



City of Manassas, Virginia
Planning Commission Zoning Ordinance Review
Committee Meeting

AGENDA

**Planning Commission Subcommittee
9027 Center Street
Manassas, VA 20110
Community Conference Room
Wednesday, September 10, 2025**

1. Call to Order - 5:30 p.m.
2. Roll Call and Determination of a Quorum
3. Approval of the Meeting Minutes
 - 3.1 **Approval of the Meeting Minutes for August 27, 2025**
[Draft Meeting Minutes for August 27, 2025](#)
4. New Business
 - 4.1 **ZTA #2026-0001, 2026 Zoning Ordinance Annual Updates - Marijuana; Industrial Zone Standards; Accessory Dwelling Units**
(Staff: Christian Samples, AICP, Planning Manager)
[Memorandum](#)
[Attachment 1. Draft Cannabis Ordinance](#)
[Attachment 2. Draft Data Center & Industrial Standards Ordinance](#)
[Attachment 3. Draft Accessory Dwelling Units](#)
5. Adjournment

**PLANNING COMMISSION
ZONING ORDINANCE REVIEW COMMITTEE (ZORC)
AUGUST 27, 2025
CITY HALL – FIRST FLOOR CONFERENCE ROOM
9027 CENTER STREET, MANASSAS, VA 20110
5:30 P.M.**

In Attendance

Dheeraj Jagadev, Chair, Committee Member
Eric Brescia, Vice-Chair, Committee Member
Leah Sanders, Committee Member
Robert Keller, Planning Commission
Miguel Pires, Planning Commission
Jeremy Rood, Planning Commission

Staff

Christian Samples, Planning Manager
Audra Ovalle, Planner
Christen Miller, Clerk

Absent

Charles Sweet – Planning Commission

1. Meeting convened at 5:30 P.M.

2. Approval of Meeting Minutes for August 13, 2025

Commissioner Brescia made a motion to **APPROVE** the August 13, 2025 minutes as presented.
Commissioner Sanders seconded. **THE MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

3. ZTA #2026-0001 – 2026 Zoning Ordinance Annual Updates

Data Centers

Mr. Samples provided an overview of the draft data center ordinance. The committee requested the following:

- Consider the creation of an overlay district to specifically identify data center locations and regulate them
- Identify what provisions of the data center ordinance that can be integrated into the industrial zoning standards and what provisions are necessary to specifically regulate a data center. Consider identifying other industrial uses that can be regulated under these provisions.
- Bring a draft ordinance to the Committee that is either an overlay district or a revision to the industrial district standards.

The Committee allowed public comment. Chuck Rector spoke in support of data centers and the profit they can bring to the city; he commented that the noise is minimal and there are no impacts for schools or traffic.

Mr. Samples also provided a briefing to the Committee on the proposed back up battery system at the Church Street electric facility.

Accessory Dwelling Units

At the request of a Commissioner, Mr. Samples gave a brief review of the discussion regarding the ADU ordinance that was presented at the last meeting. No additional changes were requested by the Committee.

4. Adjournment

Commissioner Sanders moved to **ADJOURN** the meeting. **Commissioner Brescia** seconded the motion.
THE MEETING WAS ADJOURNED AT 6:34 P.M.

Mr. Samples announced the next ZORC meeting is scheduled for September 10th.

DRAFT



MEMORANDUM

CITY OF MANASSAS

Department of Community Development

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

TO: Zoning Ordinance Review Committee
FROM: Christian Samples, AICP, Planning Manager
DATE: September 10, 2025
RE: ZTA #2026-0001, 2026 Zoning Ordinance Annual Updates – Marijuana; Industrial Zone Standards; Draft Ordinance for Recommendation

Draft Marijuana Ordinance

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, the zoning ordinance is proposed to be amended to address medical and retail marijuana sales. The City does not presently regulate either use, leaving the potential for these uses to locate under the use “retail sales”. The zoning ordinance amendment is intended to be a placeholder. Once the General Assembly has finalized these regulations, it is anticipated the zoning ordinance would be amended to accommodate the future law’s requirements.

The draft ordinance incorporates the terms and definitions for medical and retail marijuana sales from the Cannabis Control Act. The ordinance proposes to include these uses in the “high impact business” use standards under Sec. 130-94. High impact businesses currently include liquor stores (in the event of privatization) and short-term loan establishments and which limits their placement in the City to 750 feet from residential neighborhoods, libraries, parks, schools, ballfields, recreation centers, and places of worship. Sec. 130-241 (Use Tables) is proposed to be amended to include the abovementioned uses. The uses ‘Cannabis Dispensing Facility’ and “Retail Marijuana Store” are proposed as permitted uses in the B-4 zone, similar to retail uses.

The Cannabis Control Act allows for the licensing of the cultivation, manufacturing, testing, and distribution of marijuana and marijuana products. The term “Research and Development” has been modified to include marijuana testing and the term “Wholesale Trade” has been amended to add

marijuana wholesaler. The uses “Manufacturing, Light” and “Manufacturing, Heavy” adequately regulate cultivation and manufacturing and an amendment is not necessary.

Draft Industrial Zone Standards

At the August 27, 2025 meeting, the Committee requested the provisions of the proposed data center ordinance be integrated into either the industrial zoning districts’ standards or into a data center overlay district. Creating an overlay district is an intensive process that includes identifying potential properties, notifying property owners of their inclusion into the district and gaining their cooperation, creating standards, and holding public hearings. This process can take up to a year or longer to complete. Staff will explore the feasibility of an overlay district and report back to the Committee at a future meeting.

Integrating the draft standards into the I-1 and I-2 zoning district provisions allows for a wider approach that can also regulate more intensive industrial uses, including land use issues that have been identified during the development of the current data centers in the Godwin Technology corridor. Provisions from the draft data center ordinance that can apply to all uses within these districts are included. Provisions for more intensive uses (Data Center, Manufacturing, Light, Manufacturing, Heavy, Truck Terminal, and Warehousing and Distribution) are drafted to specifically address potential land use impacts.

The data center definition is retained in this draft and requires additional discussion, upon review of the draft standards, if data centers can remain by-right or should require a special use permit in the I-1 and I-2 zones. The Committee raised concerns at the August 27, 2025 meeting that telecommunication infrastructure, such as switches, could be classified as a data center. The definition has been amended to exclude infrastructure associated with public utilities, which included telecommunications infrastructure. A draft ordinance is included for your consideration.

Draft Ordinance for Recommendation

The draft accessory dwelling unit, industrial zone, and cannabis ordinance is included for the Committee’s consideration. Upon review and approval by unanimous vote of the Committee the draft ordinances will be forwarded to the Planning Commission for consideration at the October 1, 2025 or November 5, 2025 hearing.

Attachment:

1. Draft Ordinance – Draft Cannabis Ordinance
2. Draft Ordinance – Draft Data Center and Industrial Zone Standards Ordinance
3. Draft Ordinance – Draft Accessory Dwelling Units

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 stores, 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.

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 system, marijuana testing, multi-media, or video technology. Development of prototypes may be accessory to this use.

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.

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.

ARTICLE III. GENERAL REGULATIONS

DIVISION 1. DEVELOPMENT STANDARDS

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>

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.

"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	
	Group Home	P	P	P	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	
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	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	
	Tower, Administrative Review										
	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	

§ 130-241 TABLE 1

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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	
	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 (CONT)	Business Support Service										
	Cannabis Dispensing Facility										Sec. 130-94
	Car Wash										
	Catering Facility										
	Construction Material Sales										
	Consumer Repair or Contractor/Tradesperson Services										
	Craft Shop										
	Crematory										

§ 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	
C O	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									
	Office, Medical									
	Parking Structure, Multilevel									
	Personal Improvement Service									
Professional Personal Service										
	Restaurant									

§ 130-241 TABLE 1

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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	
	Retail Marijuana Store										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
	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

§ 130-241 TABLE 1

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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	
	Temporary Use (Outdoor Sales)										Sec. 130-104
	Yard Sale, Residential	P	P	P	P	P	P	P	P	P	Sec. 130-101

"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						
	Group Home		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						
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	

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	
	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	
	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

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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	I-A	
	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	
	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				
INDUSTRIAL	Veterinary Hospital	P	P	P	P		P	S			
	Heavy Equipment Sales and Rental							S	P		Sec. 130-99
	Laboratory					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	
	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
	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

§ 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	
	Home Occupation		P	P	P					
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

ARTICLE II. DEFINITIONS

Sec. 130-42. Definitions.

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 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	
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>	
Heavy Equipment Sales and Rental	1 customer vehicle space per 500 SF	1 customer vehicle space per 500 SF	1 customer vehicle space per 500 SF	Spaces for customer parking and outdoor display shall be marked separately. See also §130-99.
Laboratory or Research and Development	1 per 800 SF	1 per 800 SF	1 per 800 SF	
Laundry, Commercial	1 per 500 SF	1 per 1,200 SF	1 per 600 SF	
Manufacturing (Heavy or Light)	1 per 800 SF	1 per 800 SF	1 per 800 SF	
Storage Yards	Zoning Administrator	Zoning Administrator	Zoning Administrator	
Truck Terminal	1 per 2,000 SF	1 per 2,000 SF	1 per 2,000 SF	

§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	
Warehousing and Distribution	1 per 1,250 SF	1 per 5,000 SF	1 per 1,250 SF	
Wholesale Trade	1 per 1,250 SF	1 per 5,000 SF	1 per 1,250 SF	

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 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	
INDUSTRIAL	Data Center							S	S		
	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	

Commented [CS1]: Additional discussion recommended after review of proposed industrial standards

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. All structures shall have a minimum setback of 100 feet from 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, Hospital, or Parks and Open Space.
 - b. No structure shall cast any shade or shadow upon 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, Hospital, or Parks and Open Space. An analysis demonstrating the structures meets the requirements of this subsection shall be submitted with any special use permit or site plan application.
- (f) *Off-street parking requirements.* See Article VI of this chapter.
- (b) *Open space and tree canopy requirements.* See Article VII of this chapter.
- (c) *Drive-through windows.* Drive-through windows are permitted for all uses in conformance with the DCSM.
- (d) *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.

(e) *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.

(f) *Outdoor display* See §130-61.

(g) *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 “I” or “B” zoned lot containing a dwelling unit and the following uses: Child Care Center, Cultural Facility, Day Care Center - Adult, Educational Facility, Hospital, or Parks and Open Space.

(h) *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) When appropriate, landscaped berms, enhanced landscape plantings, and tree preservation, beyond the requirements of this Chapter and the DCSM, can be considered for credit towards a part of the required variation.

(i) 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:*

(1) 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.

(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, Manufacturing, Heavy, Truck Terminal, and Warehousing and Distribution:

- a. All structures shall have a minimum setback of 100 feet from 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, Hospital, or Parks and Open Space.
- b. No structure shall cast any shade or shadow upon 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, Hospital, or Parks and Open Space. An analysis demonstrating the structures meets the requirements of this subsection shall be submitted with any special use permit or site plan application.

- (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) 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) 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, Hospital, or Parks and Open Space.

(l) 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) When appropriate, landscaped berms, enhanced landscape plantings, and tree preservation, beyond the requirements of this Chapter and the DCSM, can be considered for credit towards a part of the required variation.

(m) 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.

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.
- (2) The unit shall contain a separate 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.
- (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>

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	

§ 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	
	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
	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 (CONT)	Business Support Service										
	Car Wash										
	Catering Facility										

§ 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	
	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										
	Office, Medical										
	Parking Structure, Multilevel										

§ 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	
	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
	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

§ 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	
	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

"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	
	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				
	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	
COMMERCIAL	Sexually Oriented Business (Adult Cabaret/Adult Motion Picture Theater)							P			Sec. 130-103
	Shelter, Residential						S	S			
	Agriculture and Silviculture										
	Airport or Aviation Facility							P		P	

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

	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			
	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
	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			
	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
	<u>Accessory Dwelling Unit</u>		<u>P</u>	<u>P</u>	<u>P</u>						<u>Sec. 130-68</u>
	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
	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