

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROANOKE
COUNTY, VIRGINIA, HELD AT THE ROANOKE COUNTY ADMINISTRATION
CENTER ON TUESDAY, JUNE 27, 2023

**ORDINANCE 062723-3 AMENDING ARTICLE II (DEFINITIONS AND USE
TYPES), ARTICLE III (DISTRICT REGULATIONS), AND ARTICLE IV
(USE AND DESIGN STANDARDS) OF THE ROANOKE COUNTY
ZONING ORDINANCE**

WHEREAS, on February 14, 2023, the Board of Supervisors adopted a resolution directing the Planning Commission to study and provide recommendations on potential amendments to Roanoke County's cluster subdivision ordinance; and

WHEREAS, on March 14, 2023, the Board of Supervisors adopted a resolution directing the Planning Commission to study and provide recommendations on potential amendments to the industrial use type definitions in Section 30-29-6 of the Roanoke County zoning ordinance; and

WHEREAS, planning staff has worked with the Planning Commission and other County staff to develop proposed amendments to Roanoke County's zoning ordinance on the issues requested by the Board of Supervisors; and

WHEREAS, planning staff and the Planning Commission propose amendments to Roanoke County's zoning ordinance on the issues requested by the Board of Supervisors, as well as other amendments regarding commercial kennels, multiple dog permits, and home occupations; and

WHEREAS, the proposed amendments would make the following changes to the County's zoning ordinance:

- Add a definition for "data center" in Article II (Definitions and Use Types);
- Amend the definitions of "multiple dog permit" and "commercial kennel" in Article II (Definitions and Use Types);

- Amend the definition of “industry, type I” in Article II (Definitions and Use Types);
- Add “single family dwelling, attached (cluster subdivision option)” and “single family dwelling, detached (cluster subdivision ordinance)” as permitted uses in the AR (Agricultural/Residential) District in Article III (District Regulations);
- Amend the use and design standards for “home occupations, type I and type II” in Article IV (Use and Design Standards);
- Amend the use and design standards for “single family dwelling, attached (cluster subdivision option)” and “single family dwelling, detached (cluster subdivision option)” in Article IV (Use and Design Standards); and
- Amend the accessory uses for industrial use types in Article IV (Use and Design Standards); and

WHEREAS, on June 6, 2023, after proper notice, the Roanoke County Planning Commission held a public hearing on the proposed amendments to the Zoning Ordinance and recommended said amendments to the Board of Supervisors for adoption; and

WHEREAS, public necessity, convenience, general welfare, and good zoning practice are valid public purposes for such recommendations by the Planning Commission and action by the Board of Supervisors; and

WHEREAS, the first reading of this ordinance was held on June 13, 2023, and the second reading and public hearing were held on June 27, 2023.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of the County of Roanoke as follows:

1. The Roanoke County Zoning Ordinance is hereby amended to read and provide as follows:

ARTICLE II – DEFINITIONS AND USE TYPES

SEC. 30-28. DEFINITIONS.

Data Center: A facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer and/or network equipment, systems, servers, appliances and other associated components related to digital data operations. Such facility may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support sustained operations at a data center.

SEC. 30-29. USE TYPES; GENERALLY.

Sec. 30-29-2. Residential Use Types.

Multiple dog permit: The keeping, ~~breeding~~, raising, showing or training of four (4) or more dogs over four (4) months of age for personal enjoyment of the owner or occupants of the property. ~~and for which commercial gain is not the primary objective.~~

Sec. 30-29-5. Commercial Use Types.

Kenel, commercial: The boarding, breeding, raising, grooming or training of two (2) or more dogs, cats, or other household pets of any age not owned by the owner or occupant of the premises, ~~and/or~~ for commercial gain.

Sec. 30-29-6. Industrial Use Types.

Industry, Type I: Enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, treatment or fabrication of materials and products, from processed or previously manufactured materials. Included would be the assembly of electrical appliances, electrical components, components used for energy, biotechnology or automotive uses, data centers, bottling and printing plants, and the manufacturing of paint, oils, pharmaceuticals, cosmetics, bakery goods, dairy products, perfumes, fruit, vegetable, food and tobacco products, solvents and other chemical production of items made of stone, glass, metal or concrete. This definition includes the further processing of meat products and the manufacturing, compounding, processing, packing or treatment of articles (of sizes less than four hundred (400) cubic feet) of merchandise of raw, secondary or partially completed materials.

ARTICLE III – DISTRICT REGULATIONS

SEC. 30-34. AR AGRICULTURAL/RESIDENTIAL DISTRICT.

Sec. 30-34-2. Permitted Uses.

- (A) The following uses are permitted by right subject to all other applicable requirements contained in this ordinance. An asterisk (*) indicates additional, modified or more stringent standards as listed in article IV, use and design standards, for those specific uses.

2. *Residential Uses*

Single Family Dwelling, Attached (Cluster Subdivision Option) *

Single Family Dwelling, Detached (Cluster Subdivision Option) *

ARTICLE IV – USE AND DESIGN STANDARDS

SEC. 30-82. RESIDENTIAL USES.

Sec. 30-82-3. Home Occupations, Type I and Type II.

- (B) General Standards:

11. Pet breeding may be allowed as a home occupation. It shall be limited to the selling of no more than twenty (20) dogs, cats or other household pets per year. The animals shall be owned by the permanent residents of the dwelling. Any animals associated with this permitted home occupation must be housed indoors.
12. All home occupations shall be required to obtain a Roanoke County Business License from the Commissioner of the Revenue.

Sec. 30-82-13.1. Single Family Dwelling, Attached and Detached (Cluster Subdivision Option).

- (B) Applicability.

1. Cluster subdivisions proposed in accordance with the standards contained herein shall be a permitted use by-right in **AR**, R-1, R-2, R-3 and R-4 zoning districts, except that cluster subdivisions shall not be permitted within planned residential subdivisions as defined in section 30-28 of the county zoning ordinance.

(C) General standards.

1. Minimum tract size of the cluster subdivision: ~~Ten (10)~~ Five (5) acres.
4. Allowable density and minimum public street frontage requirements shall be based on the amount of minimum open space provided as outlined in the table below. ~~: Five and one half (5.5) dwelling units per acre.~~

Minimum Open Space	25% of the gross acreage of the tract	30% of the gross acreage of the tract	35% of the gross acreage of the tract	40% of the gross acreage of the tract	45% of the gross acreage of the tract
Minimum Public Street Frontage	50 feet	45 feet	40 feet	35 feet	30 feet
Allowable Density	5.0 units per acre	5.5 units per acre	6.0 units per acre	6.5 units per acre	7.0 units per acre

(D) ~~Minimum Lot, and setback~~ and frontage requirements.

1. There shall be no minimum lot area or setback requirements, however, the normal front, rear, ~~and or~~ side yard setback requirements must be maintained adjacent to any lot, ~~or portion thereof~~, or existing public street right of way not within the proposed cluster development.
2. ~~Minimum public street frontage: Forty eight (48) feet~~ Lots shall front on a publicly owned and maintained street except as modified by section 30-82-13.1(F).

(E) Open space and conservation area requirements.

1. Minimum open space: ~~Forty five (45)~~ Twenty-five (25) percent of the gross acreage of the tract. ~~If the gross acreage of the tract is comprised of conservation areas equaling or exceeding fifty (50) percent, no more than fifty (50) percent of the open space and conservation areas shall be required to be conserved.~~
4. A sidewalk, greenway, or trail ~~shall~~ may be provided to and through the provided open space or conservation areas except for the following areas:

- a. Environmentally sensitive areas that may include locations of species listed as endangered, threatened or of special concern; historic structures and sites; delineated wetlands or riparian zones outside the FEMA study area;
- b. Unsafe areas including but not limited to sink holes, cliffs and areas prone to rock slides; and
- c. Other areas if approved by the zoning administrator.

The location of any such trail shall be clearly marked, and the trail shall be constructed of a surface material that is appropriate to the terrain, and distinguishable to the user.

~~6. If required open space is located within a mapped greenway corridor, as depicted on the Greenway Conceptual Plan, as amended, at the time of submittal of the preliminary plat, then a greenway easement shall be dedicated to the County or their designated agent. The Zoning Administrator, in consultation with the Roanoke Valley Greenway Commission, shall determine the exact location and dimensions of the easement to be dedicated.~~

~~76. Historic structures or sites may be included in open space or conservation areas. A plan shall be submitted detailing how the historic structure or site will be preserved and maintained in perpetuity.~~

~~87. No building, building addition, structure, stormwater management area, street, driveway, parking area or any other type of physical land improvement shall be located within a required conservation area. Notwithstanding the above, gazebos, benches, or other sitting areas and trails may be developed in, and historic structures may be located within, conservation areas.~~

~~98. During the site review process, the Zoning Administrator shall consider the appropriateness of open space and conservation area configuration in terms of such factors as location, size, shape and topographic characteristics.~~

SEC. 30-88. ACCESSORY USES AND STRUCTURES.

Sec. 30-88-6. Accessory Uses: Industrial Use Types.

- (A) Industrial use types may include the following accessory uses, activities or structures on the same site or lot:

5. Incidental retail sale of goods associated with the industrial use type, provided the square footage does not exceed ten (10) percent of the gross floor area, ~~or three thousand (3,000) square feet, whichever is less.~~
- ~~7. Other uses and activities necessarily and customarily associated with purpose and function of industrial use types, as determined by the administrator.~~
87. Construction office or trailer associated with active construction on a site. A construction office or trailer shall be removed from an active construction site within 30 days of issuance of the final certificate of occupancy for the project.
98. Micro wind energy systems that project no more than fifteen (15) feet above the highest point on the structure and complies with the height requirement of the zoning district.
9. Additional accessory uses not listed above in a building with a permitted principal use and occupying not more than twenty (20) percent total of the floor area of such building.

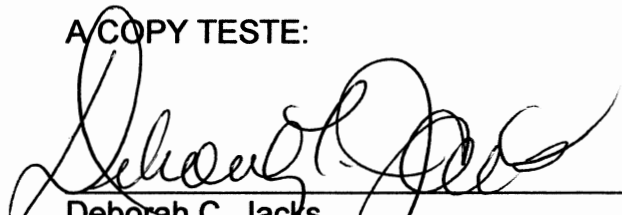
2. That this ordinance shall be in full force and effect from and after its adoption.

On motion of Supervisor Peters to approve the ordinance, seconded by Supervisor Mahoney and carried by the following recorded vote:

AYES: Supervisors Peters, Mahoney, North, Radford, Hooker

NAYS: None

A COPY TESTE:



Deborah C. Jacks
Chief Deputy Clerk to the Board of Supervisors

cc: Philip Thompson, Director of Planning
Rebecca James, Zoning Administrator