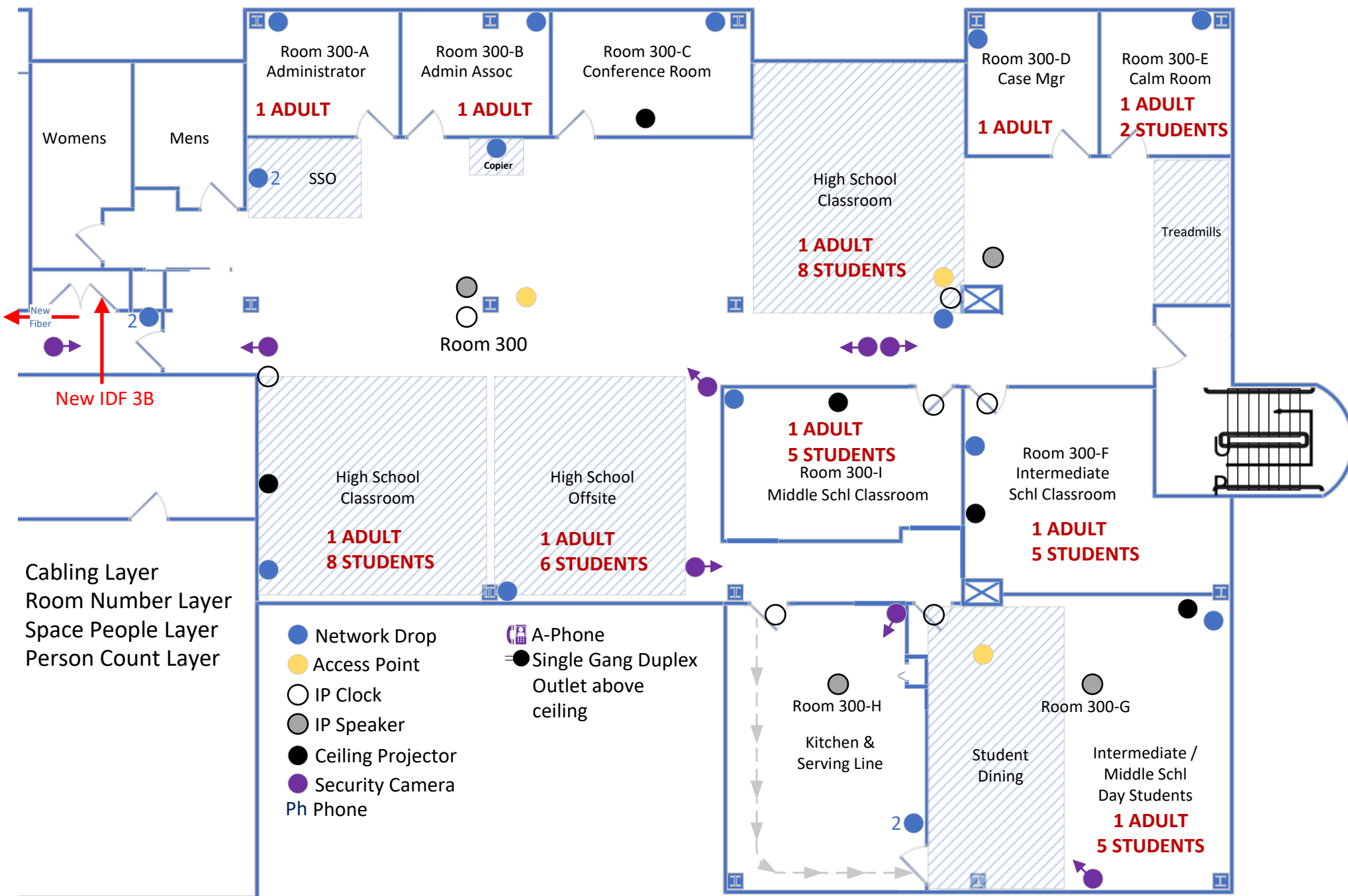
Legend:

- Bus Route
- Handicapped parking
- Loading / Unloading
- ADA ramp

Distance from handicapped parking to entry

- H1 - 29 feet
- H2 - 32.5 feet
- H3 - 43 feet
- H4 - 55 feet
- H5 - 21 feet
- H6 - 21 feet
- H7 - 40.5 feet
- H8 - 38.5 feet







PLANNING COMMISSION RESOLUTION

MOTION:

**November 5, 2025
Regular Meeting**

SECOND:

**Re: SUP #2026-0001 & CPA #2026-0001, Manassas City Public Schools Alternative Education Program
8700 Centreville Road**

WHEREAS, the City of Manassas Planning Commission held a public hearing for special use permit #2026-0001 on November 5, 2025, to allow the use of educational facility, primary or secondary; and

WHEREAS, the Planning Commission is responsible for reviewing all proposed public improvements for conformity with the adopted Comprehensive Plan in accordance with Section 15.2-2232 of the Code of Virginia; and

WHEREAS, the Community Facilities & Infrastructure chapter of the adopted Comprehensive Plan does not include the location of 8700 Centreville Road as a public facility and Planning Commission approval of the Centreville Road location is required; and

WHEREAS, the Commission has heard from the City staff, the applicant, and the public with regard to this land use matter; and

WHEREAS, approval of the special use permit is not projected to have an adverse impact on the community, provided the reasonable recommended conditions are followed; and

WHEREAS, the application is found to be in general conformance with the existing Comprehensive Plan and compatible with existing, adjacent land uses and patterns of development.

WHEREAS, on November 5, 2025, the Planning Commission reviewed the proposed location of the alternative education program and found that it is consistent with the Comprehensive Plan and the requirements of Section 15.2-2232 of the Code of Virginia; and

NOW THEREFORE BE IT RESOLVED, that the Planning Commission hereby **RECOMMENDS APPROVAL** of SUP #2026-0001, as conditioned and that the Planning Commission hereby **APPROVES** CPA #2026-0001 for the location, character, and extent of the alternative education program and school central offices at 8700 Centreville Road as consistent with the adopted Comprehensive Plan.

Dheeraj Jagadev, Chairperson

Date

City Facility

- 1 Marvin L. Gillum City Hall
- 2 Public Works / Utility Facility
- 3 City Offices
- 4 Public Safety Facility
- 5 Animal Adoption Center
- 6 Manassas Fire Department
- 7 Fire and Rescue Station 21
- 8 Fire & Rescue Station 1 (Planned)
- 9 Manassas Museum
- 10 Social Services Offices
- 11 Airport Terminal
- 12 City School Central Offices

City Schools

- 1 Baldwin Elementary/Intermediate School
- 2 Dean Elementary School
- 3 Haydon Elementary School
- 4 Mayfield Intermediate School
- 5 Round Elementary School
- 6 Weems Elementary School
- 7 Metz Middle School
- 8 Osbourn High School
- 9 Manassas Pathways (Alternative Education Program)

Utility

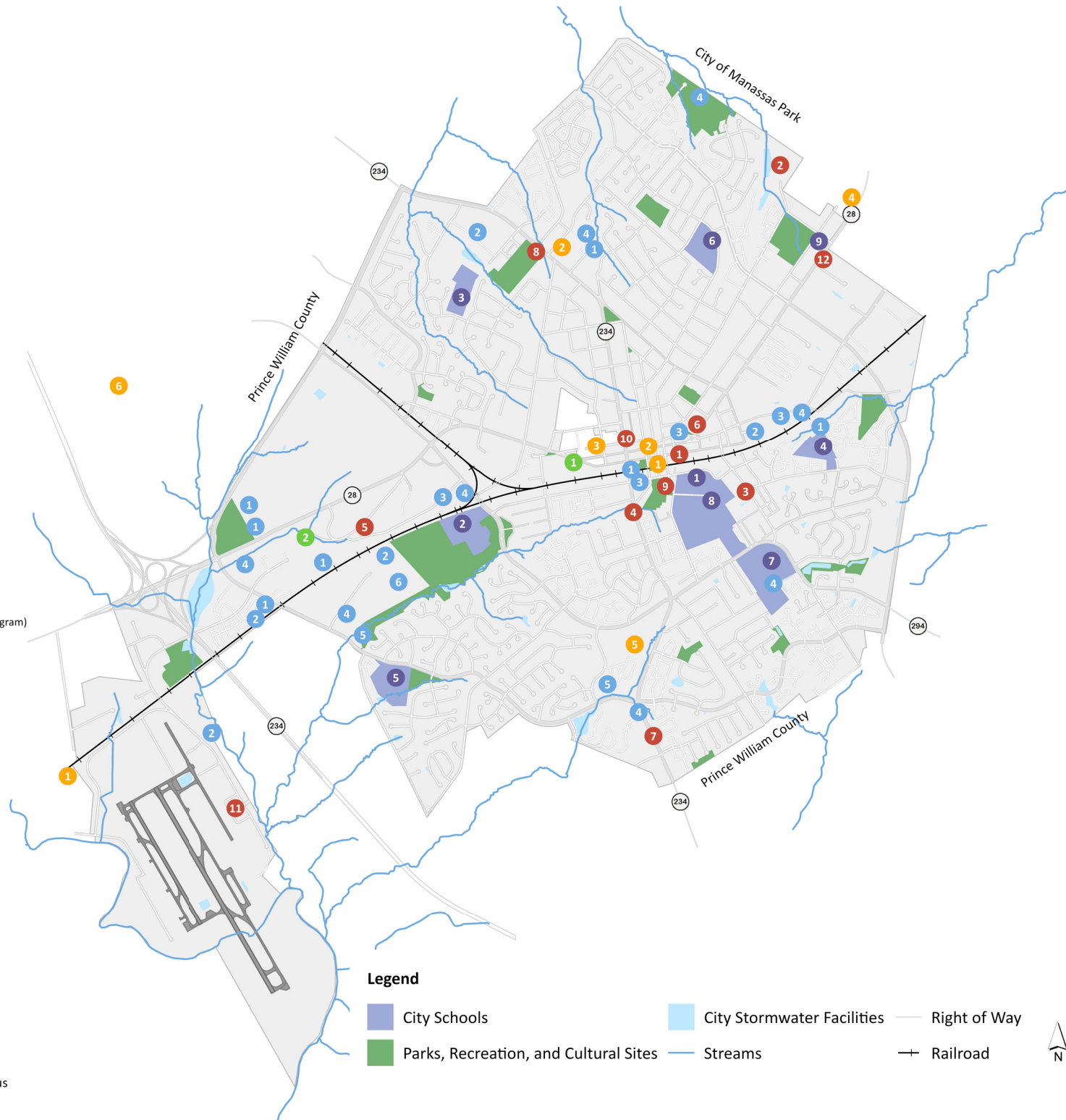
- 1 Substation
- 2 Generator
- 3 Water Tower/Tank
- 4 Telecommunication Facility
- 5 UOSA Pump Station
- 6 Holding Pond/Reclamation Facility (Potential)

City Cemetery

- 1 Manassas Cemetery
- 2 Rose Hill Cemetery

Other Public Facility

- 1 Train Station
- 2 US Post Office
- 3 Judicial Center
- 4 PWC Central Library
- 5 City of Manassas Library
- 6 George Mason University - PWC Campus



Legend

- City Schools
- Parks, Recreation, and Cultural Sites
- City Stormwater Facilities
- Streams
- Right of Way
- +

 Railroad





MEMORANDUM

CITY OF MANASSAS

Department of Community Development

Phone: 703-257-8223 Fax: 703-257-5117

TO: Planning Commission
FROM: Christian Samples, AICP, Planning Manager
DATE: November 5, 2025
RE: ZTA #2026-0001 – Zoning Ordinance Text Amendment – Summary Memorandum

As part of the ongoing review of the Zoning Ordinance, staff recommends that the City annually review the ordinance to make technical corrections and updates to implement the Comprehensive Plan, to address citizen concerns, and to make technical adjustments. This is the first of a two-part update. The focus of this update is to consider ordinances to address accessory dwelling units, industrial zone standards, and cannabis related uses. On October 1, 2025, the Zoning Ordinance Review Committee (ZORC) unanimously recommended the proposed ordinances be considered by the Planning Commission.

1. Accessory Dwelling Units

Goal 4.5 of the Comprehensive Plan's Housing Chapter recommends the City "Foster a healthy balance of high quality and attractive housing types, including starter, work force, move-up, executive, and senior housing, to serve an increasingly diverse population". To implement this goal, objective 4.5.4 recommends the City "explore new kinds of housing opportunities that can accommodate emerging needs of residents, such as the use of accessory dwelling units, which may provide a missing middle unit type, especially for young or elderly family members who need assistance with housing affordability and for smaller households that need rental housing. Consideration should be given to address minimum lot sizes, parking, and traffic impacts to ensure neighborhood compatibility."

The proposed accessory dwelling unit (ADU) ordinance meets the intent of this objective enabling both detached and attached accessory dwelling units, and creates standards that limit their placement. These standards include limiting ADUs to properties with a single-family detached dwelling unit, through adequate setbacks and square footage limits, requiring the same ownership for the single-family detached home and the accessory dwelling unit, and by requiring an additional parking space.

A minimum lot size was considered by ZORC, but was not included in the proposed ordinance. While a minimum lot size does constrain ADU development, it does so without consideration of the reality of market forces. According to the Virginia Housing Commission, the average cost of building a unit ranges from \$120,000 to \$400,000. The National Association of Realtors notes that the average cost for a unit is \$180,000, but can be higher depending on local conditions. ADUs are not typically financed by a traditional mortgage, but instead through a homeowner's own cash reserves, through a construction loan, or through using home equity. ZORC felt that that the substantial development cost and limited financing options combined with a minimum lot size limitation would substantially curtail or entirely prevent the development of ADUs in the City.

2. Industrial Zone Standards

Industrial uses, such as data centers, have created development challenges and conflicts in the City. While data centers can generate additional revenue for the City, effects such as noise and massing, can be a detriment to City residents. Other industrial uses, including light manufacturing, heavy manufacturing, warehouses and truck terminals, have similar effects. These effects can have negative impacts to uses such as residences, child and adult day care facilities, schools, hospitals, and parks. An ordinance amendment amending the standards of the I-1 Light Industrial and I-2 Heavy Industrial zoning districts is proposed to address these issues and make these uses more compatible.

Presently, data centers are classified as the use "warehousing and distribution", which is a permitted use in the I-1, I-2 and I-A Airport Overlay districts. The standards of these districts combined with the DCSM and City utility standards are applied to new data center construction that occurs in the City. A more focused approach is proposed to address data center concerns. The use "data center" is proposed to be created and defined in the zoning ordinance. The use is proposed as a permitted use in the I-1 and I-2 districts and prohibited in all other districts. Parking is proposed to be determined by the Zoning Administrator as each data center is configured uniquely and must be addressed individually. Data centers are subject to the industrial districts' existing standards and the proposed amendments.

Noise is addressed by requiring all uses in the industrial zoning districts to meet the City's noise ordinance (Chapter 58 Environment). For data centers, light manufacturing, heavy manufacturing, truck terminal, and warehousing and distribution, a preconstruction noise study are proposed to ensure that adequate noise mitigation are required. A post-construction noise study within 30 days after the use is operation is also proposed to address unanticipated noise issues that may occur.

The location and screening of mechanical equipment is addressed by limiting the location of mechanical equipment to the side and rear of a principal structure unless otherwise prohibited by the industrial district standards. All mechanical equipment would be required to be screened from view and rooftop mechanical equipment would be required to be screened with a parapet wall or similar method. Mechanical equipment is proposed to be prohibited between a principal structure and an adjacent street unless screened in accordance with the DCSM. For data centers, light manufacturing, heavy manufacturing, truck terminal, and warehousing and distribution, mechanical equipment would not be located between the principal structure and any "R" zoned lot, any "B" zoned lot

containing a dwelling unit, Child Care Center, Cultural Facility, Day Care Center - Adult, Educational Facility, Hospital, or Parks and Open Space.

The mass and façade of new principal structures associated with data centers, light manufacturing, heavy manufacturing, truck terminal, and warehousing and distribution are addressed in the proposed ordinance. The proposed standards require variation in the façade that will mitigate the height, width and scale of the structure. Changes in building materials, color, glazing or similar changes would qualify as a variation. A façade would be required to have one variation for every 100 feet of linear area and structures less than 100 feet in linear area would be required to have 35% of the façade contain at least one variation. Landscaped berms, enhanced landscaping, and tree preservation beyond the requirements of the zoning ordinance and DCSM can be credited toward a required variation.

Additional setbacks are also proposed for these uses when adjacent to any “R” zoned lot, any “B” zoned lot containing a dwelling unit, Child Care Center, Cultural Facility, Day Care Center - Adult, Educational Facility, Hospital, or Parks and Open Space. Structures that exceed 25 feet in height would be required to provide an additional 2.5 feet of setback for every foot of height over 25 feet. At the maximum height of 75 feet, this results in an additional 125 feet of setback.

3. Cannabis Uses

In 2021, the General Assembly passed the Cannabis Control Act (Sec. 4.1, Subtitle II of the Code of Virginia), a law that authorized the personal possession of marijuana and marijuana products. The law created the Cannabis Control Authority (CCA) to regulate and license businesses that sell, cultivate, manufacture, test, and distribute marijuana. However, the Cannabis Control Act did not authorize retail sales or licensing for most marijuana connected uses. The General Assembly will likely take this issue up in a future session. Presently, medical marijuana cultivation, processing and sales are licensed and regulated by the CCA.

In anticipation of this potential law, a zoning ordinance amendment was reviewed by ZORC to address medical and retail marijuana sales. However, the City Attorney has advised staff that potential changes from the General Assembly, including the ability for jurisdictions to have referendums on retail marijuana sales, will likely conflict with the proposed ordinance. The City Attorney recommends waiting for the General Assembly to pass a law to address these issues prior to the adoption of a code amendment. The draft marijuana ordinance has been provided to the Commission for review, but separated from the main draft.

4. Next Steps

If the Commission recommends approval of the proposed ordinance, the City Council will hold a public hearing on the matter on December 8, 2025.

Attachments:

1. Draft Ordinance – Clean Copy
2. Draft Ordinance – Redline
3. Draft Cannabis Ordinance – Clean Copy
4. Draft Cannabis Ordinance – Redline
5. Draft Planning Commission Resolution

ARTICLE II. DEFINITIONS

Sec. 130-42. Definitions.

Accessory dwelling unit, detached means a secondary, independent dwelling unit that is detached from a single-family detached dwelling unit.

Accessory dwelling unit, attached means a secondary, independent dwelling unit located within or attached to a single-family detached dwelling unit.

Data center means a facility comprised of computer systems and related infrastructure that is designed to store, manage, process, and transmit digital data, but does not include server rooms or information technology infrastructure that are accessory to a public utility or principal use.

ARTICLE III. GENERAL REGULATIONS

DIVISION 1. DEVELOPMENT STANDARDS

Sec. 130-68 Accessory dwelling units.

(a) *General regulations:*

- (1) A maximum of one accessory dwelling unit is permitted per property containing a single family detached dwelling unit permitted by right.
- (2) The unit shall contain a separate living area, kitchen, and a bathroom.
- (3) Parking shall meet the requirements of Article VI.
- (4) Both the single-family detached dwelling and the accessory dwelling unit shall remain under common ownership.
- (5) Accessory dwelling units shall not count against the maximum density of the zoning district or against the limitations of Sec. 130-57(a)(2).
- (6) The unit's architecture and materials shall be consistent with the design of the single-family detached dwelling.

(b) *Accessory dwelling unit, detached:*

- (1) The unit shall have a gross floor area not to exceed 800 sq. ft.
- (2) Height and setbacks. See §130-57.
- (3) New units and existing conforming accessory structures that are converted into a unit shall meet the location requirements of §130-57.
- (4) Units shall be located a minimum of 10 feet from any other structure, on site or off-site.
- (5) Nonconforming accessory structures may be converted into a unit, subject to the requirements of Sec. §130-163.

(c) *Accessory dwelling unit, attached.*

- (1) The height and setbacks of the unit shall meet the requirements of principal structures in the zoning district.
- (2) The gross floor area of the unit, excluding basements, shall not exceed 30% of the gross floor area of the single-family detached dwelling.
- (3) A unit located in a basement may occupy the entire basement floor subject to compliance with the Uniform Statewide Building and Fire Prevention Codes.
- (4) The entrance to the unit shall be provided by a separate exterior door.
- (5) Nonconforming attached accessory structures may be converted into a unit, subject to the additional requirements of Sec. §130-163.

ARTICLE V. NONCONFORMING USES, LOTS, AND STRUCTURES

Sec. 130-163. Nonconforming structures and improvements.

- (a) All structures and improvements except single-family detached dwellings, the conversion of nonconforming accessory structures into accessory dwelling units or manufactured homes:
 - (1) A nonconforming structure under §130-163(a) or nonconforming improvement may continue as it existed when it became nonconforming. A nonconforming structure or nonconforming improvement shall not be reconstructed, altered, or expanded in any manner, except as provided in this section.
 - (2) A nonconforming structure or nonconforming improvement may be repaired only if:
 - a. Such repair constitutes routine maintenance necessary to keep the structure or improvement in the same general condition it was in when it originally became nonconforming; or
 - b. Such repair constitutes minor alterations, cosmetic modifications, interior renovations and similar changes that do not increase the land area occupied, unless approved as provided in §130-163(4).
 - (3) A nonconforming structure may be changed to make it a conforming structure.
 - (4) A nonconforming structure under §130-163(a) may be enlarged or altered to an extent not to exceed 20 percent of its original footprint by administrative approval if the proposed enlargement or alteration will be constructed in a manner that conforms to all current yard dimensions and setbacks as required for new construction within the specified zoning district.
 - (5) If a nonconforming structure is removed for any reason to another parcel of land, regardless of distance, or the lot lines of the parcel on which it is located change, the structure shall thereafter conform to the requirements of the district in which it is located.

(b) All single-family detached dwellings:

- (1) A nonconforming single-family detached structure may continue as it existed when it became nonconforming. A nonconforming structure shall not be reconstructed, altered, or expanded in any manner, except as provided in this section.
- (2) A nonconforming single-family detached structure may be changed to make it a conforming structure.
- (3) A nonconforming single-family detached structure may be enlarged or altered by administrative approval if the proposed enlargement or alteration conforms to all currently required yard dimensions and setbacks as specified in the district in which it is located.
- (4) Should a proposed alteration of a nonconforming single-family detached structure not meet current yard dimensions or setbacks, and the expansion proposed is less than 20 percent of the original footprint of the nonconforming structure, the Zoning Administrator may administratively approve the expansion if the proposed expansion does not increase the nonconformity of the existing yard dimensions or setbacks.
- (5) Should a nonconforming single-family detached structure be removed for any reason to another parcel of land, regardless of distance, or the lot lines of the parcel on which it is located change, the structure shall thereafter conform to the requirements of the district in which it is located.

(c) Conversion of nonconforming accessory structures into accessory dwelling units:

- (1) A nonconforming accessory structure may be converted into an accessory dwelling unit in accordance with Sec. 130-68. Such conversion shall not change the nonconforming status of the structure.
- (2) A converted accessory dwelling unit may be changed into a conforming structure.
- (3) A converted accessory dwelling unit may be enlarged or altered by administrative approval if the proposed enlargement or alteration conforms to all currently required yard dimensions and setbacks as specified in the district in which it is located.
- (4) Should a proposed expansion of a converted accessory dwelling unit not meet current yard dimensions or setbacks, and the expansion proposed is less than 20 percent of the original footprint of the nonconforming structure, the Zoning Administrator may administratively approve the expansion if the proposed expansion does not increase the nonconformity of the existing yard dimensions or setbacks.
- (5) Should a converted accessory dwelling unit be removed for any reason to another parcel of land, regardless of distance, or the lot lines of the parcel on which it is located change, the structure shall thereafter conform to the requirements of the district in which it is located.

(d) The owner of any nonconforming structure damaged or destroyed by a natural disaster or other Act of God may repair, rebuild, or replace such structure to eliminate or reduce the nonconforming features to the extent possible, without the need to obtain a variance. If such structure is damaged greater than 50 percent and cannot be repaired, rebuilt, or replaced except to restore it to its

original nonconforming condition, the owner shall have the right to do so. Any work done to repair, rebuild, or replace such structure shall comply with the requirements of the building code and City floodplain requirements. Unless such structure is repaired, rebuilt, or replaced within two years of the date of the natural disaster or other Act of God, such structure shall only be repaired, rebuilt, or replaced in accordance with the requirements of this chapter. However, if a nonconforming structure is in an area under a federal disaster declaration and the building has been damaged or destroyed as a direct result of conditions that gave rise to the declaration, then the property owner shall have an additional two years for the building to be repaired, rebuilt, or replaced as otherwise provided in this paragraph.

- (e) Any building or structure which is nonconforming under paragraph (2) of the definition of nonconforming structure shall be brought into compliance with the Uniform Statewide Building Code, and doing so shall not affect the nonconforming status of such building or structure.
- (f) Any nonconforming improvement shall be maintained in good condition, reasonable wear and tear excepted, or replaced with a conforming improvement.
- (g) Access to sanitary sewer systems being available throughout the City, the owner of real property with existing on-site sewage system may not replace such system if it is damaged by natural disaster or other Act of God, and shall connect to the City's sanitary sewer system.

ARTICLE VI. PARKING AND LOADING REQUIREMENTS

Sec. 130-204. Off Street Parking Requirements.

§130-204, TABLE 1: MINIMUM OFF-STREET PARKING REQUIREMENTS				
LAND USES DU = Dwelling Unit SF = Building's Gross Square Feet	REQUIRED OFF-STREET PARKING	SPECIAL DISTRICTS		EXCEPTIONS/ COMMENTS/ ADDITIONAL REQUIREMENTS
		DOWNTOWN* *For B-3 Zoning See §130-204(b)	GODWIN TECHNOLOGY, MATHIS, SUDLEY MEDICAL	
ACCESSORY USES				No maximum parking required
Accessory Dwelling Unit	1 plus single-family detached unit requirement	1 plus single-family detached unit requirement	1 plus single-family detached unit requirement	Sec. 130-68

COMMERCIAL USES				For all commercial uses, maximum parking shall not exceed 125% of the min. requirement (See §130-204(c))
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INDUSTRIAL USES				No maximum parking required
Data Center	Zoning Administrator Determination	Zoning Administrator Determination	Zoning Administrator Determination	

Editor's Note: No other changes to §130-204 Table 1.

ARTICLE VIII. ZONING DISTRICTS

DIVISION 1. PERMITTED USES

Sec. 130-241. Use tables.

- (a) Tables 1 and 2 list all use types and all zoning districts where the use type is permitted ("P") or permitted with approval of a special use permit ("S") in accordance with the requirements of Article IX of this chapter.
- (b) All uses defined in Sec. 130-42 and/or listed in Tables 1 and 2 that are not specifically permitted ("P") or permitted with approval of a special use permit ("S") are prohibited.
- (c) Overlay Districts: Regardless of whether the use table lists a use type as permitted or permitted with approval of a special use permit, the use type shall be restricted or prohibited by the requirements of any overlay district.
- (d) The "Additional Requirements" column in Tables 1 and 2 is for reference only and is not intended as an all-inclusive listing of all local, state, or federal requirements and regulations applicable to a use type.

§ 130-241 TABLE 1

"P"= Permitted By-Right "S"= Special Use Permit is Required

CATEGORY	USE TYPE	ZONING DISTRICTS									ADDITIONAL REQUIREMENTS
		RESIDENTIAL DISTRICTS									
		A-1	R-1	R-2	R-2-S	R-3	R-4	R-5	R-6	R-7	
RESIDENTIAL	Age-Restricted Housing								P	P	Sec. 130-268 Sec. 130-269
	Cottage Court							P	P	P	Sec. 130-66
	Duplex					P		P	P	P	
	Dwelling, Multifamily							P	P	P	
	Dwelling, Single-Family Attached					P			P	P	
	Dwelling, Single-Family Detached	P	P	P	P				P	P	
	Live/Work Unit							P		P	
	Manufactured Home	P					P				Sec. 130-98
	Manufactured Home Park						P				Sec. 130-98
	Private Community Recreational Use	P	P	P	P	P	P	P	P	P	
	Group Home	P	P	P	P	P	P	P	P	P	
ASSEMBLY & INSTITUTIONAL	Assembly, Place of (less than 50 persons)	S	S	S	S	S		S	S	S	
	Assembly, Place of (50 or more persons)	S	S	S	S	S		S	S	S	
	Broadcasting or Telecommunication Tower	S	S	S	S	S	S	S	S	S	
	Broadcasting or Telecommunication Tower, Administrative Review	P	P	P	P	P	P	P	P	P	Sec. 130-92

§ 130-241 TABLE 1

"P"= Permitted By-Right "S"= Special Use Permit is Required

CATEGORY	USE TYPE	ZONING DISTRICTS									ADDITIONAL REQUIREMENTS
		RESIDENTIAL DISTRICTS									
		A-1	R-1	R-2	R-2-S	R-3	R-4	R-5	R-6	R-7	
	Business or Trade School (less than 50 persons)										
	Business or Trade School (50 or more persons)										
	Cemetery	S	S	S	S	S		S	S	S	
ASSEMBLY & INSTITUTIONAL (CONT)	Child Care Center	S	S	S	S					S	
	Children's Residential Facility									S	
	Congregate/Continuing Care, Assisted Living Facility								P	S	
	Cultural Facility	P	S	S	S	S	S	S	S	S	
	Day Care Center, Adult								P	S	
	Educational Facility, College or University										
	Educational Facility, Primary or Secondary	S	S	S	S	S	S	S		S	
	Hospital										
	Medical Care Facility										
	Nursing Home								P		
	Parks and Open Space	P	P	P	P	P	P	P	P	P	
	Public Dancehall										Ch. 14
	Public Facility	P	S	S	S	S	S	S	S	S	
	Public Utility	P	P	P	P	P	P	P	P	P	

§ 130-241 TABLE 1

"P"= Permitted By-Right "S"= Special Use Permit is Required

CATEGORY	USE TYPE	ZONING DISTRICTS									ADDITIONAL REQUIREMENTS
		RESIDENTIAL DISTRICTS									
		A-1	R-1	R-2	R-2-S	R-3	R-4	R-5	R-6	R-7	
	Sexually Oriented Business (Adult Cabaret/Adult Motion Picture Theater)										Sec. 130-103
	Shelter, Residential										
COMMERCIAL	Agriculture and Silviculture	P									
	Airport or Aviation Facility										
	Antique Shop										
	Bed and Breakfast	S	S	S	S					S	Sec. 130-91
	Brewery or Distillery										
COMMERCIAL (CONT)	Business Support Service										
	Car Wash										
	Catering Facility										
	Construction Material Sales										
	Consumer Repair or Contractor/Tradesperson Services										
	Craft Shop										
	Crematory										
	Financial Institution										
	Garden Center										
	Fueling Station (8 or fewer fuel pumps)										

§ 130-241 TABLE 1

"P"= Permitted By-Right "S"= Special Use Permit is Required

CATEGORY	USE TYPE	ZONING DISTRICTS									ADDITIONAL REQUIREMENTS
		RESIDENTIAL DISTRICTS									
		A-1	R-1	R-2	R-2-S	R-3	R-4	R-5	R-6	R-7	
	Fueling Station (9 or more fuel pumps)										
	Heliport										
	Hotel										
	Kennel										Sec. 130-97
	Liquor Store										Sec. 130-94
	Mini-Warehouse or Self-Storage										
	Motor Vehicle Service										Sec. 130-100
	Motor Vehicle Sales and Rental										Sec. 130-99
	Office, General										
	Office, Medical										
	Parking Structure, Multilevel										
	Personal Improvement Service										
	Professional Personal Service										
COMMERCIAL (CONT)	Restaurant										
	Retail Sales										
	Sexually Oriented Business (Adult Bookstore or Video Store/Seminude Model Studio/Sexual Device Shop)										Sec. 130-103

§ 130-241 TABLE 1

"P"= Permitted By-Right "S"= Special Use Permit is Required

CATEGORY	USE TYPE	ZONING DISTRICTS									ADDITIONAL REQUIREMENTS
		RESIDENTIAL DISTRICTS									
		A-1	R-1	R-2	R-2-S	R-3	R-4	R-5	R-6	R-7	
	Short-Term Loan Establishment										Sec. 130-94
	Specialty Food Shop										
	Tattoo Parlor and/or Body Piercing Salon										
	Veterinary Hospital										
ACCESSORY	Accessory Uses	P	P	P	P	P	P	P	P	P	Sec. 130-57
	Accessory Dwelling Unit		P	P	P				P	P	Sec. 130-68
	Amateur Radio Tower	P	P	P	P					P	Sec. 130-57
	Caretaker Quarters										
	Family Day Home	P	P	P	P	P	P	P	P	P	Sec. 130-93
	Family Health Care Structure, Temporary	P	P	P	P					P	Sec. 130-104
	Home Business	S	S	S	S					S	Sec. 130-95
	Home Occupation	P	P	P	P	P	P	P	P	P	Sec. 130-96
	Temporary Use (Outdoor Events)	P									Sec. 130-104 Ch. 14
	Temporary Use (Outdoor Sales)										Sec. 130-104
	Yard Sale, Residential	P	P	P	P	P	P	P	P	P	Sec. 130-101

§ 130-241 TABLE 2											
"P"= Permitted By-Right "S"= Special Use Permit is Required											
CATEGORY	USE TYPE	ZONING DISTRICTS									ADDITIONAL REQUIREMENTS
		NON-RESIDENTIAL & MIXED USE DISTRICTS									
		B-2 ¹	B-3	B-3.5	PMD	B-1 ²	B-4	I-1	I-2	I-A	
RESIDENTIAL	Age-Restricted Housing			P	P						Sec. 130-308
	Cottage Court		P	P	P						Sec. 130-66
	Duplex		P	P	P						
	Dwelling, Multifamily		P	P	P						Sec. 130-303
	Dwelling, Single-Family Attached			P	P						
	Dwelling, Single-Family Detached		P	P	P						
	Live/Work Unit		P	P	P						
	Manufactured Home										Sec. 130-98
	Manufactured Home Park										Sec. 130-98
	Private Community Recreational Use		P	P	P						
	Group Home		P	P	P						
ASSEMBLY & INSTITUTIONAL	Assembly, Place of (less than 50 persons)	P	P	P	P	P	P	S		S	
	Assembly, Place of (50 or more persons)	S	S	S	S	S	S	S		S	

¹ All uses subject to floor area limit of 10,000 square feet

² Refer to § 130-301 for list of uses subject to 25% gross floor area limit

§ 130-241 TABLE 2

"P"= Permitted By-Right "S"= Special Use Permit is Required

CATEGORY	USE TYPE	ZONING DISTRICTS									ADDITIONAL REQUIREMENTS
		NON-RESIDENTIAL & MIXED USE DISTRICTS									
		B-2 ¹	B-3	B-3.5	PMD	B-1 ²	B-4	I-1	I-2	I-A	
	Broadcasting or Telecommunication Tower	S			S	S	S	S	S	S	
	Broadcasting or Telecommunication Tower, Administrative Review	P	P	P	P	P	P	P	P	P	Sec. 130-92
	Business or Trade School (less than 50 persons)	P	P	P	P	P	P	P		P	
	Business or Trade School (50 or more persons)	S	S	S	S	P	P	S		S	
ASSEMBLY & INSTITUTIONAL (CONT)	Cemetery	S	S	S	S	S	S	S			
	Child Care Center	P	S	S	P	S	P	S		S	
	Children's Residential Facility			S	S						
	Congregate/Continuing Care, Assisted Living Facility			S	S						
	Cultural Facility	P	P	P	P		P			S	
	Day Care Center, Adult	P	S	S	P	S	P	S			
	Educational Facility, College or University		S	S	S	S	S	S		S	
	Educational Facility, Primary or Secondary		S	S	S	S	S	S		S	
	Hospital				S	S	S				
	Medical Care Facility	S	S	S	S	S	S				

§ 130-241 TABLE 2

"P"= Permitted By-Right "S"= Special Use Permit is Required

CATEGORY	USE TYPE	ZONING DISTRICTS									ADDITIONAL REQUIREMENTS
		NON-RESIDENTIAL & MIXED USE DISTRICTS									
		B-2 ¹	B-3	B-3.5	PMD	B-1 ²	B-4	I-1	I-2	I-A	
	Nursing Home			S	S						
	Parks and Open Space	P	P	P	P	P	P	P	P	P	
	Public Dancehall						S	S			Ch. 14
	Public Facility	P	P	P	P	P	P	P	P	P	
	Public Utility	P	P	P	P	P	P	P	P	P	
	Sexually Oriented Business (Adult Cabaret/Adult Motion Picture Theater)							P			Sec. 130-103
	Shelter, Residential						S	S			
COMMERCIAL	Agriculture and Silviculture										
	Airport or Aviation Facility							P		P	
	Antique Shop	P	P	P	P		P				
	Bed and Breakfast		P	S	S						Sec. 130-91
COMMERCIAL (CONT)	Brewery (500 barrels or less annually) or Distillery (5,000 gallons or less annually)	P	P	P	P		P				
	Brewery (over 500 barrels annually) or Distillery (over 5,000 gallons annually)	S	S	S	P		P	P	P		
	Business Support Service	P	P	P	P	P	P	P	P	P	
	Car Wash	S			S		S	S			

§ 130-241 TABLE 2											
"P"= Permitted By-Right "S"= Special Use Permit is Required											
CATEGORY	USE TYPE	ZONING DISTRICTS								ADDITIONAL REQUIREMENTS	
		NON-RESIDENTIAL & MIXED USE DISTRICTS									
		B-2 ¹	B-3	B-3.5	PMD	B-1 ²	B-4	I-1	I-2		I-A
	Catering Facility	P	P	P	P		P	P		P	
	Construction Material Sales						P	P			Sec. 130-61
	Consumer Repair or Contractor/Tradesperson Services	P	S	S	S		P	P	P		
	Craft Shop	P	P	P	P		P	P			Sec. 130-61
	Crematory	S	S	S	S	S	S	S	S		
	Financial Institution	P	P	P	P	P	P	P			
	Garden Center						P	P			Sec. 130-61
	Fueling Station (8 or fewer fuel pumps)	S			S		S	S	S	S	
	Fueling Station (9 or more fuel pumps)				S		S	S	S	S	
	Heliport				S		S	S		P	
	Hotel		P	P	P		P			S	
	Kennel				S		S	S			Sec. 130-97
	Liquor Store						P				Sec. 130-94
	Mini-Warehouse or Self-Storage							P	P		
	Motor Vehicle Parts/Supply Establishment						P	P	P		
	Motor Vehicle Service						S	S	P		Sec. 130-100

§ 130-241 TABLE 2											
"P"= Permitted By-Right "S"= Special Use Permit is Required											
CATEGORY	USE TYPE	ZONING DISTRICTS									ADDITIONAL REQUIREMENTS
		NON-RESIDENTIAL & MIXED USE DISTRICTS									
		B-2 ¹	B-3	B-3.5	PMD	B-1 ²	B-4	I-1	I-2	I-A	
	Motor Vehicle Sales and Rental						S	S	P	S	Sec. 130-99
COMMERCIAL (CONT)	Office, General	P	P	P	P	P	P	P		P	
	Office, Medical	P	P	P	P	P	P				
	Parking Structure, Multilevel		P	P	P	P	P	P	P	P	
	Personal Improvement Service	P	P	P	P	P	P	P	P	P	
	Professional Personal Service	P	P	P	P	P	P			P	
	Restaurant	P	P	P	P		P			P	
	Retail Sales	P	P	P	P	P	P			P	
	Sexually Oriented Business (Adult Bookstore or Video Store/Seminude Model Studio/Sexual Device Shop)							P	P		Sec. 130-103
	Short-Term Loan Establishment						P				Sec. 130-94
	Specialty Food Shop	P	P	P	P	P	P	P		P	
	Tattoo Parlor and/or Body Piercing Salon						P				
	Veterinary Hospital	P	P	P	P		P	S			
	Data center							P	P		

§ 130-241 TABLE 2

"P"= Permitted By-Right "S"= Special Use Permit is Required

CATEGORY	USE TYPE	ZONING DISTRICTS									ADDITIONAL REQUIREMENTS
		NON-RESIDENTIAL & MIXED USE DISTRICTS									
		B-2 ¹	B-3	B-3.5	PMD	B-1 ²	B-4	I-1	I-2	I-A	
	Heavy Equipment Sales and Rental							S	P		Sec. 130-99
	Laboratory					P		P	P	P	
	Laundry, Commercial							P	P		
	Manufacturing, Heavy								S		
	Manufacturing, Light							P	P	P	
	Motor Vehicle Repair							S	P		Sec. 130-100
	Research and Development					P		P	P	P	
	Storage Yard/Facility/Chemical Storage/Tank Farm (Hazardous Materials)							S	S	S	
	INDUSTRIAL (CONT)	Storage Yard/Facility/Chemical Storage/Tank Farm (Non-Hazardous Materials)								P	
Truck Terminal									P		
Warehousing and Distribution								P	P	P	
Wholesale Trade								P	P	P	
ACCESSORY	Accessory Uses	P	P	P	P	P	P	P	P	P	Sec. 130-57
	Accessory Dwelling Unit		P	P	P						Sec. 130-68
	Amateur Radio Tower		P	P	P						Sec. 130-57
	Caretaker Quarters						P	P	P		

§ 130-241 TABLE 2										
"P"= Permitted By-Right "S"= Special Use Permit is Required										
CATEGORY	USE TYPE	ZONING DISTRICTS								ADDITIONAL REQUIREMENTS
		NON-RESIDENTIAL & MIXED USE DISTRICTS								
		B-2 ¹	B-3	B-3.5	PMD	B-1 ²	B-4	I-1	I-2	
	Family Day Home		P	P	P					Sec. 130-93
	Family Health Care Structure, Temporary		P	P	P					Sec. 130-104
	Home Business		S	S	S					Sec. 130-95
	Home Occupation		P	P	P					Sec. 130-96
	Temporary Use (Outdoor Events)	P	P	P	P	P	P	P	P	Sec. 130-104 Ch. 14
	Temporary Use (Outdoor Sales)	P	P	P	P	P	P	P	P	Sec. 130-104
	Yard Sale, Residential		P	P	P					Sec. 130-101

Sec. 130-306. I-1 light industrial.

- (a) *Purpose and intent.* The I-1 light industrial district is intended to implement the Comprehensive Plan's Godwin Technology Character Area and to provide highly accessible, quality areas that are separated from daily services and residences and are flexible for a variety of business models and scales of operation, including research and development, business offices, light manufacturing, distribution, supply, and related activities.
- (b) *Uses permitted.* See §130-241.
- (c) *Minimum lot dimensions.* None, except that motor vehicle sales and rental, or heavy equipment sales and rental, shall have a minimum lot area of 20,000 square feet for each sales or rental office.
- (d) *Maximum structure height.* No structure shall be greater than 75 feet in height excluding mechanical equipment, which shall be adequately screened. Uses may exceed this height subject to approval of a special use permit in accordance with Article IX of this chapter.

(e) *Minimum setback requirements:*

- (1) Front, 15 feet from any lot line, any street or private access easement right-of way line; or half of a foot for each foot in height of a structure that is over 50 feet in height.
- (2) Side and rear:
 - a. None adjacent to a “B” or “I” district lot line.
 - b. 25 feet from any “R” district lot line. However, when the structure exceeds 25 feet in height, an additional setback of one foot shall be required for each foot in height above 25 feet.
- (3) Additional setbacks for the uses Data Center, Manufacturing, Light, and Warehousing and Distribution:
 - a. Structures that exceed 25 feet in height shall be required to provide an additional setback of 2.5 feet for every foot of height above 25 feet. This standard shall apply when the use is adjacent to the following:
 1. Any “R” zoned lot;
 2. Any “I” or “B” zoned lot containing a dwelling unit;
 3. Any lot with one of the following uses: Child Care Center, Cultural Facility, Day Care Center – Adult, Educational Facility, Hospital, and Parks and Open Space.

(f) *Off-street parking requirements.* See Article VI of this chapter.

(g) *Open space and tree canopy requirements.* See Article VII of this chapter.

(h) *Drive-through windows.* Drive-through windows are permitted for all uses in conformance with the DCSM.

(i) *Outdoor storage.* All uses shall be conducted within a completely enclosed building. All active storage shall either be entirely within buildings enclosed on all sides, or outdoor storage shall be permitted to the side or rear of a principal structure and shall not be located between a principal structure and any adjacent streets. Any outdoor storage area shall be screened on all sides by opaque walls or fences and supplemented by landscaping in addition to the requirements of §130-306 (j) and the DCSM.

(j) *Screening.* To assist in the prevention of the transmission of light, noise, or other deleterious effects from industrial uses into any adjacent “R” or “B” district, and to provide screening between outdoor storage and other uses within the I-1 zone, screening shall be required. Such screening and landscape buffers shall conform to the DCSM and shall be provided as follows:

- (1) A continuous six-foot high opaque screen and landscape buffer with a minimum of 25 feet in depth shall be provided along the common boundary line between any “R” district lot line and any I-1 use.

- (2) A continuous six-foot high opaque screen shall be provided around all outdoor storage areas abutting and visible from an adjacent “B” or “I” district, or any street rights-of-way.
- (3) Exterior exercise areas are permitted for veterinary hospitals and shall be screened on all sides with a continuous six-foot high opaque screen.
- (4) All mechanical equipment must be screened from view in accordance with this Chapter and the DCSM. Rooftop mechanical equipment shall be screened from view by a parapet wall or other similar screening method.

(k) *Outdoor display* See §130-61.

(l) *Mechanical equipment standards.*

- (1) Mechanical equipment shall be permitted to the side or rear of a principal structure unless otherwise prohibited by this section.
- (2) Mechanical equipment shall not be located between a principal structure and any adjacent streets unless the equipment is screened from view. Such screening shall meet the standards of the DCSM. .
- (3) Mechanical equipment for the uses Data Center, Manufacturing, Light, and Warehousing and Distribution shall not be located between the principal structure and any “R” zoned lot, any “B” zoned lot containing a dwelling unit”, Child Care Center, Cultural Facility, Day Care Center - Adult, Educational Facility, Hospital, or Parks and Open Space.

(m) *Principal structure façade standards.*

- (1) The standards of this subsection shall apply to new principal structures for the uses Data Center, Manufacturing, Light and Warehousing and Distribution.
- (2) Variations to the structure’s façade shall be provided to diminish and mitigate the height, width, and scale of the structure, providing a design that is compatible to the surrounding community and streetscape.
- (3) The structure shall have a variation in its façade for every 100 feet of linear area. For structure’s with less than 100 feet of linear area, at least 35% of the building façade shall contain at least one variation.
- (4) Variations in the structure’s façade shall be consistent with the overall design of the structure.
- (5) To qualify as a variation, the structure shall include a change in building materials, color, glazing, or similar variation.
- (6) Landscaped berms, enhanced landscape plantings, and tree preservation can be considered for credit towards a part of the required variation. The calculation for this credit shall meet the standards established in the DCSM.

(n) *Noise standards.*

- (1) Noise shall meet the requirements of Chapter 58 (Environment).
- (2) Additional noise standards for the uses Data Center, Manufacturing, Light and Warehousing and Distribution:
 - a. A noise study demonstrating that the use meets Chapter 58 (Environment) shall be submitted with the special use permit and site plan application and recommended mitigation shall be incorporated into the approved site plan and/or building plans.
 - b. A post-construction noise study shall be submitted within 30 days after the use is operational demonstrating compliance with Chapter 58 (Environment).

Sec. 130-307. I-2 heavy industrial.

- (a) *Purpose and intent.* The I-2 heavy industrial district is intended to provide highly accessible, quality areas for existing heavy industrial uses that are separated from daily services and residences, and are flexible for a variety of business models and scales of operation due to their heavy truck traffic, excessive noise, and/or unique manufacturing needs.
- (b) *Uses permitted.* See §130-241.
- (c) *Minimum lot dimensions.* None, except that motor vehicle sales and rental, or heavy equipment sales and rental, shall have a minimum lot area of 20,000 square feet for each sales or rental office.
- (d) *Maximum structure height.* No structure shall be greater than 75 feet in height, excluding mechanical equipment, which shall be adequately screened. Broadcasting and telecommunication towers, public facilities, and public utility uses may exceed this height subject to approval of a special use permit in accordance with Article IX of this chapter.
- (e) *Minimum setback requirements:*
 - a. Front, 15 feet from any lot line, any street or private access easement right-of-way line, unless otherwise specified in this chapter; or half of a foot for each foot in height of a structure that is over 50 feet in height.
 - b. Side and rear:
 - i. None adjacent to a “B” or “I” district lot line.
 - ii. 25 feet from any “R” district lot line. However, when the structure exceeds 25 feet in height, an additional setback of one foot shall be required for each foot in height above 25 feet.
 - c. Additional setbacks for the uses Data Center, Manufacturing, Heavy, Truck Terminal, and Warehousing and Distribution:
 - i. Structures that exceed 25 feet in height shall be required to provide an additional setback of 2.5 feet for every foot of height above 25 feet. This standard shall apply when the use is adjacent to the following:

1. Any “R” zoned lot;
2. Any “I” or “B” zoned lot containing a dwelling unit;
3. Any lot with one of the following uses: Child Care Center, Cultural Facility, Day Care Center – Adult, Educational Facility, Hospital, and Parks and Open Space.

(f) *Off-street parking requirements.* See Article VI of this chapter.

(g) *Open space and tree canopy requirements.* See Article VII of this chapter.

(h) *Drive-through windows.* Drive-through windows are permitted for all uses in conformance with the DCSM.

(i) *Outdoor Storage.* Outdoor storage may be permitted to the side or rear of a principal structure, and shall not be located between a principal structure and any adjacent streets. The outdoor storage area shall be screened on all sides by opaque walls or fences and supplemented by landscaping in addition to the requirements §130-307 (j) and the DCSM.

(j) *Screening.* To assist in the prevention of the transmission of light, noise or other deleterious effects from industrial uses into any adjacent “R” or “B” district, and to provide screening between outdoor storage and other uses within the I-2 zone, screening shall be required. Such screening and landscape buffers shall conform to the DCSM and shall be provided as follows:

- (1) A continuous six-foot high opaque screen and landscape buffer with a minimum of 25 feet in depth shall be provided along the common boundary line between any “R” district lot line and any I-2 use.
- (2) A continuous six-foot high opaque screen shall be provided around all outdoor storage areas abutting and visible from an adjacent “B” or “I” district, or any street rights-of-way.
- (3) All mechanical equipment must be screened from view in accordance with this Chapter and the DCSM. Rooftop mechanical equipment shall be screened from view by a parapet wall or other similar screening method.

(k) *Outdoor display.* See §130-61.

(l) *Mechanical equipment standards.*

- (1) Mechanical equipment shall be permitted to the side or rear of a principal structure unless otherwise prohibited by this section.
- (2) Mechanical equipment shall not be located between a principal structure and any adjacent streets unless the equipment is screened from view in accordance with this Chapter and the DCSM.

- (3) Mechanical equipment for the uses Data Center, Manufacturing, Light, Manufacturing, Heavy, Truck Terminal, and Warehousing and Distribution shall not be located between the principal structure and any “R” zoned lot, any “I” or “B” zoned lot containing a dwelling unit, and the following uses: Child Care Center, Cultural Facility, Day Care Center – Adult, Educational Facility, or Parks and Open Space.

(m) *Principal structure façade standards.*

- (1) The standards of this subsection shall apply to new principal structures for the uses Data Center, Manufacturing, Light, Manufacturing, Heavy, Truck Terminal, and Warehousing and Distribution.
- (2) Variations to the structure’s façade shall be provided to diminish and mitigate the height, width, and scale of the structure, providing a design that is compatible to the surrounding community and streetscape.
- (3) The structure shall have a variation in its façade for every 100 feet of linear area. For structure’s with less than 100 feet of linear area, at least 35% of the building façade shall contain at least one variation.
- (4) Variations in the structure’s façade shall be consistent with the overall design of the structure.
- (5) To qualify as a variation, the structure shall include a change in building materials, color, glazing, or similar variation.
- (6) Landscaped berms, enhanced landscape plantings, and tree preservation can be considered for credit towards a part of the required variation. The calculation for this credit shall meet the standards established in the DCSM.

(n) *Noise standards.*

- (1) Noise shall meet the requirements of Chapter 58 (Environment).
- (2) Additional noise standards for the uses Data Center, Manufacturing, Light, Manufacturing, Heavy, Truck Terminal, and Warehousing and Distribution:
 - a. A noise study demonstrating that the use meets Chapter 58 (Environment) shall be submitted with the special use permit and site plan application and recommended mitigation shall be incorporated into the approved site plan and/or building plans.
 - b. A post-construction noise study shall be submitted within 30 days after the use is operational demonstrating compliance with Chapter 58 (Environment).

ARTICLE II. DEFINITIONS

Sec. 130-42. Definitions.

Accessory dwelling unit, detached means a secondary, independent dwelling unit that is detached from a single-family detached dwelling unit.

Accessory dwelling unit, attached means a secondary, independent dwelling unit located within or attached to a single-family detached dwelling unit.

Data center means a facility comprised of computer systems and related infrastructure that is designed to store, manage, process, and transmit digital data, but does not include server rooms or information technology infrastructure that are accessory to a public utility or principal use.

ARTICLE III. GENERAL REGULATIONS

DIVISION 1. DEVELOPMENT STANDARDS

Sec. 130-68 Accessory dwelling units.

(a) General regulations:

- (1) A maximum of one accessory dwelling unit is permitted per property containing a single family detached dwelling unit permitted by right.
- (2) The unit shall contain a separate living area, kitchen, and a bathroom.
- (3) Parking shall meet the requirements of Article VI.
- (4) Both the single-family detached dwelling and the accessory dwelling unit shall remain under common ownership.
- (5) Accessory dwelling units shall not count against the maximum density of the zoning district or against the limitations of Sec. 130-57(a)(2).
- (6) The unit's architecture and materials shall be consistent with the design of the single-family detached dwelling.

(b) Accessory dwelling unit, detached:

- (1) The unit shall have a gross floor area not to exceed 800 sq. ft.
- (2) Height and setbacks. See §130-57.
- (3) New units and existing conforming accessory structures that are converted into a unit shall meet the location requirements of §130-57.
- (4) Units shall be located a minimum of 10 feet from any other structure, on site or off-site.
- (5) Nonconforming accessory structures may be converted into a unit, subject to the requirements of Sec. §130-163.

(c) Accessory dwelling unit, attached.

- (1) The height and setbacks of the unit shall meet the requirements of principal structures in the zoning district.
- (2) The gross floor area of the unit, excluding basements, shall not exceed 30% of the gross floor area of the single-family detached dwelling.
- (3) A unit located in a basement may occupy the entire basement floor subject to compliance with the Uniform Statewide Building and Fire Prevention Codes.
- (4) The entrance to the unit shall be provided by a separate exterior door.
- (5) Nonconforming attached accessory structures may be converted into a unit, subject to the additional requirements of Sec. §130-163.

ARTICLE V. NONCONFORMING USES, LOTS, AND STRUCTURES

Sec. 130-163. Nonconforming structures and improvements.

- (a) All structures and improvements except single-family detached dwellings, the conversion of nonconforming accessory structures into accessory dwelling units or manufactured homes:
 - (1) A nonconforming structure under §130-163(a) or nonconforming improvement may continue as it existed when it became nonconforming. A nonconforming structure or nonconforming improvement shall not be reconstructed, altered, or expanded in any manner, except as provided in this section.
 - (2) A nonconforming structure or nonconforming improvement may be repaired only if:
 - a. Such repair constitutes routine maintenance necessary to keep the structure or improvement in the same general condition it was in when it originally became nonconforming; or
 - b. Such repair constitutes minor alterations, cosmetic modifications, interior renovations and similar changes that do not increase the land area occupied, unless approved as provided in §130-163(4).
 - (3) A nonconforming structure may be changed to make it a conforming structure.
 - (4) A nonconforming structure under §130-163(a) may be enlarged or altered to an extent not to exceed 20 percent of its original footprint by administrative approval if the proposed enlargement or alteration will be constructed in a manner that conforms to all current yard dimensions and setbacks as required for new construction within the specified zoning district.

- (5) If a nonconforming structure is removed for any reason to another parcel of land, regardless of distance, or the lot lines of the parcel on which it is located change, the structure shall thereafter conform to the requirements of the district in which it is located.

(b) All single-family detached dwellings:

- (1) A nonconforming single-family detached structure may continue as it existed when it became nonconforming. A nonconforming structure shall not be reconstructed, altered, or expanded in any manner, except as provided in this section.
- (2) A nonconforming single-family detached structure may be changed to make it a conforming structure.
- (3) A nonconforming single-family detached structure may be enlarged or altered by administrative approval if the proposed enlargement or alteration conforms to all currently required yard dimensions and setbacks as specified in the district in which it is located.
- (4) Should a proposed alteration of a nonconforming single-family detached structure not meet current yard dimensions or setbacks, and the expansion proposed is less than 20 percent of the original footprint of the nonconforming structure, the Zoning Administrator may administratively approve the expansion if the proposed expansion does not increase the nonconformity of the existing yard dimensions or setbacks.
- (5) Should a nonconforming single-family detached structure be removed for any reason to another parcel of land, regardless of distance, or the lot lines of the parcel on which it is located change, the structure shall thereafter conform to the requirements of the district in which it is located.

(c) Conversion of nonconforming accessory structures into accessory dwelling units:

- (1) A nonconforming accessory structure may be converted into an accessory dwelling unit in accordance with Sec. 130-68. Such conversion shall not change the nonconforming status of the structure.
- (2) A converted accessory dwelling unit may be changed into a conforming structure.
- (3) A converted accessory dwelling unit may be enlarged or altered by administrative approval if the proposed enlargement or alteration conforms to all currently required yard dimensions and setbacks as specified in the district in which it is located.
- (4) Should a proposed expansion of a converted accessory dwelling unit not meet current yard dimensions or setbacks, and the expansion proposed is less than 20 percent of the original footprint of the nonconforming structure, the Zoning Administrator may administratively approve the expansion if the proposed expansion does not increase the nonconformity of the existing yard dimensions or setbacks.
- (5) Should a converted accessory dwelling unit be removed for any reason to another parcel of land, regardless of distance, or the lot lines of the parcel on which it is located change, the structure shall thereafter conform to the requirements of the district in which it is located.

~~(c)~~(d) The owner of any nonconforming structure damaged or destroyed by a natural disaster or other Act of God may repair, rebuild, or replace such structure to eliminate or reduce the nonconforming features to the extent possible, without the need to obtain a variance. If such structure is damaged greater than 50 percent and cannot be repaired, rebuilt, or replaced except to restore it to its original nonconforming condition, the owner shall have the right to do so. Any work done to repair, rebuild, or replace such structure shall comply with the requirements of the building code and City floodplain requirements. Unless such structure is repaired, rebuilt, or replaced within two years of the date of the natural disaster or other Act of God, such structure shall only be repaired, rebuilt, or replaced in accordance with the requirements of this chapter. However, if a nonconforming structure is in an area under a federal disaster declaration and the building has been damaged or destroyed as a direct result of conditions that gave rise to the declaration, then the property owner shall have an additional two years for the building to be repaired, rebuilt, or replaced as otherwise provided in this paragraph.

~~(d)~~(e) Any building or structure which is nonconforming under paragraph (2) of the definition of nonconforming structure shall be brought into compliance with the Uniform Statewide Building Code, and doing so shall not affect the nonconforming status of such building or structure.

~~(e)~~(f) Any nonconforming improvement shall be maintained in good condition, reasonable wear and tear excepted, or replaced with a conforming improvement.

~~(f)~~(g) Access to sanitary sewer systems being available throughout the City, the owner of real property with existing on-site sewage system may not replace such system if it is damaged by natural disaster or other Act of God, and shall connect to the City's sanitary sewer system.

ARTICLE VI. PARKING AND LOADING REQUIREMENTS

Sec. 130-204. Off Street Parking Requirements.

§130-204, TABLE 1: MINIMUM OFF-STREET PARKING REQUIREMENTS				
LAND USES DU = Dwelling Unit SF = Building's Gross Square Feet	REQUIRED OFF-STREET PARKING	SPECIAL DISTRICTS		EXCEPTIONS/ COMMENTS/ ADDITIONAL REQUIREMENTS
		DOWNTOWN* *For B-3 Zoning See §130-204(b)	GODWIN TECHNOLOGY, MATHIS, SUDLEY MEDICAL	
ACCESSORY USES				No maximum parking required
<u>Accessory Dwelling Unit</u>	<u>1 plus single-family detached unit requirement</u>	<u>1 plus single-family detached unit requirement</u>	<u>1 plus single-family detached unit requirement</u>	<u>Sec. 130-68</u>

COMMERCIAL USES				For all commercial uses, maximum parking shall not exceed 125% of the min. requirement (See §130-204(c))
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INDUSTRIAL USES				No maximum parking required
<u>Data Center</u>	<u>Zoning Administrator Determination</u>	<u>Zoning Administrator Determination</u>	<u>Zoning Administrator Determination</u>	

Editor's Note: No other changes to §130-204 Table 1.

ARTICLE VIII. ZONING DISTRICTS

DIVISION 1. PERMITTED USES

Sec. 130-241. Use tables.

- (a) Tables 1 and 2 list all use types and all zoning districts where the use type is permitted ("P") or permitted with approval of a special use permit ("S") in accordance with the requirements of Article IX of this chapter.
- (b) All uses defined in Sec. 130-42 and/or listed in Tables 1 and 2 that are not specifically permitted ("P") or permitted with approval of a special use permit ("S") are prohibited.
- (c) Overlay Districts: Regardless of whether the use table lists a use type as permitted or permitted with approval of a special use permit, the use type shall be restricted or prohibited by the requirements of any overlay district.
- (d) The "Additional Requirements" column in Tables 1 and 2 is for reference only and is not intended as an all-inclusive listing of all local, state, or federal requirements and regulations applicable to a use type.

§ 130-241 TABLE 1

"P"= Permitted By-Right "S"= Special Use Permit is Required

CATEGORY	USE TYPE	ZONING DISTRICTS									ADDITIONAL REQUIREMENTS
		RESIDENTIAL DISTRICTS									
		A-1	R-1	R-2	R-2-S	R-3	R-4	R-5	R-6	R-7	
RESIDENTIAL	Age-Restricted Housing								P	P	Sec. 130-268 Sec. 130-269
	Cottage Court							P	P	P	Sec. 130-66
	Duplex					P		P	P	P	
	Dwelling, Multifamily							P	P	P	
	Dwelling, Single-Family Attached					P			P	P	
	Dwelling, Single-Family Detached	P	P	P	P				P	P	
	Live/Work Unit							P		P	
	Manufactured Home	P					P				Sec. 130-98
	Manufactured Home Park						P				Sec. 130-98
	Private Community Recreational Use	P	P	P	P	P	P	P	P	P	
	Group Home	P	P	P	P	P	P	P	P	P	
ASSEMBLY & INSTITUTIONAL	Assembly, Place of (less than 50 persons)	S	S	S	S	S		S	S	S	
	Assembly, Place of (50 or more persons)	S	S	S	S	S		S	S	S	
	Broadcasting or Telecommunication Tower	S	S	S	S	S	S	S	S	S	
	Broadcasting or Telecommunication Tower, Administrative Review	P	P	P	P	P	P	P	P	P	Sec. 130-92

§ 130-241 TABLE 1

"P"= Permitted By-Right "S"= Special Use Permit is Required

CATEGORY	USE TYPE	ZONING DISTRICTS									ADDITIONAL REQUIREMENTS
		RESIDENTIAL DISTRICTS									
		A-1	R-1	R-2	R-2-S	R-3	R-4	R-5	R-6	R-7	
	Business or Trade School (less than 50 persons)										
	Business or Trade School (50 or more persons)										
	Cemetery	S	S	S	S	S		S	S	S	
ASSEMBLY & INSTITUTIONAL (CONT)	Child Care Center	S	S	S	S					S	
	Children's Residential Facility									S	
	Congregate/Continuing Care, Assisted Living Facility								P	S	
	Cultural Facility	P	S	S	S	S	S	S	S	S	
	Day Care Center, Adult								P	S	
	Educational Facility, College or University										
	Educational Facility, Primary or Secondary	S	S	S	S	S	S	S		S	
	Hospital										
	Medical Care Facility										
	Nursing Home								P		
	Parks and Open Space	P	P	P	P	P	P	P	P	P	
	Public Dancehall										Ch. 14
	Public Facility	P	S	S	S	S	S	S	S	S	
	Public Utility	P	P	P	P	P	P	P	P	P	

§ 130-241 TABLE 1

"P"= Permitted By-Right "S"= Special Use Permit is Required

CATEGORY	USE TYPE	ZONING DISTRICTS									ADDITIONAL REQUIREMENTS
		RESIDENTIAL DISTRICTS									
		A-1	R-1	R-2	R-2-S	R-3	R-4	R-5	R-6	R-7	
	Sexually Oriented Business (Adult Cabaret/Adult Motion Picture Theater)										Sec. 130-103
	Shelter, Residential										
COMMERCIAL	Agriculture and Silviculture	P									
	Airport or Aviation Facility										
	Antique Shop										
	Bed and Breakfast	S	S	S	S					S	Sec. 130-91
	Brewery or Distillery										
COMMERCIAL (CONT)	Business Support Service										
	Car Wash										
	Catering Facility										
	Construction Material Sales										
	Consumer Repair or Contractor/Tradesperson Services										
	Craft Shop										
	Crematory										
	Financial Institution										
	Garden Center										
	Fueling Station (8 or fewer fuel pumps)										

§ 130-241 TABLE 1

"P"= Permitted By-Right "S"= Special Use Permit is Required

CATEGORY	USE TYPE	ZONING DISTRICTS									ADDITIONAL REQUIREMENTS
		RESIDENTIAL DISTRICTS									
		A-1	R-1	R-2	R-2-S	R-3	R-4	R-5	R-6	R-7	
	Fueling Station (9 or more fuel pumps)										
	Heliport										
	Hotel										
	Kennel										Sec. 130-97
	Liquor Store										Sec. 130-94
	Mini-Warehouse or Self-Storage										
	Motor Vehicle Service										Sec. 130-100
	Motor Vehicle Sales and Rental										Sec. 130-99
	Office, General										
	Office, Medical										
	Parking Structure, Multilevel										
	Personal Improvement Service										
	Professional Personal Service										
COMMERCIAL (CONT)	Restaurant										
	Retail Sales										
	Sexually Oriented Business (Adult Bookstore or Video Store/Seminude Model Studio/Sexual Device Shop)										Sec. 130-103

§ 130-241 TABLE 1

"P"= Permitted By-Right "S"= Special Use Permit is Required

CATEGORY	USE TYPE	ZONING DISTRICTS									ADDITIONAL REQUIREMENTS
		RESIDENTIAL DISTRICTS									
		A-1	R-1	R-2	R-2-S	R-3	R-4	R-5	R-6	R-7	
	Short-Term Loan Establishment										Sec. 130-94
	Specialty Food Shop										
	Tattoo Parlor and/or Body Piercing Salon										
	Veterinary Hospital										
ACCESSORY	Accessory Uses	P	P	P	P	P	P	P	P	P	Sec. 130-57
	<u>Accessory Dwelling Unit</u>		<u>P</u>	<u>P</u>	<u>P</u>				<u>P</u>	<u>P</u>	<u>Sec. 130-68</u>
	Amateur Radio Tower	P	P	P	P					P	Sec. 130-57
	Caretaker Quarters										
	Family Day Home	P	P	P	P	P	P	P	P	P	Sec. 130-93
	Family Health Care Structure, Temporary	P	P	P	P					P	Sec. 130-104
	Home Business	S	S	S	S					S	Sec. 130-95
	Home Occupation	P	P	P	P	P	P	P	P	P	Sec. 130-96
	Temporary Use (Outdoor Events)	P									Sec. 130-104 Ch. 14
	Temporary Use (Outdoor Sales)										Sec. 130-104
	Yard Sale, Residential	P	P	P	P	P	P	P	P	P	Sec. 130-101

§ 130-241 TABLE 2											
"P"= Permitted By-Right "S"= Special Use Permit is Required											
CATEGORY	USE TYPE	ZONING DISTRICTS									ADDITIONAL REQUIREMENTS
		NON-RESIDENTIAL & MIXED USE DISTRICTS									
		B-2 ¹	B-3	B-3.5	PMD	B-1 ²	B-4	I-1	I-2	I-A	
RESIDENTIAL	Age-Restricted Housing			P	P						Sec. 130-308
	Cottage Court		P	P	P						Sec. 130-66
	Duplex		P	P	P						
	Dwelling, Multifamily		P	P	P						Sec. 130-303
	Dwelling, Single-Family Attached			P	P						
	Dwelling, Single-Family Detached		P	P	P						
	Live/Work Unit		P	P	P						
	Manufactured Home										Sec. 130-98
	Manufactured Home Park										Sec. 130-98
	Private Community Recreational Use		P	P	P						
	Group Home		P	P	P						
ASSEMBLY & INSTITUTIONAL	Assembly, Place of (less than 50 persons)	P	P	P	P	P	P	S		S	
	Assembly, Place of (50 or more persons)	S	S	S	S	S	S	S		S	

¹ All uses subject to floor area limit of 10,000 square feet

² Refer to § 130-301 for list of uses subject to 25% gross floor area limit

§ 130-241 TABLE 2

"P"= Permitted By-Right "S"= Special Use Permit is Required

CATEGORY	USE TYPE	ZONING DISTRICTS									ADDITIONAL REQUIREMENTS
		NON-RESIDENTIAL & MIXED USE DISTRICTS									
		B-2 ¹	B-3	B-3.5	PMD	B-1 ²	B-4	I-1	I-2	I-A	
	Broadcasting or Telecommunication Tower	S			S	S	S	S	S	S	
	Broadcasting or Telecommunication Tower, Administrative Review	P	P	P	P	P	P	P	P	P	Sec. 130-92
	Business or Trade School (less than 50 persons)	P	P	P	P	P	P	P		P	
	Business or Trade School (50 or more persons)	S	S	S	S	P	P	S		S	
ASSEMBLY & INSTITUTIONAL (CONT)	Cemetery	S	S	S	S	S	S	S			
	Child Care Center	P	S	S	P	S	P	S		S	
	Children's Residential Facility			S	S						
	Congregate/Continuing Care, Assisted Living Facility			S	S						
	Cultural Facility	P	P	P	P		P			S	
	Day Care Center, Adult	P	S	S	P	S	P	S			
	Educational Facility, College or University		S	S	S	S	S	S		S	
	Educational Facility, Primary or Secondary		S	S	S	S	S	S		S	
	Hospital				S	S	S				
	Medical Care Facility	S	S	S	S	S	S				

§ 130-241 TABLE 2

"P"= Permitted By-Right "S"= Special Use Permit is Required

CATEGORY	USE TYPE	ZONING DISTRICTS									ADDITIONAL REQUIREMENTS
		NON-RESIDENTIAL & MIXED USE DISTRICTS									
		B-2 ¹	B-3	B-3.5	PMD	B-1 ²	B-4	I-1	I-2	I-A	
	Nursing Home			S	S						
	Parks and Open Space	P	P	P	P	P	P	P	P	P	
	Public Dancehall						S	S			Ch. 14
	Public Facility	P	P	P	P	P	P	P	P	P	
	Public Utility	P	P	P	P	P	P	P	P	P	
	Sexually Oriented Business (Adult Cabaret/Adult Motion Picture Theater)							P			Sec. 130-103
	Shelter, Residential						S	S			
COMMERCIAL	Agriculture and Silviculture										
	Airport or Aviation Facility							P		P	
	Antique Shop	P	P	P	P		P				
	Bed and Breakfast		P	S	S						Sec. 130-91
COMMERCIAL (CONT)	Brewery (500 barrels or less annually) or Distillery (5,000 gallons or less annually)	P	P	P	P		P				
	Brewery (over 500 barrels annually) or Distillery (over 5,000 gallons annually)	S	S	S	P		P	P	P		
	Business Support Service	P	P	P	P	P	P	P	P	P	
	Car Wash	S			S		S	S			

§ 130-241 TABLE 2

"P"= Permitted By-Right "S"= Special Use Permit is Required

CATEGORY	USE TYPE	ZONING DISTRICTS								ADDITIONAL REQUIREMENTS	
		NON-RESIDENTIAL & MIXED USE DISTRICTS									
		B-2 ¹	B-3	B-3.5	PMD	B-1 ²	B-4	I-1	I-2		I-A
	Catering Facility	P	P	P	P		P	P		P	
	Construction Material Sales						P	P			Sec. 130-61
	Consumer Repair or Contractor/Tradesperson Services	P	S	S	S		P	P	P		
	Craft Shop	P	P	P	P		P	P			Sec. 130-61
	Crematory	S	S	S	S	S	S	S	S		
	Financial Institution	P	P	P	P	P	P	P			
	Garden Center						P	P			Sec. 130-61
	Fueling Station (8 or fewer fuel pumps)	S			S		S	S	S	S	
	Fueling Station (9 or more fuel pumps)				S		S	S	S	S	
	Heliport				S		S	S		P	
	Hotel		P	P	P		P			S	
	Kennel				S		S	S			Sec. 130-97
	Liquor Store						P				Sec. 130-94
	Mini-Warehouse or Self-Storage							P	P		
	Motor Vehicle Parts/Supply Establishment						P	P	P		
	Motor Vehicle Service						S	S	P		Sec. 130-100

§ 130-241 TABLE 2

"P"= Permitted By-Right "S"= Special Use Permit is Required

CATEGORY	USE TYPE	ZONING DISTRICTS									ADDITIONAL REQUIREMENTS
		NON-RESIDENTIAL & MIXED USE DISTRICTS									
		B-2 ¹	B-3	B-3.5	PMD	B-1 ²	B-4	I-1	I-2	I-A	
	Motor Vehicle Sales and Rental						S	S	P	S	Sec. 130-99
COMMERCIAL (CONT)	Office, General	P	P	P	P	P	P	P		P	
	Office, Medical	P	P	P	P	P	P				
	Parking Structure, Multilevel		P	P	P	P	P	P	P	P	
	Personal Improvement Service	P	P	P	P	P	P	P	P	P	
	Professional Personal Service	P	P	P	P	P	P			P	
	Restaurant	P	P	P	P		P			P	
	Retail Sales	P	P	P	P	P	P			P	
	Sexually Oriented Business (Adult Bookstore or Video Store/Seminude Model Studio/Sexual Device Shop)							P	P		Sec. 130-103
	Short-Term Loan Establishment						P				Sec. 130-94
	Specialty Food Shop	P	P	P	P	P	P	P		P	
	Tattoo Parlor and/or Body Piercing Salon						P				
	Veterinary Hospital	P	P	P	P		P	S			
	<u>Data center</u>							<u>P</u>	<u>P</u>		

§ 130-241 TABLE 2

"P"= Permitted By-Right "S"= Special Use Permit is Required

CATEGORY	USE TYPE	ZONING DISTRICTS									ADDITIONAL REQUIREMENTS
		NON-RESIDENTIAL & MIXED USE DISTRICTS									
		B-2 ¹	B-3	B-3.5	PMD	B-1 ²	B-4	I-1	I-2	I-A	
	Heavy Equipment Sales and Rental							S	P		Sec. 130-99
	Laboratory					P		P	P	P	
	Laundry, Commercial							P	P		
	Manufacturing, Heavy								S		
	Manufacturing, Light							P	P	P	
	Motor Vehicle Repair							S	P		Sec. 130-100
	Research and Development					P		P	P	P	
	Storage Yard/Facility/Chemical Storage/Tank Farm (Hazardous Materials)							S	S	S	
	INDUSTRIAL (CONT)	Storage Yard/Facility/Chemical Storage/Tank Farm (Non-Hazardous Materials)								P	
Truck Terminal									P		
Warehousing and Distribution								P	P	P	
Wholesale Trade								P	P	P	
ACCESSORY	Accessory Uses	P	P	P	P	P	P	P	P	P	Sec. 130-57
	Accessory Dwelling Unit		P	P	P						Sec. 130-68
	Amateur Radio Tower		P	P	P						Sec. 130-57
	Caretaker Quarters						P	P	P		

§ 130-241 TABLE 2

"P"= Permitted By-Right "S"= Special Use Permit is Required

CATEGORY	USE TYPE	ZONING DISTRICTS								ADDITIONAL REQUIREMENTS	
		NON-RESIDENTIAL & MIXED USE DISTRICTS									
		B-2 ¹	B-3	B-3.5	PMD	B-1 ²	B-4	I-1	I-2		I-A
	Family Day Home		P	P	P						Sec. 130-93
	Family Health Care Structure, Temporary		P	P	P						Sec. 130-104
	Home Business		S	S	S						Sec. 130-95
	Home Occupation		P	P	P						Sec. 130-96
	Temporary Use (Outdoor Events)	P	P	P	P	P	P	P	P	P	Sec. 130-104 Ch. 14
	Temporary Use (Outdoor Sales)	P	P	P	P	P	P	P	P	P	Sec. 130-104
	Yard Sale, Residential		P	P	P						Sec. 130-101

Sec. 130-306. I-1 light industrial.

- (a) *Purpose and intent.* The I-1 light industrial district is intended to implement the Comprehensive Plan's Godwin Technology Character Area and to provide highly accessible, quality areas that are separated from daily services and residences and are flexible for a variety of business models and scales of operation, including research and development, business offices, light manufacturing, distribution, supply, and related activities.
- (b) *Uses permitted.* See §130-241.
- (c) *Minimum lot dimensions.* None, except that motor vehicle sales and rental, or heavy equipment sales and rental, shall have a minimum lot area of 20,000 square feet for each sales or rental office.
- (d) *Maximum structure height.* No structure shall be greater than 75 feet in height excluding mechanical equipment, which shall be adequately screened. Uses may exceed this height subject to approval of a special use permit in accordance with Article IX of this chapter.

(e) *Minimum setback requirements:*

- (1) Front, 15 feet from any lot line, any street or private access easement right-of way line; or half of a foot for each foot in height of a structure that is over 50 feet in height.
- (2) Side and rear:
 - a. None adjacent to a “B” or “I” district lot line.
 - b. 25 feet from any “R” district lot line. However, when the structure exceeds 25 feet in height, an additional setback of one foot shall be required for each foot in height above 25 feet.

(3) Additional setbacks for the uses Data Center, Manufacturing, Light, and Warehousing and Distribution:

- a. Structures that exceed 25 feet in height shall be required to provide an additional setback of 2.5 feet for every foot of height above 25 feet. This standard shall apply when the use is adjacent to the following:
 1. Any “R” zoned lot;
 2. Any “I” or “B” zoned lot containing a dwelling unit;
 3. Any lot with one of the following uses: Child Care Center, Cultural Facility, Day Care Center – Adult, Educational Facility, Hospital, and Parks and Open Space.

(f) *Off-street parking requirements.* See Article VI of this chapter.

(g) *Open space and tree canopy requirements.* See Article VII of this chapter.

~~(f)~~(h) Drive-through windows. Drive-through windows are permitted for all uses in conformance with the DCSM.

~~(g)~~(i) Outdoor storage. All uses shall be conducted within a completely enclosed building. All active storage shall either be entirely within buildings enclosed on all sides, or outdoor storage shall be permitted to the side or rear of a principal structure and shall not be located between a principal structure and any adjacent streets. Any outdoor storage area shall be screened on all sides by opaque walls or fences and supplemented by landscaping in addition to the requirements of §130-306 (j) and the DCSM.

~~(h)~~

~~(i)~~(j) *Screening.* To assist in the prevention of the transmission of light, noise, or other deleterious effects from industrial uses into any adjacent “R” or “B” district, and to provide screening between outdoor storage and other uses within the I-1 zone, screening shall be required. Such screening and landscape buffers shall conform to the DCSM and shall be provided as follows:

- (1) A continuous six-foot high opaque screen and landscape buffer with a minimum of 25 feet in depth shall be provided along the common boundary line between any “R” district lot line and any I-1 use.

(2) A continuous six-foot high opaque screen shall be provided around all outdoor storage areas abutting and visible from an adjacent “B” or “I” district, or any street rights-of-way.

(3) Exterior exercise areas are permitted for veterinary hospitals and shall be screened on all sides with a continuous six-foot high opaque screen.

(4) All mechanical equipment must be screened from view in accordance with this Chapter and the DCSM. Rooftop mechanical equipment shall be screened from view by a parapet wall or other similar screening method.

(k) Outdoor display See §130-61.

(l) Mechanical equipment standards.

(1) Mechanical equipment shall be permitted to the side or rear of a principal structure unless otherwise prohibited by this section.

(2) Mechanical equipment shall not be located between a principal structure and any adjacent streets unless the equipment is screened from view. Such screening shall meet the standards of the DCSM. .

(3) Mechanical equipment for the uses Data Center, Manufacturing, Light, and Warehousing and Distribution shall not be located between the principal structure and any “R” zoned lot, any “B” zoned lot containing a dwelling unit”, Child Care Center, Cultural Facility, Day Care Center - Adult, Educational Facility, Hospital, or Parks and Open Space.

(m) Principal structure façade standards.

(1) The standards of this subsection shall apply to new principal structures for the uses Data Center, Manufacturing, Light and Warehousing and Distribution.

(2) Variations to the structure’s façade shall be provided to diminish and mitigate the height, width, and scale of the structure, providing a design that is compatible to the surrounding community and streetscape.

(3) The structure shall have a variation in its façade for every 100 feet of linear area. For structure’s with less than 100 feet of linear area, at least 35% of the building façade shall contain at least one variation.

(4) Variations in the structure’s façade shall be consistent with the overall design of the structure.

(5) To qualify as a variation, the structure shall include a change in building materials, color, glazing, or similar variation.

(6) Landscaped berms, enhanced landscape plantings, and tree preservation can be considered for credit towards a part of the required variation. The calculation for this credit shall meet the standards established in the DCSM.

(n) Noise standards.

(1) Noise shall meet the requirements of Chapter 58 (Environment).

(2) Additional noise standards for the uses Data Center, Manufacturing, Light and Warehousing and Distribution:

a. A noise study demonstrating that the use meets Chapter 58 (Environment) shall be submitted with the special use permit and site plan application and recommended mitigation shall be incorporated into the approved site plan and/or building plans.

b. A post-construction noise study shall be submitted within 30 days after the use is operational demonstrating compliance with Chapter 58 (Environment).

Sec. 130-307. I-2 heavy industrial.

(a) *Purpose and intent.* The I-2 heavy industrial district is intended to provide highly accessible, quality areas for existing heavy industrial uses that are separated from daily services and residences, and are flexible for a variety of business models and scales of operation due to their heavy truck traffic, excessive noise, and/or unique manufacturing needs.

(b) *Uses permitted.* See §130-241.

(c) *Minimum lot dimensions.* None, except that motor vehicle sales and rental, or heavy equipment sales and rental, shall have a minimum lot area of 20,000 square feet for each sales or rental office.

(d) *Maximum structure height.* No structure shall be greater than 75 feet in height, excluding mechanical equipment, which shall be adequately screened. Broadcasting and telecommunication towers, public facilities, and public utility uses may exceed this height subject to approval of a special use permit in accordance with Article IX of this chapter.

(e) *Minimum setback requirements:*

a. Front, 15 feet from any lot line, any street or private access easement right-of-way line, unless otherwise specified in this chapter; or half of a foot for each foot in height of a structure that is over 50 feet in height.

b. Side and rear:

i. None adjacent to a "B" or "I" district lot line.

ii. 25 feet from any "R" district lot line. However, when the structure exceeds 25 feet in height, an additional setback of one foot shall be required for each foot in height above 25 feet.

c. Additional setbacks for the uses Data Center, Manufacturing, Heavy, Truck Terminal, and Warehousing and Distribution:

i. Structures that exceed 25 feet in height shall be required to provide an additional setback of 2.5 feet for every foot of height above 25 feet. This standard shall apply when the use is adjacent to the following:

1. Any “R” zoned lot;

2. Any “I” or “B” zoned lot containing a dwelling unit;

3. Any lot with one of the following uses: Child Care Center, Cultural Facility, Day Care Center – Adult, Educational Facility, Hospital, and Parks and Open Space.

(f) *Off-street parking requirements.* See Article VI of this chapter.

(g) *Open space and tree canopy requirements.* See Article VII of this chapter.

(h) *Drive-through windows.* Drive-through windows are permitted for all uses in conformance with the DCSM.

(i) *Outdoor Storage.* Outdoor storage may be permitted to the side or rear of a principal structure, and shall not be located between a principal structure and any adjacent streets. The outdoor storage area shall be screened on all sides by opaque walls or fences and supplemented by landscaping in addition to the requirements §130-307 (j) and the DCSM.

(j) *Screening.* To assist in the prevention of the transmission of light, noise or other deleterious effects from industrial uses into any adjacent “R” or “B” district, and to provide screening between outdoor storage and other uses within the I-2 zone, screening shall be required. Such screening and landscape buffers shall conform to the DCSM and shall be provided as follows:

(1) A continuous six-foot high opaque screen and landscape buffer with a minimum of 25 feet in depth shall be provided along the common boundary line between any “R” district lot line and any I-2 use.

(2) A continuous six-foot high opaque screen shall be provided around all outdoor storage areas abutting and visible from an adjacent “B” or “I” district, or any street rights-of-way.

(3) All mechanical equipment must be screened from view in accordance with this Chapter and the DCSM. Rooftop mechanical equipment shall be screened from view by a parapet wall or other similar screening method.

(k) *Outdoor display.* See §130-61.

(l) Mechanical equipment standards.

- (1) Mechanical equipment shall be permitted to the side or rear of a principal structure unless otherwise prohibited by this section.
- (2) Mechanical equipment shall not be located between a principal structure and any adjacent streets unless the equipment is screened from view in accordance with this Chapter and the DCSM.
- (3) Mechanical equipment for the uses Data Center, Manufacturing, Light, Manufacturing, Heavy, Truck Terminal, and Warehousing and Distribution shall not be located between the principal structure and any “R” zoned lot, any “I” or “B” zoned lot containing a dwelling unit, and the following uses: Child Care Center, Cultural Facility, Day Care Center – Adult, Educational Facility, or Parks and Open Space.

(m) Principal structure façade standards.

- (1) The standards of this subsection shall apply to new principal structures for the uses Data Center, Manufacturing, Light, Manufacturing, Heavy, Truck Terminal, and Warehousing and Distribution.
- (2) Variations to the structure’s façade shall be provided to diminish and mitigate the height, width, and scale of the structure, providing a design that is compatible to the surrounding community and streetscape.
- (3) The structure shall have a variation in its façade for every 100 feet of linear area. For structure’s with less than 100 feet of linear area, at least 35% of the building façade shall contain at least one variation.
- (4) Variations in the structure’s façade shall be consistent with the overall design of the structure.
- (5) To qualify as a variation, the structure shall include a change in building materials, color, glazing, or similar variation.
- (6) Landscaped berms, enhanced landscape plantings, and tree preservation can be considered for credit towards a part of the required variation. The calculation for this credit shall meet the standards established in the DCSM.

(n) Noise standards.

- (1) Noise shall meet the requirements of Chapter 58 (Environment).
- (2) Additional noise standards for the uses Data Center, Manufacturing, Light, Manufacturing, Heavy, Truck Terminal, and Warehousing and Distribution:
 - a. A noise study demonstrating that the use meets Chapter 58 (Environment) shall be submitted with the special use permit and site plan application and recommended mitigation shall be incorporated into the approved site plan and/or building plans.
 - b. A post-construction noise study shall be submitted within 30 days after the use is operational demonstrating compliance with Chapter 58 (Environment).

DRAFT

ARTICLE II. DEFINITIONS

Sec. 130-42. Definitions.

Cannabis dispensing facility means a facility that (i) has obtained a permit from the Board of Directors of the Virginia Cannabis Control Authority pursuant to § 4.1-1602 of the Code of Virginia; (ii) is owned, at least in part, by a pharmaceutical processor; and (iii) dispenses cannabis products produced by a pharmaceutical processor to a patient, his registered agent, or, if such patient is a minor or a vulnerable adult as defined in § 18.2-369 of the Code of Virginia, such patient's parent or legal guardian.

High impact business is an inclusive term used to describe cannabis dispensing facilities, liquor stores, retail marijuana store, or short-term loan establishments. This collective term does not describe a specific land use and shall not be considered a single use category for purposes of the zoning code or other applicable ordinances.

Marijuana means any part of a plant of the genus *Cannabis*, whether growing or not, its seeds or resin; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, its resin, or any extract containing one or more cannabinoids. "Marijuana" does not include (i) the mature stalks of such plant, fiber produced from such stalk, or oil or cake made from the seed of such plant, unless such stalks, fiber, oil, or cake is combined with other parts of plants of the genus *Cannabis*; (ii) industrial hemp, as defined in § 3.2-4112, that is possessed by a person registered pursuant to subsection A of § 3.2-4115 or his agent; (iii) industrial hemp, as defined in § 3.2-4112, that is possessed by a person who holds a hemp producer license issued by the U.S. Department of Agriculture pursuant to 7 C.F.R. Part 990; (iv) a hemp product, as defined in § 3.2-4112; (v) an industrial hemp extract, as defined in § 3.2-5145.1; or (vi) any substance containing a tetrahydrocannabinol isomer, ester, ether, salt, or salts of such isomer, ester, or ether that has been placed by the Board of Pharmacy into one of the schedules set forth in the Drug Control Act (§ 54.1-3400 et seq.) pursuant to § 54.1-3443.

Retail marijuana store means a facility licensed by the Virginia Cannabis Control Authority to purchase or take possession of retail marijuana, retail marijuana products, immature marijuana plants, or marijuana seeds from a marijuana cultivation facility, marijuana manufacturing facility, or marijuana wholesaler and to sell retail marijuana, retail marijuana products, immature marijuana plants, or marijuana seeds to consumers.

Research and Development means the use of land for investigation, study, experimentation, or design in scientific or technology-intensive fields. Examples include, but are not limited to, research and development of communication systems, transportation, geographic information systems, marijuana testing, multi-media, or video technology. Development of prototypes may be accessory to this use.

Wholesale Trade means the use of land for selling merchandise to retailers, industrial, commercial, institutional, agricultural, professional business users, marijuana wholesaler, other wholesalers, or when acting as agents or brokers in buying or selling merchandise to such persons or companies.

DIVISION 2. USE STANDARDS

Sec. 130-94. High impact businesses (cannabis dispensing facility, liquor stores, retail marijuana store, and short-term loan establishments).

(a) *Purpose and intent.* The purpose of this section is three-fold:

- (1) To ensure that cannabis dispensing facilities, liquor stores, retail marijuana store, and short-term loan establishments (collectively, "high impact businesses") are located so that they are separated from residential neighborhoods, libraries, parks, schools, ballfields, recreation centers, and places of worship where children are likely to be walking and playing and should not be forced to encounter such a business in their daily activities;
- (2) To ensure that high impact businesses are sufficiently separated from incompatible land uses to ensure an attractive and harmonious community and minimize the negative effect on land values that often accompanies high impact businesses; and
- (3) To ensure that high impact businesses do not locate in close proximity to sexually oriented businesses so that the City does not inadvertently create a "combat zone" or other area that is perceived to be dominated by such businesses or that causes the concentration of the secondary effects of such businesses in one area.

(b) *Location of high impact businesses.* It shall be unlawful to establish, operate, or cause to be operated a high impact business in the City, unless said high impact business is in a zone permitting such use and is at least:

- (1) Seven hundred fifty feet from any parcel occupied by a sexually oriented business;
- (2) Seven hundred fifty feet from any residential zoning district or residence; and
- (3) Seven hundred fifty feet from any parcel occupied by a church, chapel, synagogue, temple or other place of worship; a school or child care center serving students in grades K—12; a public park, Boys and Girls Club, YMCA, YWCA, or ballfield; or a public library.

(c) For the purpose of this section, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest part of the tenant space or structure occupied by the high impact business to the closest point on a property boundary or right-of-way associated with any of the land use(s) identified in subsection (b) above that exist on or before the date that a completed application for a license to operate the high impact businesses is filed with the City.

(d) Any protected use listed in subsection (b) of this section may begin operation within 750 feet of a high impact business only if the owner of the protected use, in addition to any other requirements of this Code, gives the City a written statement that it acknowledges the presence of the high impact business(es) and voluntarily waives the protection of subsection (b) of this section as to the high impact business(es) for as long as the high impact business(es) or any successor thereto remains. This written statement does not waive the protection of this section as to any high impact business established or relocated after the written statement. If a high impact business is discontinued for a period of two years or more, then it must comply with the setback requirements of this section regardless of any such written statements by protected uses.

ARTICLE VI. PARKING AND LOADING REQUIREMENTS

Sec. 130-204. Off Street Parking Requirements.

§130-204, TABLE 1: MINIMUM OFF-STREET PARKING REQUIREMENTS				
LAND USES DU = Dwelling Unit SF = Building's Gross Square Feet	REQUIRED OFF-STREET PARKING	SPECIAL DISTRICTS		EXCEPTIONS/ COMMENTS/ ADDITIONAL REQUIREMENTS
		DOWNTOWN* *For B-3 Zoning See §130-204(b)	GODWIN TECHNOLOGY, MATHIS, SUDLEY MEDICAL	

COMMERCIAL USES				For all commercial uses, maximum parking shall not exceed 125% of the min. requirement (See §130-204(c))
Cannabis Dispensing Facility	1 per 250 SF	1 per 600 SF	1 per 300 SF	Sec. 130-94
Retail Marijuana Store	1 per 250 SF	1 per 600 SF	1 per 300 SF	Sec. 130-94

Editor's Note: No other changes to §130-204 Table 1.

ARTICLE VIII. ZONING DISTRICTS

DIVISION 1. PERMITTED USES

Sec. 130-241. Use tables.

- (a) Tables 1 and 2 list all use types and all zoning districts where the use type is permitted (“P”) or permitted with approval of a special use permit (“S”) in accordance with the requirements of Article IX of this chapter.
- (b) All uses defined in Sec. 130-42 and/or listed in Tables 1 and 2 that are not specifically permitted (“P”) or permitted with approval of a special use permit (“S”) are prohibited.
- (c) Overlay Districts: Regardless of whether the use table lists a use type as permitted or permitted with approval of a special use permit, the use type shall be restricted or prohibited by the requirements of any overlay district.
- (d) The “Additional Requirements” column in Tables 1 and 2 is for reference only and is not intended as an all-inclusive listing of all local, state, or federal requirements and regulations applicable to a use type.

§ 130-241 TABLE 1											
"P"= Permitted By-Right "S"= Special Use Permit is Required											
CATEGORY	USE TYPE	ZONING DISTRICTS									ADDITIONAL REQUIREMENTS
		RESIDENTIAL DISTRICTS									
		A-1	R-1	R-2	R-2-S	R-3	R-4	R-5	R-6	R-7	
RESIDENTIAL	Age-Restricted Housing								P	P	Sec. 130-268 Sec. 130-269
	Cottage Court							P	P	P	Sec. 130-66
	Duplex					P		P	P	P	
	Dwelling, Multifamily							P	P	P	
	Dwelling, Single-Family Attached					P			P	P	
	Dwelling, Single-Family Detached	P	P	P	P				P	P	
	Live/Work Unit							P		P	
	Manufactured Home	P					P				Sec. 130-98
	Manufactured Home Park						P				Sec. 130-98

§ 130-241 TABLE 1

"P"= Permitted By-Right "S"= Special Use Permit is Required

CATEGORY	USE TYPE	ZONING DISTRICTS									ADDITIONAL REQUIREMENTS
		RESIDENTIAL DISTRICTS									
		A-1	R-1	R-2	R-2-S	R-3	R-4	R-5	R-6	R-7	
	Private Community Recreational Use	P	P	P	P	P	P	P	P	P	
	Group Home	P	P	P	P	P	P	P	P	P	
ASSEMBLY & INSTITUTIONAL	Assembly, Place of (less than 50 persons)	S	S	S	S	S		S	S	S	
	Assembly, Place of (50 or more persons)	S	S	S	S	S		S	S	S	
	Broadcasting or Telecommunication Tower	S	S	S	S	S	S	S	S	S	
	Broadcasting or Telecommunication Tower, Administrative Review	P	P	P	P	P	P	P	P	P	Sec. 130-92
	Business or Trade School (less than 50 persons)										
	Business or Trade School (50 or more persons)										
	Cemetery	S	S	S	S	S		S	S	S	
ASSEMBLY & INSTITUTIONAL (CONT)	Child Care Center	S	S	S	S					S	
	Children's Residential Facility									S	
	Congregate/Continuing Care, Assisted Living Facility								P	S	
	Cultural Facility	P	S	S	S	S	S	S	S	S	
	Day Care Center, Adult								P	S	

§ 130-241 TABLE 1

"P"= Permitted By-Right "S"= Special Use Permit is Required

CATEGORY	USE TYPE	ZONING DISTRICTS									ADDITIONAL REQUIREMENTS
		RESIDENTIAL DISTRICTS									
		A-1	R-1	R-2	R-2-S	R-3	R-4	R-5	R-6	R-7	
	Educational Facility, College or University										
	Educational Facility, Primary or Secondary	S	S	S	S	S	S	S		S	
	Hospital										
	Medical Care Facility										
	Nursing Home								P		
	Parks and Open Space	P	P	P	P	P	P	P	P	P	
	Public Dancehall										Ch. 14
	Public Facility	P	S	S	S	S	S	S	S	S	
	Public Utility	P	P	P	P	P	P	P	P	P	
	Sexually Oriented Business (Adult Cabaret/Adult Motion Picture Theater)										Sec. 130-103
	Shelter, Residential										
COMMERCIAL	Agriculture and Silviculture	P									
	Airport or Aviation Facility										
	Antique Shop										
	Bed and Breakfast	S	S	S	S					S	Sec. 130-91
	Brewery or Distillery										
COMMERCIAL	Business Support Service										
	Cannabis Dispensing Facility										Sec. 130-94

§ 130-241 TABLE 1

"P"= Permitted By-Right "S"= Special Use Permit is Required

CATEGORY	USE TYPE	ZONING DISTRICTS									ADDITIONAL REQUIREMENTS
		RESIDENTIAL DISTRICTS									
		A-1	R-1	R-2	R-2-S	R-3	R-4	R-5	R-6	R-7	
	Car Wash										
	Catering Facility										
	Construction Material Sales										
	Consumer Repair or Contractor/Tradesperson Services										
	Craft Shop										
	Crematory										
	Financial Institution										
	Garden Center										
	Fueling Station (8 or fewer fuel pumps)										
	Fueling Station (9 or more fuel pumps)										
	Heliport										
	Hotel										
	Kennel										Sec. 130-97
	Liquor Store										Sec. 130-94
	Mini-Warehouse or Self-Storage										
	Motor Vehicle Service										Sec. 130-100
	Motor Vehicle Sales and Rental										Sec. 130-99
	Office, General										

§ 130-241 TABLE 1

"P"= Permitted By-Right "S"= Special Use Permit is Required

CATEGORY	USE TYPE	ZONING DISTRICTS									ADDITIONAL REQUIREMENTS
		RESIDENTIAL DISTRICTS									
		A-1	R-1	R-2	R-2-S	R-3	R-4	R-5	R-6	R-7	
	Office, Medical										
	Parking Structure, Multilevel										
	Personal Improvement Service										
	Professional Personal Service										
COMMERCIAL (CONT)	Restaurant										
	Retail Marijuana Sales										Sec. 130-94
	Retail Sales										
	Sexually Oriented Business (Adult Bookstore or Video Store/Seminude Model Studio/Sexual Device Shop)										Sec. 130-103
	Short-Term Loan Establishment										Sec. 130-94
	Specialty Food Shop										
	Tattoo Parlor and/or Body Piercing Salon										
	Veterinary Hospital										
ACCESSORY	Accessory Uses	P	P	P	P	P	P	P	P	P	Sec. 130-57
	Amateur Radio Tower	P	P	P	P					P	Sec. 130-57
	Caretaker Quarters										
	Family Day Home	P	P	P	P	P	P	P	P	P	Sec. 130-93

§ 130-241 TABLE 1											
"P"= Permitted By-Right "S"= Special Use Permit is Required											
CATEGORY	USE TYPE	ZONING DISTRICTS									ADDITIONAL REQUIREMENTS
		RESIDENTIAL DISTRICTS									
		A-1	R-1	R-2	R-2-S	R-3	R-4	R-5	R-6	R-7	
	Family Health Care Structure, Temporary	P	P	P	P					P	
Home Business	S	S	S	S					S	Sec. 130-95	
Home Occupation	P	P	P	P	P	P	P	P	P	P	Sec. 130-96
Temporary Use (Outdoor Events)	P										Sec. 130-104 Ch. 14
Temporary Use (Outdoor Sales)											Sec. 130-104
Yard Sale, Residential	P	P	P	P	P	P	P	P	P	P	Sec. 130-101

§ 130-241 TABLE 2											
"P"= Permitted By-Right "S"= Special Use Permit is Required											
CATEGORY	USE TYPE	ZONING DISTRICTS									ADDITIONAL REQUIREMENTS
		NON-RESIDENTIAL & MIXED USE DISTRICTS									
		B-2 ¹	B-3	B-3.5	PMD	B-1 ²	B-4	I-1	I-2	I-A	
RESIDENTIAL	Age-Restricted Housing			P	P						Sec. 130-308
	Cottage Court		P	P	P						Sec. 130-66
	Duplex		P	P	P						
	Dwelling, Multifamily		P	P	P						Sec. 130-303

¹ All uses subject to floor area limit of 10,000 square feet

² Refer to § 130-301 for list of uses subject to 25% gross floor area limit

§ 130-241 TABLE 2

"P"= Permitted By-Right "S"= Special Use Permit is Required

CATEGORY	USE TYPE	ZONING DISTRICTS									ADDITIONAL REQUIREMENTS
		NON-RESIDENTIAL & MIXED USE DISTRICTS									
		B-2 ¹	B-3	B-3.5	PMD	B-1 ²	B-4	I-1	I-2	I-A	
	Dwelling, Single-Family Attached			P	P						
	Dwelling, Single-Family Detached		P	P	P						
	Live/Work Unit		P	P	P						
	Manufactured Home										Sec. 130-98
	Manufactured Home Park										Sec. 130-98
	Private Community Recreational Use		P	P	P						
	Group Home		P	P	P						
ASSEMBLY & INSTITUTIONAL	Assembly, Place of (less than 50 persons)	P	P	P	P	P	P	S		S	
	Assembly, Place of (50 or more persons)	S	S	S	S	S	S	S		S	
	Broadcasting or Telecommunication Tower	S			S	S	S	S	S	S	
	Broadcasting or Telecommunication Tower, Administrative Review	P	P	P	P	P	P	P	P	P	Sec. 130-92
	Business or Trade School (less than 50 persons)	P	P	P	P	P	P	P		P	

§ 130-241 TABLE 2											
"P"= Permitted By-Right "S"= Special Use Permit is Required											
CATEGORY	USE TYPE	ZONING DISTRICTS									ADDITIONAL REQUIREMENTS
		NON-RESIDENTIAL & MIXED USE DISTRICTS									
		B-2 ¹	B-3	B-3.5	PMD	B-1 ²	B-4	I-1	I-2	I-A	
	Business or Trade School (50 or more persons)	S	S	S	S	P	P	S		S	
ASSEMBLY & INSTITUTIONAL (CONT)	Cemetery	S	S	S	S	S	S	S			
	Child Care Center	P	S	S	P	S	P	S		S	
	Children's Residential Facility			S	S						
	Congregate/Continuing Care, Assisted Living Facility			S	S						
	Cultural Facility	P	P	P	P		P			S	
	Day Care Center, Adult	P	S	S	P	S	P	S			
	Educational Facility, College or University		S	S	S	S	S	S		S	
	Educational Facility, Primary or Secondary		S	S	S	S	S	S		S	
	Hospital				S	S	S				
	Medical Care Facility	S	S	S	S	S	S				
	Nursing Home			S	S						
	Parks and Open Space	P	P	P	P	P	P	P	P	P	
	Public Dancehall						S	S			Ch. 14
	Public Facility	P	P	P	P	P	P	P	P	P	
	Public Utility	P	P	P	P	P	P	P	P	P	
Sexually Oriented Business (Adult							P			Sec. 130-103	

§ 130-241 TABLE 2

"P"= Permitted By-Right "S"= Special Use Permit is Required

CATEGORY	USE TYPE	ZONING DISTRICTS									ADDITIONAL REQUIREMENTS
		NON-RESIDENTIAL & MIXED USE DISTRICTS									
		B-2 ¹	B-3	B-3.5	PMD	B-1 ²	B-4	I-1	I-2	I-A	
	Cabaret/Adult Motion Picture Theater)										
	Shelter, Residential						S	S			
COMMERCIAL	Agriculture and Silviculture										
	Airport or Aviation Facility							P		P	
	Antique Shop	P	P	P	P		P				
	Bed and Breakfast		P	S	S						Sec. 130-91
COMMERCIAL (CONT)	Brewery (500 barrels or less annually) or Distillery (5,000 gallons or less annually)	P	P	P	P		P				
	Brewery (over 500 barrels annually) or Distillery (over 5,000 gallons annually)	S	S	S	P		P	P	P		
	Business Support Service	P	P	P	P	P	P	P	P	P	
	Cannabis Dispensing Facility						P				Sec. 130-94
	Car Wash	S			S		S	S			
	Catering Facility	P	P	P	P		P	P		P	
	Construction Material Sales						P	P			Sec. 130-61

§ 130-241 TABLE 2

"P"= Permitted By-Right "S"= Special Use Permit is Required

CATEGORY	USE TYPE	ZONING DISTRICTS									ADDITIONAL REQUIREMENTS
		NON-RESIDENTIAL & MIXED USE DISTRICTS									
		B-2 ¹	B-3	B-3.5	PMD	B-1 ²	B-4	I-1	I-2	I-A	
C O	Consumer Repair or Contractor/Tradesperson Services	P	S	S	S		P	P	P		
	Craft Shop	P	P	P	P		P	P			Sec. 130-61
	Crematory	S	S	S	S	S	S	S	S		
	Financial Institution	P	P	P	P	P	P	P			
	Garden Center						P	P			Sec. 130-61
	Fueling Station (8 or fewer fuel pumps)	S			S		S	S	S	S	
	Fueling Station (9 or more fuel pumps)				S		S	S	S	S	
	Heliport				S		S	S		P	
	Hotel		P	P	P		P			S	
	Kennel				S		S	S			Sec. 130-97
	Liquor Store						P				Sec. 130-94
	Mini-Warehouse or Self-Storage							P	P		
	Motor Vehicle Parts/Supply Establishment						P	P	P		
	Motor Vehicle Service						S	S	P		Sec. 130-100
	Motor Vehicle Sales and Rental						S	S	P	S	Sec. 130-99
		Office, General	P	P	P	P	P	P	P		P

§ 130-241 TABLE 2

"P"= Permitted By-Right "S"= Special Use Permit is Required

CATEGORY	USE TYPE	ZONING DISTRICTS								ADDITIONAL REQUIREMENTS	
		NON-RESIDENTIAL & MIXED USE DISTRICTS									
		B-2 ¹	B-3	B-3.5	PMD	B-1 ²	B-4	I-1	I-2		I-A
	Office, Medical	P	P	P	P	P	P				
	Parking Structure, Multilevel		P	P	P	P	P	P	P	P	
	Personal Improvement Service	P	P	P	P	P	P	P	P	P	
	Professional Personal Service	P	P	P	P	P	P			P	
	Restaurant	P	P	P	P		P			P	
	Retail Marijuana Store						P				Sec. 130-94
	Retail Sales	P	P	P	P	P	P			P	
	Sexually Oriented Business (Adult Bookstore or Video Store/Seminude Model Studio/Sexual Device Shop)							P	P		Sec. 130-103
	Short-Term Loan Establishment						P				Sec. 130-94
	Specialty Food Shop	P	P	P	P	P	P	P		P	
	Tattoo Parlor and/or Body Piercing Salon						P				
	Veterinary Hospital	P	P	P	P		P	S			
	Heavy Equipment Sales and Rental							S	P		Sec. 130-99
	Laboratory					P		P	P	P	
	Laundry, Commercial							P	P		

§ 130-241 TABLE 2

"P"= Permitted By-Right "S"= Special Use Permit is Required

CATEGORY	USE TYPE	ZONING DISTRICTS									ADDITIONAL REQUIREMENTS
		NON-RESIDENTIAL & MIXED USE DISTRICTS									
		B-2 ¹	B-3	B-3.5	PMD	B-1 ²	B-4	I-1	I-2	I-A	
	Manufacturing, Heavy								S		
	Manufacturing, Light							P	P	P	
	Motor Vehicle Repair							S	P		Sec. 130-100
	Research and Development					P		P	P	P	
	Storage Yard/Facility/Chemical Storage/Tank Farm (Hazardous Materials)							S	S	S	
INDUSTRIAL (CONT)	Storage Yard/Facility/Chemical Storage/Tank Farm (Non-Hazardous Materials)								P		
	Truck Terminal								P		
	Warehousing and Distribution							P	P	P	
	Wholesale Trade							P	P	P	
ACCESSORY	Accessory Uses	P	P	P	P	P	P	P	P	P	Sec. 130-57
	Amateur Radio Tower		P	P	P						Sec. 130-57
	Caretaker Quarters						P	P	P		
	Family Day Home		P	P	P						Sec. 130-93
	Family Health Care Structure, Temporary		P	P	P						Sec. 130-104
	Home Business		S	S	S						Sec. 130-95
	Home Occupation		P	P	P						Sec. 130-96

§ 130-241 TABLE 2											
"P"= Permitted By-Right "S"= Special Use Permit is Required											
CATEGORY	USE TYPE	ZONING DISTRICTS								ADDITIONAL REQUIREMENTS	
		NON-RESIDENTIAL & MIXED USE DISTRICTS									
		B-2 ¹	B-3	B-3.5	PMD	B-1 ²	B-4	I-1	I-2		I-A
	Temporary Use (Outdoor Events)	P	P	P	P	P	P	P	P		P
Temporary Use (Outdoor Sales)	P	P	P	P	P	P	P	P	P	P	Sec. 130-104
Yard Sale, Residential		P	P	P							Sec. 130-101

ARTICLE II. DEFINITIONS

Sec. 130-42. Definitions.

Cannabis dispensing facility means a facility that (i) has obtained a permit from the Board of Directors of the Virginia Cannabis Control Authority pursuant to § 4.1-1602 of the Code of Virginia; (ii) is owned, at least in part, by a pharmaceutical processor; and (iii) dispenses cannabis products produced by a pharmaceutical processor to a patient, his registered agent, or, if such patient is a minor or a vulnerable adult as defined in § 18.2-369 of the Code of Virginia, such patient's parent or legal guardian.

High impact business is an inclusive term used to describe cannabis dispensing facilities, liquor stores, ~~or~~ retail marijuana store, or short-term loan establishments. This collective term does not describe a specific land use and shall not be considered a single use category for purposes of the zoning code or other applicable ordinances.

Marijuana means any part of a plant of the genus *Cannabis*, whether growing or not, its seeds or resin; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, its resin, or any extract containing one or more cannabinoids. "Marijuana" does not include (i) the mature stalks of such plant, fiber produced from such stalk, or oil or cake made from the seed of such plant, unless such stalks, fiber, oil, or cake is combined with other parts of plants of the genus *Cannabis*; (ii) industrial hemp, as defined in § 3.2-4112, that is possessed by a person registered pursuant to subsection A of § 3.2-4115 or his agent; (iii) industrial hemp, as defined in § 3.2-4112, that is possessed by a person who holds a hemp producer license issued by the U.S. Department of Agriculture pursuant to 7 C.F.R. Part 990; (iv) a hemp product, as defined in § 3.2-4112; (v) an industrial hemp extract, as defined in § 3.2-5145.1; or (vi) any substance containing a tetrahydrocannabinol isomer, ester, ether, salt, or salts of such isomer, ester, or ether that has been placed by the Board of Pharmacy into one of the schedules set forth in the Drug Control Act (§ 54.1-3400 et seq.) pursuant to § 54.1-3443.

Retail marijuana store means a facility licensed by the Virginia Cannabis Control Authority to purchase or take possession of retail marijuana, retail marijuana products, immature marijuana plants, or marijuana seeds from a marijuana cultivation facility, marijuana manufacturing facility, or marijuana wholesaler and to sell retail marijuana, retail marijuana products, immature marijuana plants, or marijuana seeds to consumers.

Research and Development means the use of land for investigation, study, experimentation, or design in scientific or technology-intensive fields. Examples include, but are not limited to, research and development of communication systems, transportation, geographic information systems, marijuana testing, multi-media, or video technology. Development of prototypes may be accessory to this use.

Wholesale Trade means the use of land for selling merchandise to retailers, industrial, commercial, institutional, agricultural, professional business users, marijuana wholesaler, other wholesalers, or when acting as agents or brokers in buying or selling merchandise to such persons or companies.

DIVISION 2. USE STANDARDS

Sec. 130-94. High impact businesses (cannabis dispensing facility, liquor stores, retail marijuana store, and short-term loan establishments).

(a) *Purpose and intent.* The purpose of this section is three-fold:

- (1) To ensure that cannabis dispensing facilities, liquor stores, retail marijuana store, and short-term loan establishments (collectively, "high impact businesses") are located so that they are separated from residential neighborhoods, libraries, parks, schools, ballfields, recreation centers, and places of worship where children are likely to be walking and playing and should not be forced to encounter such a business in their daily activities;
- (2) To ensure that high impact businesses are sufficiently separated from incompatible land uses to ensure an attractive and harmonious community and minimize the negative effect on land values that often accompanies high impact businesses; and
- (3) To ensure that high impact businesses do not locate in close proximity to sexually oriented businesses so that the City does not inadvertently create a "combat zone" or other area that is perceived to be dominated by such businesses or that causes the concentration of the secondary effects of such businesses in one area.

(b) *Location of high impact businesses.* It shall be unlawful to establish, operate, or cause to be operated a high impact business in the City, unless said high impact business is in a zone permitting such use and is at least:

- (1) Seven hundred fifty feet from any parcel occupied by a sexually oriented business;
- (2) Seven hundred fifty feet from any residential zoning district or residence; and
- (3) Seven hundred fifty feet from any parcel occupied by a church, chapel, synagogue, temple or other place of worship; a school or child care center serving students in grades K—12; a public park, Boys and Girls Club, YMCA, YWCA, or ballfield; or a public library.

(c) For the purpose of this section, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest part of the tenant space or structure occupied by the high impact business to the closest point on a property boundary or right-of-way associated with any of the land use(s) identified in subsection (b) above that exist on or before the date that a completed application for a license to operate the high impact businesses is filed with the City.

(d) Any protected use listed in subsection (b) of this section may begin operation within 750 feet of a high impact business only if the owner of the protected use, in addition to any other requirements of this Code, gives the City a written statement that it acknowledges the presence of the high impact business(es) and voluntarily waives the protection of subsection (b) of this section as to the high impact business(es) for as long as the high impact business(es) or any successor thereto remains. This written statement does not waive the protection of this section as to any high impact business established or relocated after the written statement. If a high impact business is discontinued for a period of two years or more, then it must comply with the setback requirements of this section regardless of any such written statements by protected uses.

ARTICLE VI. PARKING AND LOADING REQUIREMENTS

Sec. 130-204. Off Street Parking Requirements.

§130-204, TABLE 1: MINIMUM OFF-STREET PARKING REQUIREMENTS				
LAND USES DU = Dwelling Unit SF = Building's Gross Square Feet	REQUIRED OFF-STREET PARKING	SPECIAL DISTRICTS		EXCEPTIONS/ COMMENTS/ ADDITIONAL REQUIREMENTS
		DOWNTOWN* *For B-3 Zoning See §130-204(b)	GODWIN TECHNOLOGY, MATHIS, SUDLEY MEDICAL	
COMMERCIAL USES				For all commercial uses, maximum parking shall not exceed 125% of the min. requirement (See §130-204(c))
<u>Cannabis Dispensing Facility</u>	<u>1 per 250 SF</u>	<u>1 per 600 SF</u>	<u>1 per 300 SF</u>	<u>Sec. 130-94</u>
<u>Retail Marijuana Store</u>	<u>1 per 250 SF</u>	<u>1 per 600 SF</u>	<u>1 per 300 SF</u>	<u>Sec. 130-94</u>

Editor's Note: No other changes to §130-204 Table 1.

ARTICLE VIII. ZONING DISTRICTS

DIVISION 1. PERMITTED USES

Sec. 130-241. Use tables.

- (a) Tables 1 and 2 list all use types and all zoning districts where the use type is permitted (“P”) or permitted with approval of a special use permit (“S”) in accordance with the requirements of Article IX of this chapter.
- (b) All uses defined in Sec. 130-42 and/or listed in Tables 1 and 2 that are not specifically permitted (“P”) or permitted with approval of a special use permit (“S”) are prohibited.
- (c) Overlay Districts: Regardless of whether the use table lists a use type as permitted or permitted with approval of a special use permit, the use type shall be restricted or prohibited by the requirements of any overlay district.
- (d) The “Additional Requirements” column in Tables 1 and 2 is for reference only and is not intended as an all-inclusive listing of all local, state, or federal requirements and regulations applicable to a use type.

§ 130-241 TABLE 1											
"P"= Permitted By-Right "S"= Special Use Permit is Required											
CATEGORY	USE TYPE	ZONING DISTRICTS									ADDITIONAL REQUIREMENTS
		RESIDENTIAL DISTRICTS									
		A-1	R-1	R-2	R-2-S	R-3	R-4	R-5	R-6	R-7	
RESIDENTIAL	Age-Restricted Housing								P	P	Sec. 130-268 Sec. 130-269
	Cottage Court							P	P	P	Sec. 130-66
	Duplex					P		P	P	P	
	Dwelling, Multifamily							P	P	P	
	Dwelling, Single-Family Attached					P			P	P	
	Dwelling, Single-Family Detached	P	P	P	P				P	P	
	Live/Work Unit							P		P	
	Manufactured Home	P					P				Sec. 130-98
	Manufactured Home Park						P				Sec. 130-98

§ 130-241 TABLE 1

"P"= Permitted By-Right "S"= Special Use Permit is Required

CATEGORY	USE TYPE	ZONING DISTRICTS									ADDITIONAL REQUIREMENTS
		RESIDENTIAL DISTRICTS									
		A-1	R-1	R-2	R-2-S	R-3	R-4	R-5	R-6	R-7	
	Private Community Recreational Use	P	P	P	P	P	P	P	P	P	
	Group Home	P	P	P	P	P	P	P	P	P	
ASSEMBLY & INSTITUTIONAL	Assembly, Place of (less than 50 persons)	S	S	S	S	S		S	S	S	
	Assembly, Place of (50 or more persons)	S	S	S	S	S		S	S	S	
	Broadcasting or Telecommunication Tower	S	S	S	S	S	S	S	S	S	
	Broadcasting or Telecommunication Tower, Administrative Review	P	P	P	P	P	P	P	P	P	Sec. 130-92
	Business or Trade School (less than 50 persons)										
	Business or Trade School (50 or more persons)										
	Cemetery	S	S	S	S	S		S	S	S	
ASSEMBLY & INSTITUTIONAL (CONT)	Child Care Center	S	S	S	S					S	
	Children's Residential Facility									S	
	Congregate/Continuing Care, Assisted Living Facility								P	S	
	Cultural Facility	P	S	S	S	S	S	S	S	S	
	Day Care Center, Adult								P	S	

§ 130-241 TABLE 1

"P"= Permitted By-Right "S"= Special Use Permit is Required

CATEGORY	USE TYPE	ZONING DISTRICTS									ADDITIONAL REQUIREMENTS
		RESIDENTIAL DISTRICTS									
		A-1	R-1	R-2	R-2-S	R-3	R-4	R-5	R-6	R-7	
	Educational Facility, College or University										
	Educational Facility, Primary or Secondary	S	S	S	S	S	S	S		S	
	Hospital										
	Medical Care Facility										
	Nursing Home								P		
	Parks and Open Space	P	P	P	P	P	P	P	P	P	
	Public Dancehall										Ch. 14
	Public Facility	P	S	S	S	S	S	S	S	S	
	Public Utility	P	P	P	P	P	P	P	P	P	
	Sexually Oriented Business (Adult Cabaret/Adult Motion Picture Theater)										Sec. 130-103
	Shelter, Residential										
COMMERCIAL	Agriculture and Silviculture	P									
	Airport or Aviation Facility										
	Antique Shop										
	Bed and Breakfast	S	S	S	S					S	Sec. 130-91
	Brewery or Distillery										
COMMERCIAL	Business Support Service										
	Cannabis Dispensing Facility										Sec. 130-94

§ 130-241 TABLE 1

"P"= Permitted By-Right "S"= Special Use Permit is Required

CATEGORY	USE TYPE	ZONING DISTRICTS									ADDITIONAL REQUIREMENTS
		RESIDENTIAL DISTRICTS									
		A-1	R-1	R-2	R-2-S	R-3	R-4	R-5	R-6	R-7	
	Car Wash										
	Catering Facility										
	Construction Material Sales										
	Consumer Repair or Contractor/Tradesperson Services										
	Craft Shop										
	Crematory										
	Financial Institution										
	Garden Center										
	Fueling Station (8 or fewer fuel pumps)										
	Fueling Station (9 or more fuel pumps)										
	Heliport										
	Hotel										
	Kennel										Sec. 130-97
	Liquor Store										Sec. 130-94
	Mini-Warehouse or Self-Storage										
	Motor Vehicle Service										Sec. 130-100
	Motor Vehicle Sales and Rental										Sec. 130-99
	Office, General										

§ 130-241 TABLE 1

"P"= Permitted By-Right "S"= Special Use Permit is Required

CATEGORY	USE TYPE	ZONING DISTRICTS									ADDITIONAL REQUIREMENTS
		RESIDENTIAL DISTRICTS									
		A-1	R-1	R-2	R-2-S	R-3	R-4	R-5	R-6	R-7	
	Office, Medical										
	Parking Structure, Multilevel										
	Personal Improvement Service										
	Professional Personal Service										
COMMERCIAL (CONT)	Restaurant										
	<u>Retail Marijuana Sales</u>										<u>Sec. 130-94</u>
	Retail Sales										
	Sexually Oriented Business (Adult Bookstore or Video Store/Seminude Model Studio/Sexual Device Shop)										Sec. 130-103
	Short-Term Loan Establishment										Sec. 130-94
	Specialty Food Shop										
	Tattoo Parlor and/or Body Piercing Salon										
	Veterinary Hospital										
ACCESSORY	Accessory Uses	P	P	P	P	P	P	P	P	P	Sec. 130-57
	Amateur Radio Tower	P	P	P	P					P	Sec. 130-57
	Caretaker Quarters										
	Family Day Home	P	P	P	P	P	P	P	P	P	Sec. 130-93

§ 130-241 TABLE 1											
"P"= Permitted By-Right "S"= Special Use Permit is Required											
CATEGORY	USE TYPE	ZONING DISTRICTS									ADDITIONAL REQUIREMENTS
		RESIDENTIAL DISTRICTS									
		A-1	R-1	R-2	R-2-S	R-3	R-4	R-5	R-6	R-7	
	Family Health Care Structure, Temporary	P	P	P	P					P	
Home Business	S	S	S	S					S	Sec. 130-95	
Home Occupation	P	P	P	P	P	P	P	P	P	P	Sec. 130-96
Temporary Use (Outdoor Events)	P										Sec. 130-104 Ch. 14
Temporary Use (Outdoor Sales)											Sec. 130-104
Yard Sale, Residential	P	P	P	P	P	P	P	P	P	P	Sec. 130-101

§ 130-241 TABLE 2											
"P"= Permitted By-Right "S"= Special Use Permit is Required											
CATEGORY	USE TYPE	ZONING DISTRICTS									ADDITIONAL REQUIREMENTS
		NON-RESIDENTIAL & MIXED USE DISTRICTS									
		B-2 ¹	B-3	B-3.5	PMD	B-1 ²	B-4	I-1	I-2	I-A	
RESIDENTIAL	Age-Restricted Housing			P	P						Sec. 130-308
	Cottage Court		P	P	P						Sec. 130-66
	Duplex		P	P	P						
	Dwelling, Multifamily		P	P	P						Sec. 130-303

¹ All uses subject to floor area limit of 10,000 square feet

² Refer to § 130-301 for list of uses subject to 25% gross floor area limit

§ 130-241 TABLE 2

"P"= Permitted By-Right "S"= Special Use Permit is Required

CATEGORY	USE TYPE	ZONING DISTRICTS									ADDITIONAL REQUIREMENTS
		NON-RESIDENTIAL & MIXED USE DISTRICTS									
		B-2 ¹	B-3	B-3.5	PMD	B-1 ²	B-4	I-1	I-2	I-A	
	Dwelling, Single-Family Attached			P	P						
	Dwelling, Single-Family Detached		P	P	P						
	Live/Work Unit		P	P	P						
	Manufactured Home										Sec. 130-98
	Manufactured Home Park										Sec. 130-98
	Private Community Recreational Use		P	P	P						
	Group Home		P	P	P						
ASSEMBLY & INSTITUTIONAL	Assembly, Place of (less than 50 persons)	P	P	P	P	P	P	S		S	
	Assembly, Place of (50 or more persons)	S	S	S	S	S	S	S		S	
	Broadcasting or Telecommunication Tower	S			S	S	S	S	S	S	
	Broadcasting or Telecommunication Tower, Administrative Review	P	P	P	P	P	P	P	P	P	Sec. 130-92
	Business or Trade School (less than 50 persons)	P	P	P	P	P	P	P		P	

§ 130-241 TABLE 2

"P"= Permitted By-Right "S"= Special Use Permit is Required

CATEGORY	USE TYPE	ZONING DISTRICTS									ADDITIONAL REQUIREMENTS
		NON-RESIDENTIAL & MIXED USE DISTRICTS									
		B-2 ¹	B-3	B-3.5	PMD	B-1 ²	B-4	I-1	I-2	I-A	
	Business or Trade School (50 or more persons)	S	S	S	S	P	P	S		S	
ASSEMBLY & INSTITUTIONAL (CONT)	Cemetery	S	S	S	S	S	S	S			
	Child Care Center	P	S	S	P	S	P	S		S	
	Children's Residential Facility			S	S						
	Congregate/Continuing Care, Assisted Living Facility			S	S						
	Cultural Facility	P	P	P	P		P			S	
	Day Care Center, Adult	P	S	S	P	S	P	S			
	Educational Facility, College or University		S	S	S	S	S	S		S	
	Educational Facility, Primary or Secondary		S	S	S	S	S	S		S	
	Hospital				S	S	S				
	Medical Care Facility	S	S	S	S	S	S				
	Nursing Home			S	S						
	Parks and Open Space	P	P	P	P	P	P	P	P	P	
	Public Dancehall						S	S			Ch. 14
	Public Facility	P	P	P	P	P	P	P	P	P	
	Public Utility	P	P	P	P	P	P	P	P	P	
Sexually Oriented Business (Adult							P			Sec. 130-103	

§ 130-241 TABLE 2

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CATEGORY	USE TYPE	ZONING DISTRICTS								ADDITIONAL REQUIREMENTS
		NON-RESIDENTIAL & MIXED USE DISTRICTS								
		B-2 ¹	B-3	B-3.5	PMD	B-1 ²	B-4	I-1	I-2	
	Cabaret/Adult Motion Picture Theater)									
	Shelter, Residential						S	S		
COMMERCIAL	Agriculture and Silviculture									
	Airport or Aviation Facility							P		P
	Antique Shop	P	P	P	P		P			
	Bed and Breakfast		P	S	S					
COMMERCIAL (CONT)	Brewery (500 barrels or less annually) or Distillery (5,000 gallons or less annually)	P	P	P	P		P			
	Brewery (over 500 barrels annually) or Distillery (over 5,000 gallons annually)	S	S	S	P		P	P	P	
	Business Support Service	P	P	P	P	P	P	P	P	P
	<u>Cannabis Dispensing Facility</u>						<u>P</u>			
	Car Wash	S			S		S	S		
	Catering Facility	P	P	P	P		P	P		P
	Construction Material Sales						P	P		

§ 130-241 TABLE 2

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		NON-RESIDENTIAL & MIXED USE DISTRICTS									
		B-2 ¹	B-3	B-3.5	PMD	B-1 ²	B-4	I-1	I-2	I-A	
C O	Consumer Repair or Contractor/Tradesperson Services	P	S	S	S		P	P	P		
	Craft Shop	P	P	P	P		P	P			Sec. 130-61
	Crematory	S	S	S	S	S	S	S	S		
	Financial Institution	P	P	P	P	P	P	P			
	Garden Center						P	P			Sec. 130-61
	Fueling Station (8 or fewer fuel pumps)	S			S		S	S	S	S	
	Fueling Station (9 or more fuel pumps)				S		S	S	S	S	
	Heliport				S		S	S		P	
	Hotel		P	P	P		P			S	
	Kennel				S		S	S			Sec. 130-97
	Liquor Store						P				Sec. 130-94
	Mini-Warehouse or Self-Storage							P	P		
	Motor Vehicle Parts/Supply Establishment						P	P	P		
	Motor Vehicle Service						S	S	P		Sec. 130-100
	Motor Vehicle Sales and Rental						S	S	P	S	Sec. 130-99
C O	Office, General	P	P	P	P	P	P	P		P	

§ 130-241 TABLE 2

"P"= Permitted By-Right "S"= Special Use Permit is Required

CATEGORY	USE TYPE	ZONING DISTRICTS								ADDITIONAL REQUIREMENTS	
		NON-RESIDENTIAL & MIXED USE DISTRICTS									
		B-2 ¹	B-3	B-3.5	PMD	B-1 ²	B-4	I-1	I-2		I-A
	Office, Medical	P	P	P	P	P	P				
	Parking Structure, Multilevel		P	P	P	P	P	P	P	P	
	Personal Improvement Service	P	P	P	P	P	P	P	P	P	
	Professional Personal Service	P	P	P	P	P	P			P	
	Restaurant	P	P	P	P		P			P	
	<u>Retail Marijuana Store</u>						<u>P</u>				<u>Sec. 130-94</u>
	Retail Sales	P	P	P	P	P	P			P	
	Sexually Oriented Business (Adult Bookstore or Video Store/Seminude Model Studio/Sexual Device Shop)							P	P		Sec. 130-103
	Short-Term Loan Establishment						P				Sec. 130-94
	Specialty Food Shop	P	P	P	P	P	P	P		P	
	Tattoo Parlor and/or Body Piercing Salon						P				
	Veterinary Hospital	P	P	P	P		P	S			
	Heavy Equipment Sales and Rental							S	P		Sec. 130-99
	Laboratory					P		P	P	P	
	Laundry, Commercial							P	P		

§ 130-241 TABLE 2

"P"= Permitted By-Right "S"= Special Use Permit is Required

CATEGORY	USE TYPE	ZONING DISTRICTS									ADDITIONAL REQUIREMENTS
		NON-RESIDENTIAL & MIXED USE DISTRICTS									
		B-2 ¹	B-3	B-3.5	PMD	B-1 ²	B-4	I-1	I-2	I-A	
	Manufacturing, Heavy								S		
	Manufacturing, Light							P	P	P	
	Motor Vehicle Repair							S	P		Sec. 130-100
	Research and Development					P		P	P	P	
	Storage Yard/Facility/Chemical Storage/Tank Farm (Hazardous Materials)							S	S	S	
INDUSTRIAL (CONT)	Storage Yard/Facility/Chemical Storage/Tank Farm (Non-Hazardous Materials)								P		
	Truck Terminal								P		
	Warehousing and Distribution							P	P	P	
	Wholesale Trade							P	P	P	
ACCESSORY	Accessory Uses	P	P	P	P	P	P	P	P	P	Sec. 130-57
	Amateur Radio Tower		P	P	P						Sec. 130-57
	Caretaker Quarters						P	P	P		
	Family Day Home		P	P	P						Sec. 130-93
	Family Health Care Structure, Temporary		P	P	P						Sec. 130-104
	Home Business		S	S	S						Sec. 130-95
	Home Occupation		P	P	P						Sec. 130-96

§ 130-241 TABLE 2											
"P"= Permitted By-Right "S"= Special Use Permit is Required											
CATEGORY	USE TYPE	ZONING DISTRICTS									ADDITIONAL REQUIREMENTS
		NON-RESIDENTIAL & MIXED USE DISTRICTS									
		B-2 ¹	B-3	B-3.5	PMD	B-1 ²	B-4	I-1	I-2	I-A	
	Temporary Use (Outdoor Events)	P	P	P	P	P	P	P	P	P	
Temporary Use (Outdoor Sales)	P	P	P	P	P	P	P	P	P	P	Sec. 130-104
Yard Sale, Residential		P	P	P							Sec. 130-101



PLANNING COMMISSION RESOLUTION

MOTION:

**November 5, 2025
Regular Meeting**

SECOND:

RE: 2026 Zoning Ordinance Annual Updates (ZTA #2026-0001)

WHEREAS, the Planning Commission recognizes that an annual review and update of the Zoning Ordinance is a best practice to make technical corrections and updates, and ensure the code remains in compliance with current requirements of state and federal laws and regulations; and

WHEREAS, on August 6, 2025, the Planning Commission initiated Zoning Text Amendment (ZTA) #2026-0001, 2026 Zoning Ordinance Annual Updates, which was reviewed by the Zoning Ordinance Review Committee on October 1, 2025; and

WHEREAS, the Planning Commission held a public hearing on November 5, 2025, to hear public comment on the proposed text amendments after full compliance with all State Code public hearing notice requirements; and

WHEREAS, the Commission has heard from the City staff and the public with regards to the zoning text amendments; and

WHEREAS, upon careful consideration, the Planning Commission finds that approval of ZTA #2026-0001 is justified by public necessity and convenience, promotes the health, safety, and general welfare of the public, and is consistent with reasonable zoning and economic development practices, and state and federal law.

NOW THEREFORE BE IT RESOLVED that the Planning Commission hereby **RECOMMENDS APPROVAL** of ZTA #2026-0001 this 5th day of November, 2025.

Dheeraj Jagadev, Chairperson

Date



MEMORANDUM

CITY OF MANASSAS

Department of Community Development

Phone: 703-257-8223 Fax: 703-257-5117

TO: Planning Commission
FROM: Christian Samples, AICP, Planning Manager
DATE: November 5, 2025
RE: Planning Commission Rules of Procedure

The Planning Commission's Rules of Procedure serve as the Commission's regulations concerning membership, responsibilities, and hearing conduct. The Rules were last updated on May 6, 2020. At the October 1, 2025 meeting, Vice-Chairperson Robert Keller provided staff a draft of proposed updates to the Rules. Staff has integrated the proposed changes into a redline of the existing Rules for the Commission's consideration.

Staff has reviewed the proposed amendments and has provided feedback and recommendations in the document. Due to limitations in Microsoft Word, both the proposed changes and staff recommendations are not easily discernable. Recommended additions to proposed changes were added with a comment to delineate them from the original proposed changes. Sections where the proposed language is recommended to be significantly changed or removed have been retained, with proposed amendments drafted in the comments.

Pursuant to Article 8 of the current Rules of Procedure, the Rules may be amended at a regular meeting of the Planning Commission by an affirmative vote of no less than 2/3 of the present and voting members. However, the amendments must be made available in writing to the Commission a minimum of 30 days prior to the meeting in which the vote is taken. This rule enables the Commission to discuss the draft rules, but a vote may not be taken at the November 5, 2025 meeting. Once the Commission has considered the draft and provided feedback, the draft rules will be provided to the City Attorney for legal review. The draft rules will be brought to the Commission at the next regularly scheduled meeting.

Attachments:

1. Rules of Procedure Amendment - Redline
2. Rules of Procedure – Vice-Chairperson Keller Draft
3. Draft Resolution
4. Adopted Rules of Procedure



Planning Commission

RULES OF PROCEDURE

ADOPTED ~~MAY 6, 2020~~DATE

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Commented [CS1]: Will be amended once sections are finalized

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Statement of Purpose

These Rules of Procedure govern the transaction of business by the City of Manassas Planning Commission and prescribe the rules pertaining to its meetings and hearings.

State Code References, Code of Virginia § 15.2-2217, § 15.2-2221

Article 1. ~~In General~~Organization of the Commission

Section 1-1. Creation

The City of Manassas Planning Commission is established by the Council of the City of Manassas, pursuant to Title 15.2 of the Code of Virginia.

Section 1-2. Name

The official name of the Commission is the “City of Manassas Planning Commission”, hereinafter referred to as “the Commission.”

Section 1-3. Authority and Purpose

Code of Virginia § 15.2-2212

Every locality must, by ordinance or resolution, establish a local planning commission to promote the orderly development of the locality and its surroundings.

The purpose of the Manassas City Planning Commission is to serve as the advisory body to City Council on matters relating to the physical development of the City. In accordance with the Code of Virginia, the Commission is charged with preparing and recommending the Comprehensive Plan, reviewing and making recommendations on proposed rezonings, special use permits, subdivisions, and amendments to the Zoning Ordinance, and promoting the orderly and coordinated development of the City. The Commission seeks to protect the health, safety, and welfare of the community by balancing growth with the preservation of neighborhood character, environmental resources, and the City’s long-term vision.

Commented [CS2]: Subdivisions are administrative decisions and do not come before the Planning Commission. Recommend removing.

Code of Virginia § 15.2-2217

- Every local planning commission must elect a chairperson from its members.
- The commission must adopt rules for the transaction of business.
- The commission must keep a record of its resolutions, transactions, findings, and determinations, and those records are public.

Section 1-43. Objectives

The objectives ~~and purposes~~ of the Commission, pursuant to the provisions of Title 15.2 of the Code of Virginia, are:

1. To promote the orderly development of the City and its environs;
2. To recommend improvements for the public health, safety, convenience, and welfare of the citizens of Manassas;
3. To plan for the future development of the community and ensuring carefully planned transportation systems;
4. To ensure that recommendations for new community centers be developed with adequate highway, utility, health, educational, and recreational facilities;
5. To ensure that the needs of agriculture, industry, and business be considered in future growth;
6. To ensure that residential areas be provided with healthy surroundings for family life;
7. To ensure that the preservation of open space be considered; and
8. To ensure that the growth of Manassas be consonant with the efficient and economical use of public funds.

Commented [CS3]: Recommend retaining this language as it lays out the Commission's objectives in conformance with the Code of Virginia.

Section 1-54. Governing Law

The Commission is governed by the Freedom of Information Act (FOIA), the Conflict of Interests Act (COIA), the Public Records Act, and Article 2 of Chapter 22, Title 15.2, Code of Virginia.

Commented [CS4]: Recommend retaining as it lays out what law the Commission is subject to.

State Code References, Code of Virginia § 15.2-2203, § 15.2-2210, § 15.2-2212, § 15.2-2217, § 15.2-2221

Commented [CS5]: Recommend including § 15.2-2212, § 15.2-2217, as they are pertinent sections to the Commission and also referenced in the proposed revisions.

Article 2. Members and ~~Terms~~Officers

Section 2-1. Membership

- The Planning Commission shall consist of seven members in accordance with City Code Section 2-302.
- All members shall be residents of the City of Manassas, qualified by knowledge and experience to make decisions on questions of community growth and development.
- At least one-half of the members shall be owners of real property in the City of Manassas.
- In accordance with Virginia Code §§ 2.2-3115 and 2.2-3115(G), each member of the Planning Commission shall annually submit both the Financial Disclosure Statement and the Real Estate Disclosure Form to the City Clerk.

~~The City Council determines the size of the Commission. All members shall be residents of the City of Manassas and qualified by knowledge and experience to make decisions regarding questions of growth and development. At least one-half of the members shall be owners of real property in the City of Manassas. Each member of the Commission shall take an oath of office. The City Council may provide~~

~~for the payment of expenses incurred by Commission members in the performance of their official duties and compensation for services.~~

Section 2-2. Terms

- Members of the Planning Commission shall be appointed by the City Council to four-year terms, unless otherwise specified by State Code or through a multi-jurisdictional appointment. Terms of office shall commence on July 1 of each year.
- Effective July 1, 2019, any member who has completed two or more consecutive full terms of service shall be ineligible for reappointment to the Planning Commission for a period of one year following the expiration of their term. Exceptions may be made if:
 - An unexpected vacancy occurs within one year; or
 - No other qualified applicants are available to fill the vacancy; or
 - The City Council determines that reappointment is in the best interests of the City.
- Service by an individual appointed to complete the remainder of an unexpired term shall not be considered a full term.
- Vacancies shall be filled by appointment of the City Council and shall be for the unexpired term only.
- Members may be removed for malfeasance in office by the City Council or as otherwise provided by law.

Commented [CS6]: Recommend adding the City Council to clarify that the Council has the authority to remove a member.

~~Unless a vacancy occurs, members of the Commission shall be appointed by the City Council for terms of four (4) years. Vacancies shall be filled by appointment made by the City Council and shall be for an unexpired term only. Members may be removed for malfeasance in office or as otherwise provided by law.~~

~~State Code Reference, Code of Virginia § 15.2-2212~~

Section 2-3. Attendance

Any member of the Planning Commission who is absent from three consecutive regular meetings, except in cases of emergency circumstances approved by the City Council, or who is absent from fifty percent (50%) of the meetings held within a six-month period for any reason, may have their seat declared vacant by resolution of the City Council. The unexpired term shall then be filled in accordance with law.

Section 2-4. Election of Officers

Annually, at the first regular meeting after June 30th, the Commission shall elect a Chairperson and a Vice Chairperson from among its members. Nominations shall be made from the floor. A candidate receiving a majority vote shall be declared elected and shall take office immediately.

Section 2-5. Chairperson

The Chairperson serves as the primary leader of the Planning Commission and is responsible for ensuring that the Commission functions effectively, efficiently, and in accordance with applicable laws and regulations.

Duties include:

- **Presiding over meetings:** call meetings to order and adjourn; ensure adherence to the Rules of Procedure or parliamentary rules; facilitate orderly discussion and debate; ensure all agenda items are addressed.
- **Agenda and meeting management:** coordinate with staff to prepare agendas; prioritize issues for discussion; ensure compliance with public notice requirements.
- **Representation and liaison duties:** act as official spokesperson; serve as liaison with City Council, other boards, and the public; represent the Commission in hearings and conferences.
- **Decision-making and voting:** vote as a regular member.
- **Leadership and coordination:** guide the Commission in fulfilling its role under the Comprehensive Plan and zoning ordinances; encourage collaboration and public engagement.

Section 2-6. Vice Chairperson

The Vice Chairperson serves as deputy to the Chairperson and assumes leadership when the Chairperson is unavailable.

Duties include:

- **Assuming Chair duties when needed:** preside over meetings; represent the Commission in official matters.
- **Supporting the Chairperson:** assist with agenda preparation, meeting management, and coordination.
- **Continuity and succession:** ensure continuity of leadership; serve as potential successor.

Section 2-7. Chairperson Pro-Tem

If neither the Chairperson nor Vice Chairperson is present at a regular or special meeting, the Clerk shall call the meeting to order, and the Commission shall promptly elect a Chairperson Pro-Tem to preside. The position terminates upon the arrival of the Chairperson or Vice Chairperson.

Section 2-8. Duties of the Clerk

The Clerk, a member of the Community Development Staff, shall keep a written record of all business transacted by the Commission, including preparing and maintaining written minutes of all regular and special meetings, shall prepare and send out notices for regular and special meetings, shall establish and maintain the Commission's files, and shall prepare and be responsible for the publishing of all notices of hearings and public meetings. The Clerk is deemed to be the "Secretary" of the Commission for purposes of Virginia Code §15.2-2214.

Commented [CS7]: Recommend retaining section concerning clerk duties.

Section 2-9 Additional Duties

The Chairperson, Vice Chairperson, and Clerk shall perform such other duties as may from time to time be required by the Commission or by these Rules of Procedure.

State Code References, Code of Virginia § 15.2-2214, § 15.2-2217

Article 3. Officers and Duties

Section 3-1. Election of Officers

~~Annually, at the first regular meeting of the Commission, the Commission shall elect a Chairperson and a Vice Chairperson. Nomination of officers from among the members shall be made from the floor, and a candidate receiving a majority vote of the members of the Commission in attendance and voting at said meeting shall be declared elected, and shall take office immediately and serve until the following first regular meeting in January or until their successor shall take office. Vacancies in office shall be filled immediately by regular Planning Commission election procedures.~~

Section 3-2. Election of Chairperson Pro Tem

~~If neither the Chairperson nor Vice Chairperson is present for a regular or special meeting of the Commission, the Clerk shall call the meeting to order and the Commission shall immediately elect a Chairperson Pro Tem to preside over the meeting.~~

Section 3-3. Duties of Chairperson

The Chairperson shall preside at all regular meetings of the Commission and at other meetings and public hearings held by the Commission. The Chairperson shall call special meetings of the Commission when required, will transmit reports, plans, and recommendations of the Commission to the appropriate governing authority, and in general, shall act as spokesperson for the Commission.

Section 3-4. Duties of Vice Chairperson

The Vice Chairperson shall serve as Chairperson in the absence or the disability of the Chairperson. In the event of the death or resignation of the Chairperson, the Vice Chairperson shall perform the latter's duties until the Commission shall elect a new Chairperson.

Section 3-5. Duties of Clerk

The Clerk, a member of the Community Development Staff, shall keep a written record of all business transacted by the Commission, including preparing and maintaining written minutes of all regular and special meetings, shall prepare and send out notices for regular and special meetings, shall establish and maintain the Commission's files, and shall prepare and be responsible for the publishing of all notices of hearings and public meetings. The Clerk is deemed to be the "Secretary" of the Commission for purposes of Virginia Code §15.2-2214.

Section 3-6. Additional Duties

The Chairperson, Vice Chairperson, and Clerk shall perform such other duties as may from time to time be required by the Commission or by these Rules of Procedure.

State Code References, Code of Virginia § 15.2-2214, § 15.2-2217

Article 34. Meetings

Section 3-1. Definition of a Meeting

A "meeting" is defined as any assemblage of a quorum of the members of a public body, whether in person or electronically, for the purpose of discussing or transacting public business. A meeting occurs when three or more members of a public body gather to discuss or transact public business.

Commented [CS8]: See comment below re: quorum

Section 3-2. Parliamentary Procedure

All Commission meetings shall be conducted in accordance with the most current edition of Robert's Rules of Order, except where such rules conflict with the City of Manassas Code of Ordinances and the Code of Virginia.

Commented [CS9]: Recommend adding "...with the most current edition" as the Rules do change on occasion. The 12th edition was published in 2011.

Commented [CS10]: Recommend adding the Code of Virginia as the Commission is subject to this law.

Section 3-3. Notice of Meetings

- **Regular Meetings:** Advanced written notice shall be posted on the City of Manassas website and at the principal office.
- **Special Meetings:** Written notice shall be provided at least three days in advance.
- **Emergency Meetings:** Notice may be shorter than three days if urgent; the reason for the emergency must be stated.

Section 3.44-1. Regular Meetings

Regular meetings shall be held on the first Wednesday of each month at 5:30 p.m. in the City Council Chambers at City Hall, or at such other time or location as designated by the Chairperson. A minimum of one meeting shall be held annually.

Commented [CS11]: Recommend adding language to state a minimum number of meetings that must be held annually. One is recommended to serve as an annual meeting. The Board of Zoning Appeals does this as they have had instances where they did not have business for several years.

When there is no business before the Commission, the Chairperson may cancel the meeting. The Clerk shall notify the Chairperson a minimum of one week prior to the meeting of a lack of business before the Commission.

Commented [CS12]: Recommend adding to address when a meeting is canceled. We do this by practice already, but having it in the Rules makes this clearer.

Regular meetings of the Commission shall be held on the first and third Wednesday of each month in the City Council Chambers at City Hall, commencing at 7:30 p.m. or at a location and/or time as otherwise designated by the Chairperson. A meeting is defined under the Freedom of Information Act as "meetings, including work sessions, when sitting physically, or through telephonic or video equipment pursuant to Section 2.2-3708, as a body or entity, or as an informal assemblage of (i) as many as three members or (ii) a quorum, if less than three, of the constituent membership, wherever held, with or without minutes being taken, whether or not votes are cast, or any public body where the business of the public body is being discussed or transacted." The Clerk shall prepare an agenda and information package prior to the meeting and provide each member with a copy.

Section 4-23-5. Special or Emergency Meetings

The Commission may ~~hold~~ convene special or emergency meetings at the ~~call~~ request of the Chairperson or any two members, ~~by~~ with notice provided to the Clerk in accordance with. ~~Notice shall be provided pursuant to~~ FOIA.

Section 3-6. Order of Business

The order of business at regular meetings shall be as follows, subject to change at the discretion of the Commission:

1. Pledge of Allegiance
2. Roll Call - Determination of a Quorum
3. Approval of Minutes
4. Committee Reports
5. Citizens Time
6. New Business - Public Hearings
7. Other Business
8. Adjournment

Section 3-7. Motions

Motions shall be restated by the Chairperson or the Clerk before a vote is taken. A record of members making and seconding motions shall be maintained by the Clerk.

Section 3-8. Voting

- Actions involving amendments to these Rules of Procedure or the tabling/consideration of any Zoning Text Amendment, Comprehensive Plan Amendment, ~~Subdivision~~, Special Use Permit, or Rezoning case shall be determined by roll call vote.
- All other actions may be determined by voice vote, unless a roll call vote is requested by any member.
- In the event of a tie vote, the application will move forward to the City Council without a recommendation.

Commented [CS13]: Subdivisions are administrative decisions and do not come before the Planning Commission. Recommend removing.

Commented [CS14]: Recommend adding language concerning a tie vote. This has occurred once in the past five years.

Section 3-9. Quorum

- ~~3.9.1~~ A quorum is established by the presence of at least ~~four~~ members.
- ~~3.9.2~~ Without a quorum, the Commission may not take official votes or make binding decisions.
- ~~3.9.3~~ Members may still receive information or hold discussions without a quorum, but no official action may be taken.

Commented [CS15]: Recommend striking subsection numbers. Not featured elsewhere in document.

Commented [CS16]: Recommend quorum consist of three members. Three members qualify as a as a meeting under the Code of Virginia.

Commented [CS17]: A meeting cannot be held without a quorum. This includes starting the meeting and voting on a quorum. Recommend striking or amending to state that a meeting shall not take place without a quorum.

- 3.9.4 Effective September 11, 2023, the City Council adopted Virginia Code § 2.2-3708.3, permitting Planning Commission members to participate in public meetings remotely from locations not open to the public, in accordance with the conditions and requirements set forth in the City Council's Rules of Procedure, including Section 6-11, "Participation by Remote Electronic Communication."

Section 3-10. Agendas

Staff, in consultation with the Chairperson, shall prepare agendas for Commission meetings.

Section 3-11. Procedures for Public Hearings

The order of business at a Public Hearing shall be as follows, subject to change at the discretion of the Chairperson:

1. The Chairperson calls the hearing to order, announces the item under consideration, acknowledges that public noticing requirements were completed, and states the rules for participation.
2. The Chairperson shall ask the Commission whether any members have a conflict of interest. If a member has a conflict of interest, they shall state the nature of the conflict and recuse themselves from the hearing item.
3. Staff presents the report, background information, and recommendations.
4. The applicant or representative presents testimony, subject to any time limits imposed.
5. Members of the public may provide comments in support or opposition. Speakers shall state their name and address for the record and comply with allotted time limits.
6. The Chairperson formally closes the public hearing after a successful motion from a member of the Planning Commission.
7. Commissioners may pose questions to staff, the applicant, or the public. The Commission deliberates in open session.
8. Action is taken in accordance with these Rules of Procedure and applicable law, which may include approval, denial, deferral, or recommendation to City Council.

Commented [CS18]: Recommend adding language acknowledging that the item was noticed in accordance with applicable law.

Commented [CS19]: Recommend including a step concerning conflicts of interests and recusal so this is clearly on the record.

Commented [CS20]: There may be an instance where staff may not have a recommendation on a hearing item. Recommend striking and replacing with the following language: "Staff presents the staff report to the Commission".

Commented [CS21]: Members of the public occasionally testify in neutral or are testifying with questions to help them with their position. Recommend replacing with the following language: "Members of the public are given the opportunity to testify on the hearing item."

Commented [CS22]: Recommend adding language acknowledging motion to close public hearing.

Commented [CS23]: With the exception of an amendment to the CIP and a 2232 review of the Comp Plan, the Commission can only make a recommendation to the City Council. They cannot defer to the City Council. Hearings can also be continued.

Recommend section rewritten to state " Action is taken in accordance with these Rules of Procedure and applicable law, which may include a recommendation for approval, denial or no recommendation. The Commission may continue a hearing item until the next regularly scheduled hearing if additional information is necessary to make a decision".

Section 3-12. Records and Reports

In accordance with the Virginia Freedom of Information Act, the Commission shall maintain minutes of its proceedings, including the recording of votes and findings. These records are public and available for inspection as required by law.

Section 4.3. Cancellation

Whenever there is no business of the Commission, the Chairperson may dispense with the regular meeting, and shall thereafter give notice through the Clerk to all members of such action.

Section 4.4. Quorum, Majority Vote

A majority of the members of the Commission shall constitute a quorum. Vacancies shall not be counted in calculating the quorum, except that in no case may a quorum be less than three. No business may be conducted unless a quorum is present, and no action of the Commission shall be valid unless authorized by a majority vote of those present and voting.

Section 4.5. Participation by Remote Electronic Communication

The following policy is established pursuant to Virginia Code §2.2-3708.2 to allow members of the Planning Commission to participate in a meeting through electronic communication means from a remote location that is not open to the public, subject to the conditions and requirements of this Section. The following provisions shall be applied strictly and uniformly, without exception, to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.

- A. On or before the day of a meeting, the member who wishes to participate through electronic means must notify the Chairperson, or in the Chairperson's absence the member who will chair the meeting, that the member is unable to attend the meeting due to (1) a temporary or permanent disability or other medical condition that prevents the member's physical attendance; or (2) a personal matter, and identifies with specificity the nature of the personal matter. Remote electronic participation by a member because of a personal matter is limited each calendar year to two meetings.
- B. Following receipt of notification as required by subsection (A), remote participation by electronic communication is authorized if (1) a quorum of the Commission is physically assembled at one primary or central meeting location; and (2) the Commission arranges for the voice of the remote participant to be heard by all persons at the primary or central meeting location.
- C. At the start of the meeting the Chairperson, or other presiding officer, shall advise the Commission of the member's request for participation by remote electronic communication. If the conditions and requirements of this Policy have been met, the Commission shall approve the member's request by majority vote. If participation by a member through electronic

communication means is approved, the Clerk shall record in the minutes of the meeting the remote location from which the member participated. If participation is approved because of the member's temporary or permanent disability or other medical condition, the Clerk shall also include in the minutes of the meeting the fact that the member participated through electronic communication means due to a temporary or permanent disability or other medical condition that prevented the member's physical attendance. If participation is approved due to a member's personal matter, the Clerk shall also include in the minutes of the meeting the specific nature of the personal matter cited by the member.

- D. If a member's participation from a remote location is disapproved because such participation would violate this Policy, such disapproval shall be recorded in the minutes with specificity.

Section 4.6. Order of Business

The order of business at regular meetings shall be as follows, subject to change at the discretion of the Commission:

AGENDA:

1. ~~Pledge of Allegiance~~
2. ~~Roll Call—Determination of a Quorum~~
3. ~~Approval of Minutes~~
4. ~~Committee Reports~~
5. ~~Citizens Time~~
6. ~~New Business—Public Hearings~~
7. ~~Other Business~~
8. ~~Adjournment~~

Section 4.7. Procedure

Parliamentary procedure in Commission meetings shall be governed by ~~Robert's Rule of Order~~, as adapted to small boards, except to the extent that ~~Robert's Rules of Order~~ conflicts with these Rules of Procedure, the City of Manassas Code of Ordinances, or the Code of Virginia of 1950, as amended.

Section 4.8. Motions

Motions shall be restated by the Chairperson or the Clerk before a vote is taken. A record of members making and seconding motions shall be made by the Clerk.

Section 4.9. Voting

The following actions of the Commission shall be made by roll call vote: amendments to these Rules of Procedure and the tabling or any action on a Zoning Text Amendment, Comprehensive Plan

Amendment, Special Use Permit, Rezoning, or Subdivision case. All other decisions and actions of the Commission may be made by voice vote, unless a roll call vote is requested by any member.

Section 4-10. Meetings and Records Open

All meetings of the Commission and committees at which official action is taken shall be open to the public and all records of the Commission shall be public record except as provided by FOIA.

State Code References, Code of Virginia § 15.2-2214, § 15.2-2215, §15.2-2217

Article ~~45~~. Standing and Special Committees and Liaison Members

Section 4-1. Standing Committees

The following standing committees shall be appointed by the Chairperson:

- **Zoning Ordinance Review Committee (ZORC):** The Zoning Ordinance Review Committee shall consist of no fewer than three members of the Planning Commission. The Committee is charged with reviewing and recommending amendments to the Zoning Ordinance. The Chairperson shall designate one Commission member to serve as Committee Chair. The Chairperson may also appoint up to two non-voting members from the public at large.
- **Comprehensive Plan Committee:** The Comprehensive Plan Committee shall consist of no fewer than three members of the Planning Commission. The committee is responsible for developing, updating, and revising the City's Comprehensive Plan, as well as coordinating the efforts of other committees involved in aspects of the overall plan. The Chairperson shall designate one Commission member to serve as Committee Chair. The Chairperson may also appoint up to two non-voting members from the public at large.
- **Capital Improvements Committee:** The Capital Improvement Committee shall consist of no fewer than three members of the Planning Commission. The committee is responsible for assisting in the preparation and updating of the Capital Improvements Program (CIP) in coordination with Community Development staff and ensuring that the CIP aligns with the Comprehensive Plan. The Chairperson shall appoint one Commission member to serve as Committee Chair and may also appoint up to two non-voting members from the public at large.

Section 4-2. Liaison Committees and Boards

The Chairperson may designate a Planning Commission member as liaison to other boards, commissions, or committees. The liaison facilitates communication, provides updates, and represents the Commission's interests.

- **School Board** – liaison to the Manassas School Board on matters related to land use and school facility needs.
- **Manassas Regional Airport Commission** – liaison on land use and airport facility needs.
- **Parks & Recreation Committee** – liaison on matters related to land use, zoning and planning.
- **Architectural Review Board** – liaison on matters related to design review, architectural standards, and aesthetic considerations within the City of Manassas.
- **Economic Development Authority / Housing Advisory Board** – liaison on housing and development initiatives.

Commented [CS24]: Recommend adding language concerning Parks, such as "liaison on matters related to parks development" to give a more focused purpose.

Commented [CS25]: Recommend further discussion on whether a liaison to this Board is necessary. The Commission does not have authority over design and the Board does not have authority over use or zoning. If an application was sophisticated enough, a joint work session could be held in lieu of having a liaison.

Commented [CS26]: The Housing Advisory Board is temporary at the moment. Should the Council make this a permanent board, a liaison would be appropriate. Recommend striking until the board is made permanent.

The following committees and liaison members shall be the standing committees of the Commission and shall be appointed by the Chairperson: Zoning Ordinance Review Committee (ZORC), the Comprehensive Plan Committee, and the Capital Improvements Committee.

The Zoning Ordinance Review Committee shall be composed of at least three (3) Planning Commission members. It shall be the responsibility of the committee to review and recommend amendments to the Zoning Ordinance. The Chairperson may also appoint up to two (2) non-voting members from the public at large. The Chairperson shall appoint one of the Committee's Planning Commission members as the Committee Chair.

The Comprehensive Plan Committee shall be composed of at least three (3) Planning Commission members. It shall be the responsibility of the committee to develop, update, and revise the Comprehensive Plan and coordinate the work of other committees, which relate to the overall plan development. The Chairperson may also appoint up to two (2) non-voting members from the public at large. The Chairperson shall appoint one of the Committee's Planning Commission members as the Committee Chair.

The Capital Improvements Committee shall be composed of at least three (3) Planning Commission members. It shall be the responsibility of the committee to assist in the preparation and update of the Capital Improvements Program (CIP) in conjunction with the Community Development Staff, and generally assure that the CIP is in conformity with the Comprehensive Plan. The Chairperson may also appoint up to two (2) non-voting members from the public at large. The Chairperson shall appoint one of the Committee's Planning Commission members as the Committee Chair.

~~School Board Liaison Member—One (1) Planning Commission member shall be appointed to act as a liaison between the Commission and the School Board in matters relating to land use needs and issues of the schools.~~

~~Airport Liaison Member—One (1) Planning Commission member shall be appointed to act as a liaison between the Commission and the Airport Commission in matters relating to land use needs and issues of the Airport.~~

~~City Council Land Use Committee Liaison Member—One (1) Planning Commission member shall be appointed to act as a liaison between the Commission and the City Council Land Use Committee in matters relating to planning, zoning, and land use.~~

~~Each committee member shall be appointed for a term of one (1) year by the Chairperson, subject to the member's consent. Any vacancy by a Planning Commission member shall be filled forthwith; any vacancy by a member of the public at large is filled at the discretion of the Chairperson. The Chairperson shall appoint special committees or liaison members may be appointed by the Chairperson for the purposes and terms approved by the Commission. Meetings of all committees, whether standing or special, shall be open to the public, unless closed pursuant to FOIA. Non-voting members are not counted in calculating a quorum.~~

State Code Reference, Code of Virginia §15.2-2217

Article 5. Annual Report

Code of Virginia § 15.2-2217

The Planning Commission, with assistance from Community Development staff, shall prepare an Annual Report summarizing the activities, findings, and recommendations of the Commission. The report shall be submitted for the Commission's review and adoption at its regular October meeting, or at such other time as the Commission may designate.

Article 6. Community Development Staff and Other Advisory

Sources

Commented [CS27]: Recommend retaining this section as it contains provisions that enable the Commission to request additional studies.

Section 6-1. Staffing

The Community Development Staff, including counsel, shall advise all members regarding the technical and legal aspects of matters before the Commission. The Chairperson may request the Community Development Staff, including counsel, and other advisory agencies as deemed appropriate, to prepare and present special reports as the need arises. Commission members shall take proper precautions to preserve the confidentiality of attorney-client privileged communications.

Section 6-2. Special Studies

Upon request of the Commission, the City Council or other public officials may assign any members of the staff of the City of Manassas to make for the Commission special surveys or studies under the direction of the Commission.

Section 6-3. Annual Report

~~The Community Development Staff shall prepare an Annual Report for review and adoption by the Commission at its regular meeting in October of each year, or thereafter at such other time as determined by the Commission.~~

State Code Reference, Code of Virginia §15.2-2217

Article 7. Special Rules

Section 7-1. Objectivity

Commission members shall make every attempt to remain neutral and uncommitted on issues coming before the Commission until said issues have been presented to the Commission and the proponents and opponents concerning the issue have been heard.

Section 7-2. Speaking

No one in attendance shall be allowed to speak on any matter before the Commission without first gaining recognition of the Chairperson. A record shall be kept by the Clerk of those speaking before the Commission. Those wishing to speak shall limit their comments to three (3) minutes, or to a time as set by the Chairperson.

Commented [CS28]: Recommend retaining this section as it provides guidance on objectivity and training and retains the speaking rule for all matters before the Commission (not only public hearings, but all Commission matters).

Section 7-3. Preparation and Training

Members are encouraged to attend training sessions in order to more effectively carry out their responsibilities to meet the objectives of the Commission. Members are expected to attend all Commission meetings, regular and special committee meetings, public hearings, workshops and briefings, and become familiar, insofar as possible in advance, with each application that comes before the Commission.

Article 8. Amendments

These Rules of Procedure may be amended at any regular meeting of the Commission, by an affirmative vote of not less than two-thirds (2/3) majority of the members present and voting, provided that such amendments shall have first been presented to all members in writing at a meeting of the Commission at least thirty (30) days prior to the meeting at which the vote is taken.

Commented [CS29]: Recommend retaining to clarify how amendments can be made. Discussion also recommended as to whether the Commission wishes to retain the voting thresholds and the amount of time between presenting the amendments and adoptions.

Article 9. Adoption

These Rules of Procedure are adopted by the Manassas City Planning Commission pursuant to the authority granted under the Code of Virginia §§ 15.2-2212 and 15.2-2217. The purpose of these rules is to provide for the fair, efficient, and orderly conduct of the Commission's business, to ensure compliance with applicable law, and to guide the Commission in fulfilling its responsibilities to the City Council and the citizens of Manassas.

Certification of Adoption

These Rules of Procedure of the Manassas City Planning Commission were duly adopted at a regular meeting held on the _____ day of _____, 20, in accordance with the Code of Virginia. These Rules of Procedure shall remain in effect until amended, suspended, or repealed by a majority vote of the Commission in accordance with law.

Commented [CS30]: Adoption resolution included as separate document and formatted in resolution format.

Signatures

Chairperson: _____ Date: _____

Vice Chairperson: _____ Date: _____

Clerk/Secretary: _____ Date: _____

Commented [CS31]: Recommend striking as the amendment section lays out the procedure to amend the rules.

I hereby attest that these Rules of Procedure were adopted by the Manassas City Planning Commission and are on file with the City of Manassas.

City Clerk / Staff Liaison: _____ Date: _____

~~Adopted this 6th day of May, 2020~~

Harry J. Clark, Chairperson

Attest: _____

Christen Miller, Clerk

Planning Commission Rules of Procedure

City of Manassas, Virginia

1. Organization of the Commission

1.1 Authority & Purpose

Code of Virginia § 15.2-2212

Every locality must, by ordinance or resolution, establish a local planning commission to promote the orderly development of the locality and its surroundings.

The purpose of the Manassas City Planning Commission is to serve as the advisory body to City Council on matters relating to the physical development of the City. In accordance with the Code of Virginia, the Commission is charged with preparing and recommending the Comprehensive Plan, reviewing and making recommendations on proposed rezonings, special use permits, subdivisions, and amendments to the Zoning Ordinance, and promoting the orderly and coordinated development of the City. The Commission seeks to protect the health, safety, and welfare of the community by balancing growth with the preservation of neighborhood character, environmental resources, and the City's long-term vision.

Code of Virginia § 15.2-2217

- Every local planning commission must elect a chairperson from its members.
 - The commission must adopt rules for the transaction of business.
 - The commission must keep a record of its resolutions, transactions, findings, and determinations, and those records are public.
-

2. Membership & Officers

2.1 Membership

- The Manassas City Council determines the size of the Planning Commission.
- All members shall be residents of the City of Manassas.

- At least one-half of the members shall be owners of real property in the City of Manassas.
- In accordance with Virginia Code §§ 2.2-3115 and 2.2-3115(G), each member of the Planning Commission shall annually submit both the Financial Disclosure Statement and the Real Estate Disclosure Form to the City Clerk.

2.2 Terms

- Members of the Planning Commission shall be appointed by the City Council to four-year terms, unless otherwise specified by State Code or through a multi-jurisdictional appointment. Terms of office shall commence on July 1 of each year.
- Effective July 1, 2019, any member who has completed two or more consecutive full terms of service shall be ineligible for reappointment to the Planning Commission for a period of one year following the expiration of their term. Exceptions may be made if:
 - An unexpected vacancy occurs within one year; or
 - No other qualified applicants are available to fill the vacancy; or
 - The City Council determines that reappointment is in the best interests of the City.
- Service by an individual appointed to complete the remainder of an unexpired term shall not be considered a full term.
- Vacancies shall be filled by appointment of the City Council and shall be for the unexpired term only.
- Members may be removed for malfeasance in office or as otherwise provided by law.

2.3 Attendance

Any member of the Planning Commission who is absent from three consecutive regular meetings, except in cases of emergency circumstances approved by the City Council, or who is absent from fifty percent (50%) of the meetings held within a six-month period for any reason, may have their seat declared vacant by resolution of the City Council. The unexpired term shall then be filled in accordance with law.

2.4 Election of Officers

Annually, at the first regular meeting after June 30th, the Commission shall elect a Chairperson and a Vice Chairperson from among its members. Nominations shall be made from the floor. A candidate receiving a majority vote shall be declared elected and shall take office immediately.

2.5 Chairperson

The Chairperson serves as the primary leader of the Planning Commission and is responsible for ensuring that the Commission functions effectively, efficiently, and in accordance with applicable laws and regulations.

Duties include:

- **Presiding over meetings:** call meetings to order and adjourn; ensure adherence to the Rules of Procedure or parliamentary rules; facilitate orderly discussion and debate; ensure all agenda items are addressed.
- **Agenda and meeting management:** coordinate with staff to prepare agendas; prioritize issues for discussion; ensure compliance with public notice requirements.
- **Representation and liaison duties:** act as official spokesperson; serve as liaison with City Council, other boards, and the public; represent the Commission in hearings and conferences.
- **Decision-making and voting:** vote as a regular member.
- **Leadership and coordination:** guide the Commission in fulfilling its role under the Comprehensive Plan and zoning ordinances; encourage collaboration and public engagement.

2.6 Vice Chairperson

The Vice Chairperson serves as deputy to the Chairperson and assumes leadership when the Chairperson is unavailable.

Duties include:

- **Assuming Chair duties when needed:** preside over meetings; represent the Commission in official matters.
- **Supporting the Chairperson:** assist with agenda preparation, meeting management, and coordination.
- **Continuity and succession:** ensure continuity of leadership; serve as potential successor.

2.7 Chairperson Pro-Tem

If neither the Chairperson nor Vice Chairperson is present at a regular or special meeting, the Clerk shall call the meeting to order, and the Commission shall promptly elect a Chairperson Pro-Tem to preside. The position terminates upon the arrival of the Chairperson or Vice Chairperson.

3. Meetings

3.1 Definition of a Meeting

Code of Virginia § 2.2-3701 (FOIA)

A “meeting” is defined as any assemblage of a quorum of the members of a public body, whether in person or electronically, for the purpose of discussing or transacting public business. A meeting occurs when three or more members of a public body gather to discuss or transact public business.

3.2 Parliamentary Procedure

All Commission meetings shall be conducted in accordance with *Robert’s Rules of Order*, except where such rules conflict with the City of Manassas Code of Ordinances.

3.3 Notice of Meetings

- **Regular Meetings:** Advanced written notice shall be posted on the City of Manassas website and at the principal office.
- **Special Meetings:** Written notice shall be provided at least three days in advance.
- **Emergency Meetings:** Notice may be shorter than three days if urgent; the reason for the emergency must be stated.

3.4 Regular Meetings

Regular meetings shall be held on the first Wednesday of each month at 5:30 p.m. in the City Council Chambers at City Hall, or at such other time or location as designated by the Chairperson.

3.5 Special or Emergency Meetings

The Commission may convene special or emergency meetings at the request of the Chairperson or any two members, with notice provided to the Clerk in accordance with FOIA.

3.6 Order of Business

The order of business at a regular meeting shall be as follows, subject to change at the discretion of the Chairperson:

1. Pledge of Allegiance
2. Roll Call – Determination of a Quorum
3. Approval of Minutes
4. Committee Reports
5. Citizens Time
6. New Business – Public Hearings
7. Other Business
8. Adjournment

3.7 Motions

Motions shall be restated by the Chairperson or the Clerk before a vote is taken. A record of members making and seconding motions shall be maintained by the Clerk.

3.8 Voting

- Actions involving amendments to these Rules of Procedure or the tabling/consideration of any Zoning Text Amendment, Comprehensive Plan Amendment, Special Use Permit, Rezoning, or Subdivision case shall be determined by roll call vote.
- All other actions may be determined by voice vote, unless a roll call vote is requested by any member.

3.9 Quorum

- **3.9.1** A quorum is established by the presence of at least four members.
- **3.9.2** Without a quorum, the Commission may not take official votes or make binding decisions.
- **3.9.3** Members may still receive information or hold discussions without a quorum, but no official action may be taken.
- **3.9.4** Effective September 11, 2023, the City Council adopted Virginia Code § 2.2-3708.3, permitting Planning Commission members to participate in public meetings

remotely from locations not open to the public, in accordance with the conditions and requirements set forth in the City Council's Rules of Procedure, including Section 6-11, "Participation by Remote Electronic Communication."

3.10 Agendas

Staff, in consultation with the Chairperson, shall prepare agendas for Commission meetings.

3.11 Procedures for Public Hearings

The order of business at a Public Hearing shall be as follows, subject to change at the discretion of the Chairperson:

1. The Chairperson calls the hearing to order, announces the item under consideration, and states the rules for participation.
2. Staff presents the report, background information, and recommendations.
3. The applicant or representative presents testimony, subject to any time limits imposed.
4. Members of the public may provide comments in support or opposition. Speakers shall state their name and address for the record and comply with allotted time limits.
5. The Chairperson formally closes the public hearing.
6. Commissioners may pose questions to staff, the applicant, or the public. The Commission deliberates in open session.
7. Action is taken in accordance with these Rules of Procedure and applicable law, which may include approval, denial, deferral, or recommendation to City Council.

3.12 Records and Reports

In accordance with the Virginia Freedom of Information Act, the Commission shall maintain minutes of its proceedings, including the recording of votes and findings. These records are public and available for inspection as required by law.

4. Committees

4.1 Standing Committees

The following standing committees shall be appointed by the Chairperson:

- **Zoning Ordinance Review Committee (ZORC):** The Zoning Ordinance Review Committee shall consist of no fewer than three members of the Planning Commission. The Committee is charged with reviewing and recommending amendments to the Zoning Ordinance. The Chairperson shall designate one Commission member to serve as Committee Chair. The Chairperson may also appoint up to two non-voting members from the public at large.
- **Comprehensive Plan Committee:** The Comprehensive Plan Committee shall consist of no fewer than three members of the Planning Commission. The committee is responsible for developing, updating, and revising the City's Comprehensive Plan, as well as coordinating the efforts of other committees involved in aspects of the overall plan. The Chairperson shall designate one Commission member to serve as Committee Chair. The Chairperson may also appoint up to two non-voting members from the public at large.
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4.2 Liaison Committees and Boards

The Chairperson may designate a Planning Commission member as liaison to other boards, commissions, or committees. The liaison facilitates communication, provides updates, and represents the Commission's interests.

- **School Board** – liaison to the Manassas School Board on matters related to land use and school facility needs.
- **Manassas Regional Airport Commission** – liaison on land use and airport facility needs.
- **Parks & Recreation Committee** – liaison on matters related to land use, zoning and planning.
- **Architectural Review Board** – liaison on matters related to design review, architectural standards, and aesthetic considerations within the City of Manassas.
- **Economic Development Authority / Housing Advisory Board** – liaison on housing and development initiatives.

5. Annual Report

Code of Virginia § 15.2-2217

The Planning Commission, with assistance from Community Development staff, shall prepare an Annual Report summarizing the activities, findings, and recommendations of the Commission. The report shall be submitted for the Commission's review and adoption at its regular October meeting, or at such other time as the Commission may designate.

These Rules of Procedure are adopted by the Manassas City Planning Commission pursuant to the authority granted under the Code of Virginia §§ 15.2-2212 and 15.2-2217. The purpose of these rules is to provide for the fair, efficient, and orderly conduct of the Commission's business, to ensure compliance with applicable law, and to guide the Commission in fulfilling its responsibilities to the City Council and the citizens of Manassas.

Certification of Adoption

These Rules of Procedure of the Manassas City Planning Commission were duly adopted at a regular meeting held on the ____ day of _____, 20, in accordance with the Code of Virginia. These Rules of Procedure shall remain in effect until amended, suspended, or repealed by a majority vote of the Commission in accordance with law.

Signatures

Chairperson: _____ Date: _____

Vice Chairperson: _____ Date: _____

Clerk/Secretary: _____ Date: _____

I hereby attest that these Rules of Procedure were adopted by the Manassas City Planning Commission and are on file with the City of Manassas.

City Clerk / Staff Liaison: _____ Date: _____

RESOLUTION

OF THE MANASSAS CITY PLANNING COMMISSION ADOPTING RULES OF PROCEDURE

WHEREAS, the Manassas City Planning Commission is duly established pursuant to the Code of Virginia § 15.2-2210 et seq.; and

WHEREAS, the Commission recognizes the importance of establishing rules to govern its organization, meetings, and actions in order to provide for the fair, efficient, and orderly conduct of business; and

WHEREAS, the Code of Virginia § 15.2-2212 authorizes the Commission to elect officers, adopt rules, and carry out its responsibilities under law; and

WHEREAS, the Commission has reviewed and finds it proper to adopt Rules of Procedure to guide its operations and to ensure compliance with applicable provisions of the Code of Virginia;

NOW, THEREFORE, BE IT RESOLVED by the **Manassas City Planning Commission** that the Rules of Procedure attached hereto and incorporated herein by reference are hereby adopted and shall remain in effect until amended, suspended, or repealed in accordance with law.

Adopted this ____ day of _____, **20**, by the Manassas City Planning Commission.

Signatures

Chairperson: _____ Date: _____

Vice Chairperson: _____ Date: _____

Clerk/Secretary: _____ Date: _____

Staff Report

To: Manassas City Planning Commission

From: [Staff Liaison / Department of Community Development]

Date: _____

Subject: Adoption of Rules of Procedure

Background

The Code of Virginia (§§ 15.2-2210 through 15.2-2217) establishes the authority, organization, and responsibilities of local planning commissions. While the Code does not specifically mandate written rules of procedure, best practice and common local government standards recommend the adoption of such rules to ensure transparency, consistency, and orderly conduct of business.

The Planning Commission of the City of Manassas last adopted Rules of Procedure on May 6, 2020. These proposed Rules of Procedure have been updated to reflect current legal requirements, local practices, and Commission preferences.

Discussion

The proposed Rules of Procedure provide clear guidance on:

- Membership, officers, and duties;
- Meeting procedures, including quorum, order of business, and voting;
- Committee structures and reporting requirements;
- Standards for public hearings and citizen participation;
- Methods for amending or suspending the Rules.

Adoption of these Rules of Procedure will help ensure the fair, efficient, and transparent operation of the Commission in its advisory role to City Council.

Recommendation

Staff recommends that the Planning Commission adopt the attached Rules of Procedure by approving the accompanying Resolution of Adoption.



PLANNING COMMISSION RESOLUTION

MOTION:

DATE
Regular Meeting

SECOND:

Re: Resolution of the Manassas City Planning Commission Adopting Rules of Procedure

WHEREAS, the Manassas City Planning Commission is duly established pursuant to the Code of Virginia § 15.2-2210 et seq.; and

WHEREAS, the Commission recognizes the importance of establishing rules to govern its organization, meetings, and actions in order to provide for the fair, efficient, and orderly conduct of business; and

WHEREAS, the Code of Virginia § 15.2-2212 authorizes the Commission to elect officers, adopt rules, and carry out its responsibilities under law; and

WHEREAS, the Commission has reviewed and finds it proper to adopt Rules of Procedure to guide its operations and to ensure compliance with applicable provisions of the Code of Virginia;

NOW THEREFORE BE IT RESOLVED, by the Manassas City Planning Commission that the Rules of Procedure attached hereto and incorporated herein by reference are hereby adopted and shall remain in effect until amended, suspended, or repealed in accordance with law.

Adopted this ____ day of _____, 20__, by the Manassas City Planning Commission.

Dheeraj Jagadev, Chairperson

Date

Robert Keller, Vice-Chair

Date

Clerk

Date



Planning Commission

RULES OF PROCEDURE

ADOPTED MAY 6, 2020

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Statement of Purpose

These Rules of Procedure govern the transaction of business by the City of Manassas Planning Commission and prescribe the rules pertaining to its meetings and hearings.

State Code References, Code of Virginia § 15.2-2217, § 15.2-2221

Article 1. In General

Section 1-1. Creation

The City of Manassas Planning Commission is established by the Council of the City of Manassas, pursuant to Title 15.2 of the Code of Virginia.

Section 1-2. Name

The official name of the Commission is the “City of Manassas Planning Commission”, hereinafter referred to as “the Commission.”

Section 1-3. Objectives

The objectives and purposes of the Commission, pursuant to the provisions of Title 15.2 of the Code of Virginia, are:

1. To promote the orderly development of the City and its environs;
2. To recommend improvements for the public health, safety, convenience, and welfare of the citizens of Manassas;
3. To plan for the future development of the community and ensuring carefully planned transportation systems;
4. To ensure that recommendations for new community centers be developed with adequate highway, utility, health, educational, and recreational facilities;
5. To ensure that the needs of agriculture, industry, and business be considered in future growth;
6. To ensure that residential areas be provided with healthy surroundings for family life;
7. To ensure that the preservation of open space be considered; and
8. To ensure that the growth of Manassas be consonant with the efficient and economical use of public funds.

Section 1-4. Governing Law

The Commission is governed by the Freedom of Information Act (FOIA), the Conflict of Interests Act (COIA), the Public Records Act, and Article 2 of Chapter 22, Title 15.2, Code of Virginia.

State Code References, Code of Virginia § 15.2-2203, § 15.2-2210, § 15.2-2221

Article 2. Members and Terms

Section 2-1. Members

The City Council determines the size of the Commission. All members shall be residents of the City of Manassas and qualified by knowledge and experience to make decisions regarding questions of growth and development. At least one-half of the members shall be owners of real property in the City of Manassas. Each member of the Commission shall take an oath of office. The City Council may provide for the payment of expenses incurred by Commission members in the performance of their official duties and compensation for services.

Section 2-2. Terms

Unless a vacancy occurs, members of the Commission shall be appointed by the City Council for terms of four (4) years. Vacancies shall be filled by appointment made by the City Council and shall be for an unexpired term only. Members may be removed for malfeasance in office or as otherwise provided by law.

State Code Reference, Code of Virginia § 15.2-2212

Article 3. Officers and Duties

Section 3-1. Election of Officers

Annually, at the first regular meeting of the Commission, the Commission shall elect a Chairperson and a Vice Chairperson. Nomination of officers from among the members shall be made from the floor, and a candidate receiving a majority vote of the members of the Commission in attendance and voting at said meeting shall be declared elected, and shall take office immediately and serve until the following first regular meeting in January or until their successor shall take office. Vacancies in office shall be filled immediately by regular Planning Commission election procedures.

Section 3-2. Election of Chairperson Pro-Tem

If neither the Chairperson nor Vice Chairperson is present for a regular or special meeting of the Commission, the Clerk shall call the meeting to order and the Commission shall immediately elect a Chairperson Pro-Tem to preside over the meeting.

Section 3-3. Duties of Chairperson

The Chairperson shall preside at all regular meetings of the Commission and at other meetings and public hearings held by the Commission. The Chairperson shall call special meetings of the Commission when required, will transmit reports, plans, and recommendations of the Commission to the appropriate governing authority, and in general, shall act as spokesperson for the Commission.

Section 3-4. Duties of Vice Chairperson

The Vice Chairperson shall serve as Chairperson in the absence or the disability of the Chairperson. In the event of the death or resignation of the Chairperson, the Vice Chairperson shall perform the latter's duties until the Commission shall elect a new Chairperson.

Section 3-5. Duties of Clerk

The Clerk, a member of the Community Development Staff, shall keep a written record of all business transacted by the Commission, including preparing and maintaining written minutes of all regular and special meetings, shall prepare and send out notices for regular and special meetings, shall establish and maintain the Commission's files, and shall prepare and be responsible for the publishing of all notices of hearings and public meetings. The Clerk is deemed to be the "Secretary" of the Commission for purposes of Virginia Code §15.2-2214.

Section 3-6. Additional Duties

The Chairperson, Vice Chairperson, and Clerk shall perform such other duties as may from time to time be required by the Commission or by these Rules of Procedure.

State Code References, Code of Virginia § 15.2-2214, § 15.2-2217

Article 4. Meetings

Section 4-1. Regular Meetings

Regular meetings of the Commission shall be held on the first and third Wednesday of each month in the City Council Chambers at City Hall, commencing at 7:30 p.m. or at a location and/or time as otherwise designated by the Chairperson. A meeting is defined under the Freedom of Information Act as "meetings, including work sessions, when sitting physically, or through telephonic or video equipment pursuant to Section 2.2-3708, as a body or entity, or as an informal assemblage of (i) as many as three members or (ii) a quorum, if less than three, of the constituent membership, wherever held, with or without minutes being taken, whether or not votes are cast, or any public body where the business of

the public body is being discussed or transacted.” The Clerk shall prepare an agenda and information package prior to the meeting and provide each member with a copy.

Section 4-2. Special or Emergency Meetings

The Commission may hold special or emergency meetings at the call of the Chairperson or any two members, by notice to the Clerk. Notice shall be provided pursuant to FOIA.

Section 4-3. Cancellation

Whenever there is no business of the Commission, the Chairperson may dispense with the regular meeting, and shall thereafter give notice through the Clerk to all members of such action.

Section 4-4. Quorum, Majority Vote

A majority of the members of the Commission shall constitute a quorum. Vacancies shall not be counted in calculating the quorum, except that in no case may a quorum be less than three. No business may be conducted unless a quorum is present, and no action of the Commission shall be valid unless authorized by a majority vote of those present and voting.

Section 4-5. Participation by Remote Electronic Communication

The following policy is established pursuant to Virginia Code §2.2-3708.2 to allow members of the Planning Commission to participate in a meeting through electronic communication means from a remote location that is not open to the public, subject to the conditions and requirements of this Section. The following provisions shall be applied strictly and uniformly, without exception, to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.

- A. On or before the day of a meeting, the member who wishes to participate through electronic means must notify the Chairperson, or in the Chairperson’s absence the member who will chair the meeting, that the member is unable to attend the meeting due to (1) a temporary or permanent disability or other medical condition that prevents the member's physical attendance; or (2) a personal matter, and identifies with specificity the nature of the personal matter. Remote electronic participation by a member because of a personal matter is limited each calendar year to two meetings.
- B. Following receipt of notification as required by subsection (A), remote participation by electronic communication is authorized if (1) a quorum of the Commission is physically assembled at one primary or central meeting location; and (2) the Commission arranges for the

voice of the remote participant to be heard by all persons at the primary or central meeting location.

- C. At the start of the meeting the Chairperson, or other presiding officer, shall advise the Commission of the member's request for participation by remote electronic communication. If the conditions and requirements of this Policy have been met, the Commission shall approve the member's request by majority vote. If participation by a member through electronic communication means is approved, the Clerk shall record in the minutes of the meeting the remote location from which the member participated. If participation is approved because of the member's temporary or permanent disability or other medical condition, the Clerk shall also include in the minutes of the meeting the fact that the member participated through electronic communication means due to a temporary or permanent disability or other medical condition that prevented the member's physical attendance. If participation is approved due to a member's personal matter, the Clerk shall also include in the minutes of the meeting the specific nature of the personal matter cited by the member.
- D. If a member's participation from a remote location is disapproved because such participation would violate this Policy, such disapproval shall be recorded in the minutes with specificity.

Section 4-6. Order of Business

The order of business at regular meetings shall be as follows, subject to change at the discretion of the Commission:

AGENDA:

1. Pledge of Allegiance
2. Roll Call - Determination of a Quorum
3. Approval of Minutes
4. Committee Reports
5. Citizens Time
6. New Business - Public Hearings
7. Other Business
8. Adjournment

Section 4-7. Procedure

Parliamentary procedure in Commission meetings shall be governed by Robert's Rule of Order, as adapted to small boards, except to the extent that Robert's Rules of Order conflicts with these Rules of Procedure, the City of Manassas Code of Ordinances, or the Code of Virginia of 1950, as amended.

Section 4-8. Motions

Motions shall be restated by the Chairperson or the Clerk before a vote is taken. A record of members making and seconding motions shall be made by the Clerk.

Section 4-9. Voting

The following actions of the Commission shall be made by roll call vote: amendments to these Rules of Procedure and the tabling or any action on a Zoning Text Amendment, Comprehensive Plan Amendment, Special Use Permit, Rezoning, or Subdivision case. All other decisions and actions of the Commission may be made by voice vote, unless a roll call vote is requested by any member.

Section 4-10. Meetings and Records Open

All meetings of the Commission and committees at which official action is taken shall be open to the public and all records of the Commission shall be public record except as provided by FOIA.

State Code References, Code of Virginia § 15.2-2214, § 15.2-2215, §15.2-2217

Article 5. Standing and Special Committees and Liaison Members

The following committees and liaison members shall be the standing committees of the Commission and shall be appointed by the Chairperson: Zoning Ordinance Review Committee (ZORC), the Comprehensive Plan Committee, and the Capital Improvements Committee.

The Zoning Ordinance Review Committee shall be composed of at least three (3) Planning Commission members. It shall be the responsibility of the committee to review and recommend amendments to the Zoning Ordinance. The Chairperson may also appoint up to two (2) non-voting members from the public at-large. The Chairperson shall appoint one of the Committee's Planning Commission members as the Committee Chair.

The Comprehensive Plan Committee shall be composed of at least three (3) Planning Commission members. It shall be the responsibility of the committee to develop, update, and revise the Comprehensive Plan and coordinate the work of other committees, which relate to the overall plan development. The Chairperson may also appoint up to two (2) non-voting members from the public at-large. The Chairperson shall appoint one of the Committee's Planning Commission members as the Committee Chair.

The Capital Improvements Committee shall be composed of at least three (3) Planning Commission members. It shall be the responsibility of the committee to assist in the preparation and update of the Capital Improvements Program (CIP) in conjunction with the Community Development Staff, and generally assure that the CIP is in conformity with the Comprehensive Plan. The Chairperson may also appoint up to two (2) non-voting members from the public at-large. The Chairperson shall appoint one of the Committee's Planning Commission members as the Committee Chair.

School Board Liaison Member – One (1) Planning Commission member shall be appointed to act as a liaison between the Commission and the School Board in matters relating to land use needs and issues of the schools.

Airport Liaison Member – One (1) Planning Commission member shall be appointed to act as a liaison between the Commission and the Airport Commission in matters relating to land use needs and issues of the Airport.

City Council Land Use Committee Liaison Member - One (1) Planning Commission member shall be appointed to act as a liaison between the Commission and the City Council Land Use Committee in matters relating to planning, zoning, and land use.

Each committee member shall be appointed for a term of one (1) year by the Chairperson, subject to the member's consent. Any vacancy by a Planning Commission member shall be filled forthwith; any vacancy by a member of the public at-large is filled at the discretion of the Chairperson. The Chairperson shall appoint special committees or liaison members may be appointed by the Chairperson for the purposes and terms approved by the Commission. Meetings of all committees, whether standing or special, shall be open to the public, unless closed pursuant to FOIA. Non-voting members are not counted in calculating a quorum.

State Code Reference, Code of Virginia §15.2-2217

Article 6. Community Development Staff and Other Advisory Sources

Section 6-1. Staffing

The Community Development Staff, including counsel, shall advise all members regarding the technical and legal aspects of matters before the Commission. The Chairperson may request the Community Development Staff, including counsel, and other advisory agencies as deemed appropriate, to prepare

and present special reports as the need arises. Commission members shall take proper precautions to preserve the confidentiality of attorney-client privileged communications.

Section 6-2. Special Studies

Upon request of the Commission, the City Council or other public officials may assign any members of the staff of the City of Manassas to make for the Commission special surveys or studies under the direction of the Commission.

Section 6-3. Annual Report

The Community Development Staff shall prepare an Annual Report for review and adoption by the Commission at its regular meeting in October of each year, or thereafter at such other time as determined by the Commission.

State Code Reference, Code of Virginia §15.2-2217

Article 7. Special Rules

Section 7-1. Objectivity

Commission members shall make every attempt to remain neutral and uncommitted on issues coming before the Commission until said issues have been presented to the Commission and the proponents and opponents concerning the issue have been heard.

Section 7-2. Speaking

No one in attendance shall be allowed to speak on any matter before the Commission without first gaining recognition of the Chairperson. A record shall be kept by the Clerk of those speaking before the Commission. Those wishing to speak shall limit their comments to three (3) minutes, or to a time as set by the Chairperson.

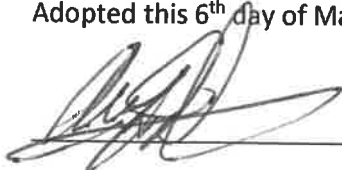
Section 7-3. Preparation and Training

Members are encouraged to attend training sessions in order to more effectively carry out their responsibilities to meet the objectives of the Commission. Members are expected to attend all Commission meetings, regular and special committee meetings, public hearings, workshops and briefings, and become familiar, insofar as possible in advance, with each application that comes before the Commission.

Article 8. Amendments

These Rules of Procedure may be amended at any regular meeting of the Commission, by an affirmative vote of not less than two-thirds (2/3) majority of the members present and voting, provided that such amendments shall have first been presented to all members in writing at a meeting of the Commission at least thirty (30) days prior to the meeting at which the vote is taken.

Adopted this 6th day of May, 2020

A handwritten signature in black ink, appearing to read "Harry J. Clark", written over a horizontal line.

Harry J. Clark, Chairperson

Attest: Christen Miller

Christen Miller, Clerk

Planning Commission Monthly Update – Pending Land Use Cases

November 5, 2025

CC= City Council; PC= Planning Commission

Case Name	Date Submitted	Staff Assigned	Address/ Description	Status
SUP #2026-0001	9/5/2025	Ovalle	8700 Centreville Road; Special Use Permit for an alternative education school	PC: 11/5/2025 CC: 11/10/2025
SUP #2026-0002	9/22/2025	Samples	9500 Liberia Ave; Special Use Permit for a Comprehensive Sign Plan to request a variation from the zoning ordinance for a wall sign	Application completeness review underway PC: TBD CC: TBD
CPA #2024-0001	3/24/2024	Samples Ovalle Delhomme	Manassas 2045 Comprehensive Plan Update	PC: 8/6/2025 CC: 9/15/2025 (Town Hall); 9/22/2025 (Public Hearing); 10/27/2025 (Adopted)
ZTA #2026-0001	6/25/2025	Samples	Zoning Text Amendments	PC: 11/5/2025 CC: 12/8/2025

Upcoming Planning Commission Meeting Dates:

- Planning Commission – 12/3/2025