



DUMFRIES, VIRGINIA
Virginia's Oldest Continuously Chartered Town
CHARTERED 1749 INCORPORATED 1961

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To: Town Council
From: David Moss, Town Planner / Zoning Administrator
Date: September 16, 2011
RE: Zoning Text Amendments for B-1, B-2, and FB/O-1 zoning districts

SUMMARY OF UPDATES SINCE SEP. 6 MEETING

I. Comprehensive Plan

The previous staff report stated:

The proposed zoning text amendments implement the goals and objectives of both the existing Comprehensive Plan and the current efforts of the Comprehensive Plan Update Steering Committee.

Staff failed to note the specific language in the Comprehensive Plan that specifically applies to the Town's use of the Conditional Use Permit process. It is reproduced here, from page 4-3 of the plan:

Given the broad range of potentially high impact uses permitted within the B-1 and B-2 zoning districts, the Town may consider developing its use of the conditional use permit process to impose conditions on such uses that are potentially noxious and offensive, have high traffic generation, are potentially unsightly, or are not in keeping with the Town's adopted Plan policies.

II. Proposed Changes to Zoning Text Amendments

Several comments were made during the public hearing regarding specific uses, and whether or not each individual use warranted a conditional use permit. Staff conducted an exhaustive review of the uses currently existing in the Town, all uses allowed in the Town currently, and the use designations proposed in the first draft of the Zoning Text Amendments. For clarity and holistic consistency, staff has recommended some slight adjustments to the final version of the proposed Zoning Text Amendments which is before Council tonight. These changes are shown in Attachment B. The changes have been incorporated into a new draft of the Zoning Text Amendments, shown in Attachment A.

During the Town Council meeting on September 6th, Councilman Foreman requested that a chart be created to show all of the uses lined up together, showing which uses are being altered and which uses remain the same. This chart is Attachment C. Also during the

discussion, Councilman Foreman requested a document showing how many businesses and organizations would be affected by the proposed Zoning Text Amendments. Staff has reviewed the existing uses in Town, and has classified each business and organization as accurately as possible. The resulting chart, Attachment D, shows how many of each type of use would stay in conformance, how many are already nonconforming, and how many would become nonconforming should the amendments be adopted. Note that these are estimates based on the uses of which staff is aware, and does not constitute an official zoning determination of lawful nonconformity.

III. Churches “Allowed Everywhere” in Prince William County

A comment made during the public hearing suggested that churches are allowed anywhere in Prince William County. This is incorrect. Churches are allowed in certain business and office zones by-right. While this is true, it is important to note the differences between business zones in Prince William County and Dumfries. Business zones in Prince William County are often more extensive, exist along multiple types of regional arterials and collector roads, and often have less of a direct connection to neighboring residential areas.

Many churches in the county are located in residential and agricultural districts. In these districts, religious institutions are required to apply for a Special Use Permit, which is analogous to the Town’s Conditional Use Permit process. A recent example in Prince William County is Neabsco Baptist Church, which is in the process of applying for a rezoning, a proffer amendment, and a special use permit in order to allow construction of a new 55,000 square foot church building.

The chart below shows that of all of Prince William County’s land area, only 2.98% of the land is zoned to allow religious institutions by-right.

<u>ZONING</u>	<u>DISTRICT</u>	<u>By-right?</u>	<u>Acres</u>
A-1	Agricultural	SUP	108,491
SR-5	Semirural Residential (single-family detached)	SUP	1,511
SR-3	Semirural Residential (single-family detached)	SUP	0
SR-1	Semirural Residential (single-family detached)	SUP	6,737
R-2	Suburban Residential (single-family detached)	SUP	1,880
R-4	Suburban Residential (single-family detached)	SUP	14,976
R-6	Suburban Residential (Single family attached and detached)	SUP	3,511
RMH	Residential Mobile Home	SUP	0
R-16	Suburban Residential	SUP	2,326
R-30	Urban Residential (multi-family)	SUP	60
RU	Urban Residential (multi-family)	SUP	0

V	Village	by-right	0
B-1	General Business	by-right	4,804
B-2	Neighborhood Business	by-right	97
B-3	Convenience Retail	by-right	10
O(L)	Low-Rise Office	by-right	112
O(M)	Mid-Rise Office	by-right	169
O(H)	High-Rise Office	by-right	171
O(F)	Office/Flex (research and development)	secondary	45
M-2	Light Industrial	not allowed	2,295
M-1	Heavy Industrial	not allowed	4,880
M/T	Industrial/Transportation	not allowed	390
PBD	Planned Business District	planned	2,546
PMD	Planned Mixed District	planned	1,439
PMR	Planned Mixed Residential District	planned	6,284
RPC	Residential Planned Community	planned	16,963
Total County land			179,699
Total County land where religious institutions are allowed by right			5,363
Percent of County land where religious institutions are allowed by right			2.98%

Source: Prince William County Zoning Ordinance & land records

IV. Prince William County “Allows” Expansion of Nonconforming Uses

A comment made during the public hearing suggested that Prince William County allows nonconforming uses to expand beyond the established extent of nonconformities. As can be seen in the excerpt below from Prince William County’s Zoning Ordinance, lawfully nonconforming uses cannot be expanded in Prince William County except “throughout any part of a structure originally arranged or designed for such activity.” The Town of Dumfries Zoning Ordinance contains this provision as well.

Sec. 32-601.30. - Permitted changes of nonconforming uses.

A nonconforming use may be changed, altered, repaired, restored, replaced, relocated or expanded only in accordance with the provisions of this section, and subject to the appropriate approvals (including, among others, verification of the nonconforming use, site plan approval, building permit approval and zoning approval under section 32-200.12 of this chapter) otherwise required by law.

1. A nonconforming use may change to a conforming use.

2. A nonconforming use may change to a more restricted nonconforming use, as set forth in section 32-601.31 of this chapter.
3. A nonconforming use may be expanded throughout any part of a structure originally arranged or designed for such activity.
4. No structure used as a part of a nonconforming use shall be moved to any other lot unless such lot is properly zoned to permit the use, nor shall such a structure be moved within the lot on which it exists, unless the relocation is specifically provided for in section 32-601.32.5.
5. Prior to the approval of expansion of a nonconforming use under this section, nonconforming status shall be verified as set forth in section 32-601.60 of this chapter.

Sec. 32-601.31. - Change of a nonconforming use to a more restricted nonconforming use.

1. Nonconforming use may change as a matter of right to a more restricted nonconforming use, upon issuance by the zoning administrator of an approval for such a change. The zoning administrator's approval, which shall not be given until the nonconforming status of the use has been verified in accordance with section 32-601.60 of this chapter, shall include a determination in writing that the proposed use is "more restricted" than the existing nonconforming use, and a copy of such determination shall be forwarded to the planning commission and the board of county supervisors. If the zoning administrator determines the proposed use is not "more restricted" than the existing nonconforming use, the application for a change to a more restricted nonconforming use shall be denied. An appeal from such a determination shall be to the board of zoning appeals as provided by section 32-900.20 of this chapter.
2. In determining whether a proposed use is a "more restricted" nonconforming use, the following factors, among others, shall be considered:
 - a. Whether the proposed use will change the size and scope of the existing use, and the magnitude of such change; and,
 - b. Whether the proposed use will increase the intensity of the nonconforming use, including hours of operation, traffic, noise, and similar impacts; and,
 - c. Whether the proposed use will have a more or less detrimental effect on conforming uses in the neighborhood; and,
 - d. How the quantum effect of the factors evaluated in preceding subsections (a), (b) and (c) above relate to the purpose, policies and objectives of this chapter.
3. Upon the issuance of an approval to change to a more restricted nonconforming use, site plan approval, as set forth in Part 800 of this chapter, shall be required.

V. Control of Adult Uses in the Town

A comment made during the public hearing suggested that Adult Uses are less restricted from occupying the B-1, B-2, and FB/O-1 zones. The Town does not have an adult use ordinance restricting the placement of these facilities in the Town. The Town might consider creating such an ordinance at a later date. The City of Manassas has encountered issues recently with the establishment of an adult-oriented retail store in the Old Town area. The City established an adult use ordinance after the use had already vested themselves by-right in the application for an occupancy permit.

The proposed zoning text amendments, while not specifically addressing adult uses, does require “Video sales and rental store” and “Private clubs and lodges” to apply for a conditional use permit. These restrictions would enable the Town to add conditions to applications for an adult video store or an adult dance club in the Town. However, adult-oriented retail shops such as might be established without video sales would not be restricted. The Town may consider creating an adult-use ordinance at a later date in order to restrict where adult uses might locate within the Town.

VI. Effective Date

The proposed ordinances include a stipulation for organizations and businesses that have come in to apply for a development approval prior to these changes to the ordinance:

Any planning and zoning applications (conditional use permits, occupancy permits, site plans, etc.) that are submitted to the Zoning Administrator and deemed complete prior to the effective date of the ordinance will be evaluated based on the Zoning Ordinance in effect prior to the adoption. Any applications submitted after the effective date of the ordinance will be subject to these revised Zoning Ordinance regulations.

Several applicants have come forward to apply prior to the changes, and to therefore establish vested rights under the existing ordinance. Note that their inclusion here does not constitute an official zoning determination of rights vested, but is only mentioned to show that there are groups that became aware of the proposed changes and worked to establish the uses lawfully under the existing Zoning Ordinance. These applications include:

- Conditional Use Permit for Reliable Tires for tire sales and minor repair
- Site Plan for McDonald’s
- Site Plan for Grace Church
- Occupancy Permit for Charter House Furniture
- Rezoning of the Hashimi property

Attachments

- A. Revised Proposed Zoning Text Amendments with changes included
- B. Staff recommendations for changes to proposed amendments responding to public comments
- C. Use matrix with proposed changes included
- D. Status of nonconformity of businesses and organizations in Town

ORDINANCE #O-20__247_-__1__

Introduction _____
Enacted _____
Effective _____

AMEND THE CODE OF THE TOWN OF DUMFRIES, VIRGINIA, AS AMENDED, BY AMENDING CHAPTER 70, ARTICLE III, SECTION AND 70-247 RELATING GENERALLY TO GENERAL BUSINESS DISTRICT B-1, USE REGULATIONS.

BE IT ORDAINED by the Council of the Town of Dumfries, Virginia, meeting in _____ session this ____ day of _____, 20__:

- 1. That the Code of Ordinances, Town of Dumfries, Virginia, as amended, is further amended by amending Chapter 70, Article III, Section 70-247, and is reenacted as follows:

~~Sec. 70-247. Use regulations.~~

~~Structures to be erected or land to be used shall be for one of the following uses. Only one main structure and its accessory building shall be erected on any lot or parcel of land in this district.~~

- ~~(1) Accessory uses as defined in this chapter.~~
- ~~(2) Automobile and truck sales and sales and service establishments subject to securing a conditional use permit as follows:
 - a. Automobile sales, lot size shall be not less than 20,000 square feet.
 - b. Automobile sales and service, lot size shall be not less than one acre.
 - c. Truck sales and truck sales and service, lot size shall be not less than one and two acres respectively.
 - d. All automobiles or trucks whether for sale, lease or waiting for service or repair, when not inside a work bay, shall be placed in a marked parking space conforming to section 70-13.
 - e. Site plans for new establishments or tenant layouts for alteration of existing establishments shall contain a certified parking plan, a vehicle delivery statement, a landscaping plan and a lot parking calculation table. Site plans shall conform to article III, division 11 of this chapter and tenant layouts shall be drawn to scale.
 - f. Vehicle lifts and pits, dismantled and wrecked vehicles and all parts and supplies shall be located inside a building enclosed on all sides and all repair and servicing of all vehicles shall be conducted in a building enclosed on all sides. Truck stops are excluded from this zoning district.
 - g. Existing motor vehicle sales and service and rental establishments shall have 90 days after approval of the ordinance from which this section is derived to mark the parking spaces on their lot as required by subsection (2)d of this section.~~

- ~~(3) Banks and financial institutions.~~

Attachment A – Proposed Zoning Text Amendments

- ~~(4) — Bowling alleys.~~
- ~~(5) — Building supplies and service with storage under cover.~~
- ~~(6) — Car washes.~~
- ~~(7) — Churches.~~
- ~~(8) — Convenience and service establishments such as, but not limited to, barbershops, beauty parlors, tailors and automatic self-service laundries.~~
- ~~(9) — Day nurseries or day care centers.~~
- ~~(10) — Fire stations.~~
- ~~(11) — Funeral homes.~~
- ~~(12) — Garages and public parking.~~
- ~~(13) — Hotels and motels.~~
- ~~(14) — Laundry, cleaning, and dyeing works in which no combustible solvent is used.~~
- ~~(15) — Libraries.~~
- ~~(16) — Miniature golf courses and golf driving ranges.~~
- ~~(17) — Mobile home sales, display and storage, or sales, display and storage of travel trailers and campers; provided that, all units shall be in usable condition. None shall be placed in a required front yard. The minimum parcel area shall be the display area and shall be enclosed by a continuous visual screen with a minimum height of eight feet. Such screen shall consist of a compact evergreen hedge or foliage screening, or louvered fence or wall, and the entire area shall be similarly screened from any contiguous residential development.~~
- ~~(18) — Museums and art galleries.~~
- ~~(19) — Contractors, where all services are performed offsite and where there is no storage of supplies or equipment outside the building.~~
- ~~(20) — Pet shops, including boarding kennels on the premises.~~
- ~~(21) — Philanthropic and charitable institutions.~~
- ~~(22) — Printing shops.~~
- ~~(23) — Private clubs and lodges.~~
- ~~(24) — Processing or manufacturing establishments that are not objectionable because of smoke, odor, dust or noise, but only when such processing or manufacturing is incidental to a retail business conducted on the premises and more than ten persons employed on the premises engaged in processing or manufacturing activities may be permitted with a conditional use permit.~~
- ~~(25) — Office buildings.~~
- ~~(26) — Public storage units, subject to securing a conditional use permit.~~
- ~~(27) — Public utilities such as poles, lines, distribution transformers, pipes, meters, water and sewer lines. New electric and communications utilities shall be installed underground.~~
- ~~(28) — Commercial radio or television broadcasting stations, studios or offices not requiring on-site receiving/transmitting antennas and/or towers.~~
- ~~(29) — Rental of tools, appliances, machinery, party supplies and similar equipment to the general public, and wherein the items to be rented are stored and/or repaired within a building, and subject to securing a conditional use permit pursuant to section 70-10.~~
- ~~(30) — Notwithstanding subsection (29) of this section, satellite receiving antennas may be permitted with a conditional use permit.~~

- ~~(31) Repair services or businesses, including repair of bicycles, guns, radios, television sets, electrical appliances, locks, refrigerators, and other home appliances, shoes, toys, typewriters, watches, and clocks.~~
- ~~(32) Rescue squads.~~
- ~~(33) Restaurants.~~
- ~~(34) Retail stores and businesses.~~
- ~~(35) Roller rinks.~~
- ~~(36) Schools.~~
- ~~(37) Service stations, provided that all repairs take place in a fully enclosed building. Storage of vehicles shall be in a totally enclosed or screened area.~~
- ~~(38) Hospitals.~~
- ~~(39) Storage of materials and supplies incidental to the conduct of any use listed above, provided such storage is entirely enclosed and is conducted in the same building immediately adjacent thereto.~~
- ~~(40) Theaters, motion picture theaters, and assembly halls.~~
- ~~(41) Tourist homes.~~
- ~~(42) Veterinary hospitals and boarding kennels.~~
- ~~(43) Wholesale businesses.~~
- ~~(44) Off street parking and loading areas in accordance with section 70-13.~~
- ~~(45) Signs in accordance with section 70-14.~~
- ~~(46) Self storage facility with a live-in manager, subject to securing a conditional use permit.~~
- ~~(47) Amusement parlor in accordance with article II of chapter 6.~~
- ~~(48) Automobile rental agencies are permitted, provided the following conditions are met:
 - ~~a. Fueling of vehicles will be conducted off the premises.~~
 - ~~b. Mechanical repairs on the premises is strictly prohibited with the exception of adding fluids, changing a flat tire, and routine interior cleaning.~~
 - ~~c. Minimum off street parking must be provided in accordance with section 70-13.~~
 - ~~d. The storage of wrecked or inoperative vehicles on site is strictly prohibited.~~
 - ~~e. The size of a rental vehicle parked on site is limited to a three quarter ton vehicle with a GVW (gross vehicle weight) not to exceed 7,500 pounds.~~~~
- ~~(49) Pawnshop operated by a licensed pawnbroker, subject to securing a conditional use permit.~~
- ~~(50) Model car racetracks, subject to securing a conditional use permit.~~

Section 70-247(A). Allowable Uses

- ~~(a) Structures to be erected or land to be used shall be for one of the following uses. Only one main structure and its accessory building shall be erected on any lot or parcel of land in this district.
 - ~~(1) Antique shop~~
 - ~~(2) Apparel, clothing store~~
 - ~~(3) Art gallery~~
 - ~~(4) Art supply store~~
 - ~~(5) Bakery, provided all products produced on the premises shall be sold at retail on the premises~~
 - ~~(6) Banks and financial institutions without drive-through windows~~~~

- (7) Barber, beauty shop
- (8) Beauty supply and accessories
- (9) Bookstore, newsstand
- (10) Bowling alley
- (11) Candy store
- (12) Clock shop sales and repair
- (13) Computer store or personal electronic sales and service
- (14) Data or computer services
- (15) Dog grooming, without indoor or outdoor kennel facilities
- (16) Drug store a without drive-through window
- (17) Fast food restaurants without a drive-through window
- (18) Fire station
- (19) Florist, gift shop
- (20) Food store: Grocery store, supermarket (excluding convenience or quick service food stores)
- (21) Furniture store
- (22) Government offices
- (23) Hardware, paint and wallpaper store
- (24) Hobby, craft shop
- (25) Hospitals
- (26) Hotels and motels
- (27) Jewelry, engraving store
- (28) Library
- (29) Locksmith
- (30) Medical and/or dental office and clinic
- (31) Museums
- (32) Musical instruments, sheet music, and recorded music sales
- (33) Office, general business or professional
- (34) Photographic equipment sales and service and photographic studio
- (35) Printing, photocopying, photographic processing or blueprinting
- (36) Repair services or businesses, including repair of lamps, microwave ovens, radios, shoes, television sets, toasters, toys, watches, and similar items
- (37) Rescue squads
- (38) Research and development (Non-hazmat)
- (39) Restaurant, full-service, cafe, catering business, delicatessens or ice cream parlors, for service of food for consumption primarily on the premises, including outdoor eating area, but not drive-in or fast food restaurants
- (40) Retail stores and businesses
- (41) Roller rinks
- (42) Shoe sales and repair store
- (43) Sporting goods store
- (44) Stamp and coin stores
- (45) Stationery store
- (46) Tailor, seamstress shop
- (47) Tanning salon
- (48) Tobacco store

- (49) Tourist information and orientation facilities
- (50) Toy store
- (51) Universities, colleges, and seminaries

Section 70-247(B). Uses Allowable Pursuant to a Conditional Use Permit.

(a) Structures to be erected or land to be used for one of the following uses shall be allowed subject to a Conditional Use Permit in accordance with Sec. 70-10 of the Zoning Ordinance. Only one main structure and its accessory building shall be erected on any lot or parcel of land in this district.

- (1) Amusement parlors
- (2) Banks and financial institutions with a drive-through
- (3) Bicycle sales and repair
- (4) Child care or adult day care center
- (5) Churches and places of worship
- (6) Contractors, where all services are performed offsite and where there is no storage of supplies or equipment outside the building
- (7) Convenience stores and service establishments such as, but not limited to automatic self-service laundries
- (8) Cultural arts and entertainment centers
- (9) Drug store with a drive-through window
- (10) Fast food restaurants with a drive-through window
- (11) Garages and public parking
- (12) Household appliance sales and service store
- (13) Live theaters, live entertainment centers
- (14) Miniature golf courses and golf driving ranges
- (15) Movie theaters and assembly halls
- (16) Off premises sales of beer and wine
- (17) Pet shops, including boarding kennels on the premises
- (18) Philanthropic and charitable institutions
- (19) Private clubs and lodges
- (20) Residential, multifamily, located above a commercial, retail or office use on the ground floor
- (21) School, K-12
- (22) Uses with a drive-through window
- (23) Veterinary hospitals and boarding kennels
- (24) Video sales and rental store
- (25) Wholesale businesses, with parking to the rear of the building

Section 70-247(C). Accessory Uses.

Accessory uses, buildings, and structures permitted in accordance with section 70-16.

- (1) Public utilities such as poles, lines, distribution transformers, pipes, meters, water and sewer lines. New and/or upgraded/improved electric and communications utilities shall be installed underground
- (2) Parking lots, parking spaces, parking areas and parking structures

2. That the Code of Ordinances, Town of Dumfries, Virginia, as amended, is further amended by adding/amending/deleting Article/Chapter/Section _____, and is reenacted as follows:

This ordinance shall become effective on _____, 20____. Any planning and zoning applications (conditional use permits, occupancy permits, site plans, etc.) that are submitted to the Zoning Administrator and deemed complete prior to the effective date of the ordinance will be evaluated based on the Zoning Ordinance in effect prior to the adoption. Any applications submitted after the effective date of the ordinance will be subject to these revised Zoning Ordinance regulations.

BY ORDER OF COUNCIL

Fred E. Yohey, Jr., Mayor
On Behalf of the Town Council of
Dumfries, Virginia

ATTEST:

Retta Ladd, Acting Town Clerk

MOTION:

Date: _____
_____ **Meeting**
Ord. No. _____

SECOND:

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

CERTIFIED COPY _____

Retta Ladd, Acting Town Clerk

ORDINANCE #O-20__247_-__1__

Introduction _____
Enacted _____
Effective _____

AMEND THE CODE OF THE TOWN OF DUMFRIES, VIRGINIA, AS AMENDED, BY AMENDING CHAPTER 70, ARTICLE III, SECTIONS 70-281 AND 70-282 RELATING GENERALLY TO NEIGHBORHOOD BUSINESS DISTRICT B-2, INTENT AND USE REGULATIONS.

BE IT ORDAINED by the Council of the Town of Dumfries, Virginia, meeting in _____ session this ____ day of _____, 20__:

- 2. That the Code of Ordinances, Town of Dumfries, Virginia, as amended, is further amended by amending Chapter 70, Article III, Sections 70-281 and 70-282, and is reenacted as follows:

~~Sec. 70-281. -- Intent.~~

~~This district is intended to provide a limited range of retail, commercial and convenience business uses to serve public need at the neighborhood level. The B-2 district shall be located on both sides of the southbound U.S. Route 1 corridor extending from the beginning of the island separating the north and south sides of U.S. Route 1 (currently landmarked by Big Barney Car Wash) to its end (currently Roy Rogers Restaurant) except for those areas in this district that are currently zoned R-2.~~

~~Sec. 70-282. -- Use regulations.~~

- ~~(a) Structures to be erected or land to be used shall be for one of the following uses. Only one main structure and its accessory building shall be erected on any lot or parcel of land in this district.~~
 - ~~1) Accessory uses as defined in this chapter.~~
 - ~~2) Antique shop.~~
 - ~~3) Apparel, clothing store.~~
 - ~~4) Art gallery.~~
 - ~~5) Art supply store.~~
 - ~~6) Bakery, provided all products produced on the premises shall be sold at retail on the premises.~~
 - ~~7) Banks and other financial institutions without drive-in facilities.~~
 - ~~8) Barber, beauty shop.~~
 - ~~9) Beauty supply and accessories.~~

- 10) Bed and breakfast inn.
- 11) Bicycle sales and repairs.
- 12) Bookstore, newsstand.
- 13) Candy store.
- 14) Charitable institution.
- 15) Child care or adult day care facility.
- 16) Churches and other places of worship.
- 17) Clock shop sales and repair.
- 18) Coffee shop.
- 19) Computer store or personal electronic equipment sales and service.
- 20) Dog grooming, without indoor or outdoor kennel facilities.
- 21) Drugstore, pharmacy, without drive in facility.
- 22) Florist, gift shop.
- 23) Food store: Grocery store, supermarket (excluding convenience or quick service food stores).
- 24) Furniture and upholstery repair.
- 25) Glass and mirror sales and service establishments (excluding automobile glass repair or replacement).
- 26) Government offices.
- 27) Hardware, paint and wallpaper store.
- 28) Hobby, craft shop.
- 29) Jewelry, engraving store.
- 30) Library.
- 31) Locksmith.
- 32) Museum.
- 33) Musical instruments, sheet music, and recorded music sales.
- 34) Offices, general business or professional.
- 35) Parking lots, parking spaces, parking areas and parking structures.
- 36) Park, public.
- 37) Photographic equipment sales and service and photographic studio.
- 38) Printing, photocopying, photographic processing or blueprinting services
- 39) Recreation facility, public.
- 40) Residential, multifamily, located above a commercial, retail or office use on the ground floor, subject to securing a conditional use permit.
- 41) Restaurant, full service, cafe, catering business, delicatessens or ice cream parlors, for service of food for consumption primarily on the premises, including outdoor eating area, but not drive-in or fast food restaurants.
- 42) School, private, subject to securing a conditional use permit.
- 43) Shoe sales and repair store.
- 44) Small household appliance sales and service store.
- 45) Sporting goods store.
- 46) Stamps and coin store.
- 47) Stationery store.
- 48) Tanning salon.
- 49) Tailor, seamstress shop.
- 50) Tobacco store.

- ~~51) Tourist information and orientation facilities.~~
- ~~52) Toy store.~~
- ~~53) Video sales and rental store.~~
- ~~54) Off premises sales of beer and wine, subject to securing a conditional use permit.~~
- ~~55) Furniture store, with retail floor area not exceeding 20,000 square feet.~~
- ~~(b) Off street parking shall be located to the rear or side of the principal structure and shall be in accordance with the requirements of section 70-13~~
- ~~(c) For permitted uses in this district, the primary entrance of the principal structure shall face the street.~~
- ~~(d) Direct access to a public right of way shall not be permitted through the rear or side yard of double frontage lots.~~

Section 70-281. Intent.

This district is intended to provide a limited range of retail, commercial and convenience business uses to serve public need at the neighborhood level. This district is intended to create an environment to encourage a mix of living and working areas that is comfortable for pedestrians and bicyclists as well as automobiles, that contains uses that might not always require a trip by automobile, and to create a sense of community character as the heart of the historic town of Dumfries.

Section 70-282(A). Allowable Uses.

- (a) Structures to be erected or land to be used shall be for one of the following uses. Only one main structure and its accessory building shall be erected on any lot or parcel of land in this district.
 - (1) Antique shop
 - (2) Apparel, clothing store
 - (3) Art gallery
 - (4) Art supply store
 - (5) Bakery, provided all products produced on the premises shall be sold at retail on the premises
 - (6) Banks and financial institutions without drive-through windows
 - (7) Barber, beauty shop
 - (8) Beauty supply and accessories
 - (9) Bookstore, newsstand
 - (10) Candy store
 - (11) Clock shop sales and repair
 - (12) Computer store or personal electronic sales and service
 - (13) Drug store a without drive-through window
 - (14) Florist, gift shop
 - (15) Food store: Grocery store, supermarket (excluding convenience or quick service food stores)
 - (16) Government offices
 - (17) Hardware, paint and wallpaper store
 - (18) Hobby, craft shop

- (19) Jewelry, engraving store
 - (20) Library
 - (21) Medical and/or dental office and clinic
 - (22) Musical instruments, sheet music, and recorded music sales
 - (23) Office, general business or professional
 - (24) Park, public
 - (25) Photographic equipment sales and service and photographic studio
 - (26) Recreation facility, public
 - (27) Repair services or businesses, including repair of lamps, microwave ovens, radios, shoes, television sets, toasters, toys, watches, and similar items
 - (28) Restaurant, full-service, cafe, catering business, delicatessens or ice cream parlors, for service of food for consumption primarily on the premises, including outdoor eating area, but not drive-in or fast food restaurants
 - (29) Shoe sales and repair store
 - (30) Stamp and coin stores
 - (31) Stationery store
 - (32) Tailor, seamstress shop
 - (33) Tanning salon
 - (34) Tobacco store
 - (35) Tourist information and orientation facilities
 - (36) Toy store
 - (37) Universities, colleges, and seminaries
- (b) Off-street parking shall be located to the rear or side of the principal structure
- (c) For permitted uses in this district, the primary entrance of the principal structure shall face the street.
- (d) Direct access to a public right-of-way shall not be permitted through the rear or side yard of double-frontage lots.

Section 70- 282(B). Uses Allowable Pursuant to a Conditional Use Permit.

- (a) Structures to be erected or land to be used for one of the following uses shall be allowed subject to a Conditional Use Permit in accordance with Sec. 70-10 of the Zoning Ordinance. Only one main structure and its accessory building shall be erected on any lot or parcel of land in this district.
- (1) Amusement parlors
 - (2) Banks and financial institutions with a drive-through
 - (3) Bed and breakfast inn
 - (4) Child care or adult day care center
 - (5) Churches and places of worship
 - (6) Cultural arts and entertainment centers
 - (7) Dog grooming, without indoor or outdoor kennel facilities
 - (8) Drug store with a drive-through window
 - (9) Furniture store, with retail floor area not exceeding 20,000 square feet
 - (10) Locksmith

- (11) Museum
- (12) Off premises sales of beer and wine
- (13) Philanthropic and charitable institutions
- (14) Residential, multifamily, located above a commercial, retail or office use on the ground floor
- (15) School, K-12
- (16) Uses with a drive-through window

Section 70-282(C). Accessory Uses.

Accessory uses, buildings, and structures permitted in accordance with section 70-16.

- (1) Parking lots, parking spaces, parking areas and parking structures
- (2) Public utilities such as poles, lines, distribution transformers, pipes, meters, water and sewer lines. New and/or upgraded/improved electric and communications utilities shall be installed underground

2. That the Code of Ordinances, Town of Dumfries, Virginia, as amended, is further amended by adding/amending/deleting Article/Chapter/Section _____, and is reenacted as follows:

This ordinance shall become effective on _____, 20___. Any planning and zoning applications (conditional use permits, occupancy permits, site plans, etc.) that are submitted to the Zoning Administrator and deemed complete prior to the effective date of the ordinance will be evaluated based on the Zoning Ordinance in effect prior to the adoption. Any applications submitted after the effective date of the ordinance will be subject to these revised Zoning Ordinance regulations.

BY ORDER OF COUNCIL

Fred E. Yohey, Jr., Mayor
On Behalf of the Town Council of
Dumfries, Virginia

ATTEST:

Retta Ladd, Acting Town Clerk

MOTION:

SECOND:

Date: _____
_____ **Meeting**
Ord. No. _____

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

CERTIFIED COPY

Retta Ladd, Acting Town Clerk

ORDINANCE #O-20__247_-__1__

Introduction _____
Enacted _____
Effective _____

AMEND THE CODE OF THE TOWN OF DUMFRIES, VIRGINIA, AS AMENDED, BY AMENDING CHAPTER 70, ARTICLE III, SECTIONS 70-482, AND 70-483, AND 70-484 RELATING GENERALLY TO FLEX BUSINESS/OFFICE DISTRICT FB/O-1, USE REGULATIONS.

BE IT ORDAINED by the Council of the Town of Dumfries, Virginia, meeting in _____ session this ____ day of _____, 20__:

- 3. That the Code of Ordinances, Town of Dumfries, Virginia, as amended, is further amended by amending Chapter 70, Article III, Sections 70-482, 70-483 and 70-484, and is reenacted as follows:

~~Sec. 70-482. – Permitted uses.~~

~~Structures to be erected or land to be used shall be for one of the following uses. Only one main structure shall be erected on any lot or parcel in this district. Two or more main buildings may be constructed with a conditional use permit.~~

- ~~(1) — Permitted uses in B-1 and B-2.~~
- ~~(2) — Alarm systems operations office.~~
- ~~(3) — Ambulance service (commercial).~~
- ~~(4) — Manufacture of precast concrete decorative and/or structural architectural components, (nonHAZMAT).~~
- ~~(5) — Business school.~~
- ~~(6) — Civic club.~~
- ~~(7) — College, university or seminary.~~
- ~~(8) — Commercial artist or photographer's studio.~~
- ~~(9) — Cultural arts center.~~
- ~~(10) — Data or computer services.~~
- ~~(11) — Electronic components assembly or repair.~~
- ~~(12) — Financial institutions.~~
- ~~(13) — Medical and/or dental laboratory.~~
- ~~(14) — Medical and/or dental office and clinic.~~
- ~~(15) — Package, telecommunications and courier services.~~
- ~~(16) — Photographic processing laboratory.~~
- ~~(17) — Recording studio.~~
- ~~(18) — Research and development (nonHAZMAT).~~
- ~~(19) — Trade or convention center.~~
- ~~(20) — Public maintenance and storage facility.~~

~~Sec. 70-483. – Accessory uses, buildings and structures.~~

~~Accessory uses, buildings, and structures are permitted in accordance with section 70-16.~~

~~Sec. 70-484. – Conditional uses.~~

~~Conditional uses permitted in this district are as follows:~~

- ~~(1) — Commercial parking.~~
- ~~(2) — Electronic equipment and component manufacturing.~~
- ~~(3) — Heliport/helistop.~~
- ~~(4) — Metal fabrication.~~
- ~~(5) — Shooting range, indoor.~~
- ~~(6) — Radio or television broadcasting station (antennas or towers off site subject to special use permit).~~
- ~~(7) — Marina.~~
- ~~(8) — Outside storage of materials and supplies incidental to the conduct of any use listed above, provided such storage shall be screened or fenced and such screen or fence shall be not less than six feet in height.~~

Sec. 70-482. - Allowable Uses.

Structures to be erected or land to be used shall be for one of the following uses. Only one main structure shall be erected on any lot or parcel in this district. Two or more main buildings may be constructed with a conditional use permit.

- (1) Allowable uses in B-1 and B-2 zoning districts
- (2) Alarm systems operations office
- (3) Ambulance service (commercial)
- (4) Bicycle sales and repair
- (5) Building Supplies and service with storage under cover
- (6) Business school
- (7) Churches and places of worship
- (8) Civic club
- (9) Commercial artist or photographer's studio
- (10) Contractors, where all services are performed offsite and where there is no storage of supplies or equipment outside the building
- (11) Convenience stores and service establishments such as, but not limited to automatic self-service laundries
- (12) Cultural arts and entertainment centers
- (13) Electronic component assembly or repair
- (14) Furniture and upholstery repair

- (15) Glass and mirror sales and service establishments (excluding automobile glass repair or replacement)
- (16) Medical and/or dental laboratory
- (17) Package, telecommunications and courier services
- (18) Photographic processing laboratory
- (19) Recording studio
- (20) Repair services or businesses, including repair of guns, bicycles, washers, dryers, stoves, refrigerators, and similar items
- (21) Self-storage facility without a live-in manager
- (22) Trade or convention center

Sec. 70-483. - Uses Allowable Pursuant to a Conditional Use Permit.

- (a) Structures to be erected or land to be used for one of the following uses shall be allowed subject to a Conditional Use Permit in accordance with Sec. 70-10 of the Zoning Ordinance. Only one main structure and its accessory building shall be erected on any lot or parcel of land in this district.

- (1) Automobile Uses
 - a. Automobile and truck sales and sales and service establishments meeting the following conditions:
 - i) Automobile sales, lot size shall be not less than 20,000 square feet.
 - ii) Automobile sales and service, lot size shall be not less than one acre.
 - iii) Truck sales and truck sales and service, lot size shall be not less than one and two acres respectively.
 - iv) All automobiles or trucks whether for sale, lease or waiting for service or repair, when not inside a work bay, shall be placed in a marked parking space conforming to section 70-13
 - v) Site plans for new establishments or tenant layouts for alteration of existing establishments shall contain a certified parking plan, a vehicle delivery statement, a landscaping plan and a lot parking calculation table. Site plans shall conform to article III, division 11 of this chapter and tenant layouts shall be drawn to scale.
 - vi) Vehicle lifts and pits, dismantled and wrecked vehicles and all parts and supplies shall be located inside a building enclosed on all sides and all repair and servicing of all vehicles shall be conducted in a building enclosed on all sides. Truck stops are excluded from this zoning district.
 - vii) Existing motor vehicle sales and service and rental establishments shall have 90 days after approval of the ordinance from which this section is derived to mark the parking spaces on their lot as required by subsection (2)d of this section
 - b. Automobile rental agencies meeting the following conditions:
 - i) Fueling of vehicles will be conducted off the premises.
 - ii) Mechanical repairs on the premises is strictly prohibited with the exception of adding fluids, changing a flat tire, and routine interior cleaning.
 - iii) Minimum off-street parking must be provided in accordance with section 70-13
 - iv) The storage of wrecked or inoperative vehicles on-site is strictly prohibited.
 - v) The size of a rental vehicle parked on-site is limited to a three-quarter-ton vehicle with a GVW (gross vehicle weight) not to exceed 7,500 pounds.

- (2) Banks and financial institutions with a drive-through
- (3) Child care or adult day care center
- (4) Commercial radio or television broadcasting stations, studios, or offices
- (5) Electronic equipment and component manufacturing
- (6) Funeral Homes without crematories and live animal slaughter
- (7) Gasoline filling stations
- (8) Laundry, cleaning, and dyeing works in which no combustible solvent is used
- (9) Manufacture of precast concrete decorative and/or structural architectural components, (nonHAZMAT)
- (10) Marina
- (11) Metal fabrication
- (12) Mobile Home sales
- (13) Model car racetracks
- (14) Pawn Shops operated by a licensed pawnbroker
- (15) Philanthropic and charitable institutions
- (16) Private clubs and lodges
- (17) Processing or manufacturing establishments that are not objectionable because smoke, odor, dust or noise, but only when such processing or manufacturing is incidental to a retail business conducted on premises and more than 10 employees employed on the premises engaged in processing or manufacturing activities may be permitted
- (18) Public maintenance and storage facilities
- (19) Rental of tools, appliances, machinery, party supplies and similar equipment to the general public, and wherein the items to be rented are stored and/or repaired within a building
- (20) Shooting range, indoor
- (21) Stand-alone car wash
- (22) Wholesale business, with parking to the rear of the building

Sec. 70-484. – Accessory Uses.

Accessory uses, buildings, and structures permitted in accordance with section 70-16.

- (1) Commercial parking
- (2) Off-street parking
- (3) Outside storage of materials and supplies incidental to the conduct of any use listed above, provided such storage shall be screened or fenced and such screen or fence shall be not less than six feet in height.
- (4) Public utilities such as poles, lines, distribution transformers, pipes, meters, water and sewer lines. New and/or upgraded/improved electric and communications utilities shall be installed underground

2. That the Code of Ordinances, Town of Dumfries, Virginia, as amended, is further amended by adding/amending/deleting Article/Chapter/Section _____, and is reenacted as follows:

This ordinance shall become effective on _____, 20___. Any planning and zoning applications (conditional use permits, occupancy permits, site plans, etc.) that are submitted

to the Zoning Administrator and deemed complete prior to the effective date of the ordinance will be evaluated based on the Zoning Ordinance in effect prior to the adoption. Any applications submitted after the effective date of the ordinance will be subject to these revised Zoning Ordinance regulations.

BY ORDER OF COUNCIL

Fred E. Yohey, Jr., Mayor
On Behalf of the Town Council of
Dumfries, Virginia

ATTEST:

Retta Ladd, Acting Town Clerk

MOTION:

Date: _____
_____ **Meeting**
Ord. No. _____

SECOND:

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

CERTIFIED COPY _____

Retta Ladd, Acting Town Clerk

Attachment B – Staff recommendations for changes to proposed amendments
responding to public comments

<u>ZTA draft from 8-8-11</u>	<u>Updated ZTA draft 9-9-11</u>	<u>Change</u>
B-1		
By-right		
	Antique shop	not mentioned previously, but was allowed by-right - description added just for clarity
	Apparel, clothing store	not mentioned previously, but was allowed by-right - description added just for clarity
	Art gallery	not mentioned previously, but was allowed by-right - description added just for clarity
	Art supply store	not mentioned previously, but was allowed by-right - description added just for clarity
	Bakery, provided all products produced on the premises shall be sold at retail on the premises	not mentioned previously, but was allowed by-right - description added just for clarity
Banks and financial institutions without drive-through windows	Banks and financial institutions without drive-through windows	
	Barber, beauty shop	not mentioned previously, but was allowed by-right - description added just for clarity
	Beauty supply and accessories	not mentioned previously, but was allowed by-right - description added just for clarity
	Bookstore, newsstand	not mentioned previously, but was allowed by-right - description added just for clarity
Bowling alley	Bowling alley	
	Candy store	not mentioned previously, but was allowed by-right - description added just for clarity
	Clock shop sales and repair	leave it in place

Attachment B – Staff recommendations for changes to proposed amendments
responding to public comments

<u>ZTA draft from 8-8-11</u>	<u>Updated ZTA draft 9-9-11</u>	<u>Change</u>
Computer store or personal electronic sales and service	Computer store or personal electronic sales and service	
Data or computer services	Data or computer services	
	Dog grooming, without indoor or outdoor kennel facilities	not mentioned previously, but was allowed by-right - description added just for clarity
	Drug store a without drive-through window	not mentioned previously, but was allowed by-right - description added just for clarity
Restaurants without drive-through lanes	Fast food restaurants without a drive-through window	description changed for clarification
Fire station	Fire station	
	Florist, gift shop	not mentioned previously, but was allowed by-right - description added just for clarity
	Food store: Grocery store, supermarket (excluding convenience or quick service food stores)	not mentioned previously, but was allowed by-right - description added just for clarity
	Furniture store	not mentioned previously, but was allowed by-right - description added just for clarity
	Government offices	not mentioned previously, but was allowed by-right - description added just for clarity
	Hardware, paint and wallpaper store	not mentioned previously, but was allowed by-right - description added just for clarity
	Hobby, craft shop	not mentioned previously, but was allowed by-right - description added just for clarity
Hospitals	Hospitals	
Hotels and motels	Hotels and motels	
	Jewelry, engraving store	not mentioned previously, but was allowed by-right - description added just for clarity

Attachment B – Staff recommendations for changes to proposed amendments
responding to public comments

<u>ZTA draft from 8-8-11</u>	<u>Updated ZTA draft 9-9-11</u>	<u>Change</u>
Library	Library	
	Locksmith	not mentioned previously, but was allowed by-right - description added just for clarity
Medical and/or dental office and clinic	Medical and/or dental office and clinic	
Museum or art gallery	Museum or art gallery	
	Musical instruments, sheet music, and recorded music sales	not mentioned previously, but was allowed by-right - description added just for clarity
Office, general business or professional	Office, general business or professional	
Printing, photocopying, photographic processing or blueprinting	Printing, photocopying, photographic processing or blueprinting	
	Repair services or businesses, including repair of clocks, lamps, microwave ovens, radios, shoes, television sets, toasters, toys, watches, and similar items	separation of two different levels of impact of repair businesses
Rescue squads	Rescue squads	
Research and development (Non-hazmat)	Research and development (Non-hazmat)	
Restaurant	Restaurant, full-service, cafe, catering business, delicatessens or ice cream parlors, for service of food for consumption primarily on the premises, including outdoor eating area, but not drive-in or fast food restaurants	description changed for clarification
Retail stores and businesses	Retail stores and businesses	
Roller rinks	Roller rinks	
	Shoe sales and repair store	not mentioned previously, but was allowed by-right - description added just for clarity
Stamp and coin stores	Stamp and coin stores	
	Stationery store	not mentioned previously, but was allowed by-right - description added just for clarity
	Tailor, seamstress shop	not mentioned previously, but was allowed by-right - description added just for clarity

Attachment B – Staff recommendations for changes to proposed amendments
responding to public comments

<u>ZTA draft from 8-8-11</u>	<u>Updated ZTA draft 9-9-11</u>	<u>Change</u>
	Tanning salon	not mentioned previously, but was allowed by-right - description added just for clarity
	Tobacco store	not mentioned previously, but was allowed by-right - description added just for clarity
Tourist homes		deleted
	Toy store	not mentioned previously, but was allowed by-right - description added just for clarity
Universities, colleges	Universities, colleges, and seminaries	seminaries moved up from CUP

B-1		
CUP		
Amusement parlors	Amusement parlors	
	Banks and financial institutions with a drive-through	description added for clarification
Bicycle sales and repair	Bicycle sales and repair	
Child care or adult day care center	Child care or adult day care center	
Churches and places of worship	Churches and places of worship	
Contractors, where all services are performed offsite and where there is no storage of supplies or equipment outside the building	Contractors, where all services are performed offsite and where there is no storage of supplies or equipment outside the building	
Convenience and service establishments such as, but not limited to automatic self-service laundries	Convenience stores and service establishments such as, but not limited to automatic self-service laundries	description changed for clarification
Cultural arts and entertainment centers	Cultural arts and entertainment centers	
Drug stores with a drive-through window	Drug store with a drive-through window	
Fast food restaurants with a drive-through window	Fast food restaurants with a drive-through window	
Garages and public parking	Garages and public parking	
Miniature golf courses and golf driving ranges	Miniature golf courses and golf driving ranges	
Movie theaters and assembly halls	Movie theaters and assembly halls	
Off premises sales of beer and wine	Off premises sales of beer and wine	
Pet shops, including boarding kennels on the premises.	Pet shops, including boarding kennels on the premises	
Philanthropic and charitable institutions	Philanthropic and charitable institutions	

Attachment B – Staff recommendations for changes to proposed amendments
responding to public comments

<u>ZTA draft from 8-8-11</u>	<u>Updated ZTA draft 9-9-11</u>	<u>Change</u>
Private clubs and lodges	Private clubs and lodges	
Residential, multi-family, located above a commercial, retail or office use on the ground floor	Residential, multifamily, located above a commercial, retail or office use on the ground floor	
Schools, private K-12	School, K-12	eliminating the differentiation for private versus public
Seminaries		moved to allowed by-right up with universities & colleges
Small household appliance sales and service stores	Household appliance sales and service store	description changed for clarification
Theaters, entertainment center	Live theaters, live entertainment centers	description changed for clarification
Uses with a drive-through window	Uses with a drive-through window	
Veterinary hospitals and boarding kennels	Veterinary hospitals and boarding kennels	
Video sales and rental stores	Video sales and rental store	
Wholesale businesses, with parking to the rear of the building	Wholesale businesses, with parking to the rear of the building	

B-2		
By-right		
Antique shop	Antique shop	
Apparel, clothing store	Apparel, clothing store	
Art gallery	Art gallery	
Art supply store	Art supply store	
Bakery, provided all products produced on the premises shall be sold at retail on the premises	Bakery, provided all products produced on the premises shall be sold at retail on the premises	
Banks and financial institutions without drive-through windows	Banks and financial institutions without drive-through windows	
Barber, beauty shop	Barber, beauty shop	
Beauty supply and accessories	Beauty supply and accessories	
Bookstore, newsstand	Bookstore, newsstand	
Candy store	Candy store	
Clock shop sales and repair	Clock shop sales and repair	
	Computer store or personal electronic sales and service	leave it in place
Drug store, pharmacy, without drive-through windows	Drug store a without drive-through window	description changed for clarification
Florist, gift shop	Florist, gift shop	

Attachment B – Staff recommendations for changes to proposed amendments
responding to public comments

<u>ZTA draft from 8-8-11</u>	<u>Updated ZTA draft 9-9-11</u>	<u>Change</u>
Food store: Grocery store, supermarket (excluding convenience or quick service food stores)	Food store: Grocery store, supermarket (excluding convenience or quick service food stores)	
Government offices	Government offices	
Hardware, paint and wallpaper store	Hardware, paint and wallpaper store	
Hobby, craft shop	Hobby, craft shop	
Jewelry, engraving store	Jewelry, engraving store	
Library	Library	
Medical and/or dental office and clinic	Medical and/or dental office and clinic	
Musical instruments, sheet music, and recorded music sales	Musical instruments, sheet music, and recorded music sales	
Office, general business or professional	Office, general business or professional	
Park, public	Park, public	
Photographic equipment sales and service and photographic studio	Photographic equipment sales and service and photographic studio	
Recreation facility, public	Recreation facility, public	
	Repair services or businesses, including repair of clocks, lamps, microwave ovens, radios, shoes, television sets, toasters, toys, watches, and similar items	separation of two different levels of impact of repair businesses
Restaurant, full-service, café, catering business, delicatessens or ice cream parlors, for service of food for consumption primarily on the premises, including outdoor eating area, but not drive-in, drive-through, or fast food restaurants.	Restaurant, full-service, cafe, catering business, delicatessens or ice cream parlors, for service of food for consumption primarily on the premises, including outdoor eating area, but not drive-in or fast food restaurants	
Shoe sales and repair store	Shoe sales and repair store	
	Stamp and coin stores	leave it in place
Stationery store	Stationery store	
Tailor, seamstress shop	Tailor, seamstress shop	
Tanning salon	Tanning salon	
Tobacco store	Tobacco store	
Tourist information and orientation facilities	Tourist information and orientation facilities	
Toy store	Toy store	
Universities, colleges	Universities, colleges, and seminaries	seminaries moved up from CUP

B-2

CUP

	Amusement parlors	add use
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Attachment B – Staff recommendations for changes to proposed amendments
responding to public comments

<u>ZTA draft from 8-8-11</u>	<u>Updated ZTA draft 9-9-11</u>	<u>Change</u>
Banks and financial institutions with a drive-through	Banks and financial institutions with a drive-through	
Bed and breakfast inn	Bed and breakfast inn	
Charitable institutions		redundant description
Child care or adult day care center	Child care or adult day care center	
Churches and places of worship	Churches and places of worship	
Cultural arts and entertainment centers	Cultural arts and entertainment centers	
Dog grooming, without indoor or outdoor kennel facilities	Dog grooming, without indoor or outdoor kennel facilities	
Drug stores with a drive-through window	Drug store with a drive-through window	
Furniture store, with retail floor area not exceeding 20,000 square feet	Furniture store, with retail floor area not exceeding 20,000 square feet	
	Locksmith	instead of eliminating from district, allow with a CUP
Museums	Museum or art gallery	description changed for clarification
	Off premises sales of beer and wine	add use
Philanthropic and charitable institutions	Philanthropic and charitable institutions	
Residential, multifamily, located above a commercial, retail or office use on the ground floor	Residential, multifamily, located above a commercial, retail or office use on the ground floor	
Schools, private K-12	School, K-12	eliminating the differentiation for private versus public
Uses with a drive-through window	Uses with a drive-through window	

FB/O-1		
By-right		
Allowable uses in B-1 and B-2 zoning districts	Allowable uses in B-1 and B-2 zoning districts	
Alarm systems operations office	Alarm systems operations office	
Ambulance service (commercial)	Ambulance service (commercial)	
Banks and financial institutions without drive-through windows		because use exists in B-1 by-right, this listing is redundant based on this district allowing all "Allowable uses in B-1 and B-2 zoning districts"
Bicycle sales and repair	Bicycle sales and repair	

Attachment B – Staff recommendations for changes to proposed amendments
responding to public comments

<u>ZTA draft from 8-8-11</u>	<u>Updated ZTA draft 9-9-11</u>	<u>Change</u>
Building Supplies and service with storage under cover	Building Supplies and service with storage under cover	
Business school	Business school	
Churches and places of worship	Churches and places of worship	
Civic clubs	Civic club	
Commercial artist or photographer's studio	Commercial artist or photographer's studio	
Contractors, where all services are performed offsite and where there is no storage of supplies or equipment outside the building	Contractors, where all services are performed offsite and where there is no storage of supplies or equipment outside the building	
Convenience and service establishments such as, but not limited to automatic self-service laundries	Convenience stores and service establishments such as, but not limited to automatic self-service laundries	description changed for clarification
Cultural arts center	Cultural arts and entertainment centers	description changed for clarification
Data or computer services		because use was added to B-1 by-right, this listing is redundant based on this district allowing all "Allowable uses in B-1 and B-2 zoning districts"
Electronic component assembly or repair	Electronic component assembly or repair	
	Furniture repair and upholstery	leave it in place
	Glass and mirror sales and service establishments (excluding automobile glass repair or replacement)	leave it in place
Medical and/or dental laboratory	Medical and/or dental laboratory	
Package, telecommunications and courier services	Package, telecommunications and courier services	
Photographic processing laboratory	Photographic processing laboratory	
Printing, photocopying, photographic processing or blueprinting		because use exists in B-1 by-right, this listing is redundant based on this district allowing all "Allowable uses in B-1 and B-2 zoning districts"
Public storage facilities	Self-storage facility without a live-in manager	description changed for clarification
Recording studio	Recording studio	

Attachment B – Staff recommendations for changes to proposed amendments
responding to public comments

<u>ZTA draft from 8-8-11</u>	<u>Updated ZTA draft 9-9-11</u>	<u>Change</u>
Repair Services or businesses, including repair of bicycles, guns, radios, television sets, electrical appliances, locks, refrigerators, and other home appliances, shoes, toys, typewriters, watches, and clocks	Repair services or businesses, including repair of guns, bicycles, washers, dryers, stoves, refrigerators, and similar items	separation of two different levels of impact of repair businesses
Research and development (Non-hazmat)		because use exists in B-1 by-right, this listing is redundant based on this district allowing all "Allowable uses in B-1 and B-2 zoning districts"
Trade or convention center	Trade or convention center	

FB/O-1		
CUP		
Automobile and truck sales and sales and service establishments	Automobile and truck sales and sales and service establishments	
Automobile rental agencies	Automobile rental agencies	
	Banks and financial institutions with a drive-through	instead of eliminating from district, allow with a CUP
	Child care or adult day care center	instead of eliminating from district, allow with a CUP
Commercial radio or television broadcasting stations, studios, or offices requiring on-site receiving/transmitting antennas and/or towers	Commercial radio or television broadcasting stations, studios, or offices	description changed for clarification
	Electronic equipment and component manufacturing	instead of eliminating from district, allow with a CUP; later do a ZTA to move to M-1
Funeral Homes without crematories and live animal slaughter	Funeral Homes without crematories and live animal slaughter	
Service Stations	Gasoline filling stations	description changed for clarification
Laundry, cleaning, and dyeing works in which no combustible solvent is used	Laundry, cleaning, and dyeing works in which no combustible solvent is used	

Attachment B – Staff recommendations for changes to proposed amendments
responding to public comments

<u>ZTA draft from 8-8-11</u>	<u>Updated ZTA draft 9-9-11</u>	<u>Change</u>
	Manufacture of precast concrete decorative and/or structural architectural components, (nonHAZMAT)	instead of eliminating from district, allow with a CUP; later do a ZTA to move to M-1
Marina	Marina	
Metal fabrication	Metal fabrication	
Mobile Home sales	Mobile Home sales	
Model car racetracks, storage of materials and supplies incidental to the conduct of businesses must be in a completely enclosed storage area in the same building	Model car racetracks, storage of materials and supplies incidental to the conduct of businesses must be in a completely enclosed storage area in the same building	
Pawn Shops operated by a licensed pawnbroker	Pawn Shops operated by a licensed pawnbroker	
Philanthropic and charitable institutions	Philanthropic and charitable institutions	
	Private clubs and lodges	instead of eliminating from district, allow with a CUP
Processing or manufacturing establishments that are not objectionable because smoke, odor, dust or noise, but only when such processing or manufacturing is incidental to a retail business conducted on premises and more than 10 employees employed on the premises engaged in processing or manufacturing activities may be permitted	Processing or manufacturing establishments that are not objectionable because smoke, odor, dust or noise, but only when such processing or manufacturing is incidental to a retail business conducted on premises and more than 10 employees employed on the premises engaged in processing or manufacturing activities may be permitted	
Public maintenance and storage facilities	Public maintenance and storage facilities	
Rental of tools, appliances, machinery, party supplies and similar equipment to the general public, and wherein the items to be rented are stored and/or repaired within a building	Rental of tools, appliances, machinery, party supplies and similar equipment to the general public, and wherein the items to be rented are stored and/or repaired within a building	
Shooting ranges	Shooting range, indoor	description changed for clarification
Stand alone Car Washes	Stand-alone car wash	
	Wholesale business	instead of eliminating from district, allow with a CUP

Use	B-1		B-2		FB/O-1		Change
	existing	proposed	existing	proposed	existing	proposed	
Added							
Cultural arts and entertainment centers		CUP		CUP	By-right	By-right	added to B-1 & B-2 with a CUP, description changed for clarification
Data or computer services		By-right			By-right	not mentioned, but allowed	added in B-1
Research and development (Non-hazmat)		By-right			By-right	not mentioned, but allowed	added in B-1
Residential, multifamily, located above a commercial, retail or office use on the ground floor		CUP	CUP	CUP			added in B-1
Universities, colleges, and seminaries		By-right		By-right	By-right	not mentioned, but allowed	added in B-1 & B-2
No change							
Alarm systems operations office					By-right	By-right	no change
Ambulance service (commercial)					By-right	By-right	no change
Antique shop	not mentioned, but allowed by-right	By-right	By-right	By-right	By-right	not mentioned, but allowed	no actual change
Apparel, clothing store	not mentioned, but allowed by-right	By-right	By-right	By-right	By-right	not mentioned, but allowed	no actual change
Art gallery	By-right	By-right	By-right	By-right	By-right	not mentioned, but allowed	no change
Art supply store	not mentioned, but allowed by-right	By-right	By-right	By-right	By-right	not mentioned, but allowed	no actual change

Use	B-1		B-2		FB/O-1		Change
	existing	proposed	existing	proposed	existing	proposed	
No change							
Bakery, provided all products produced on the premises shall be sold at retail on the premises	not mentioned, but allowed by-right	By-right	By-right	By-right	By-right	not mentioned, but allowed	no actual change
Banks and financial institutions without drive-through windows	By-right	By-right	By-right	By-right	By-right	not mentioned, but allowed	no actual change
Barber, beauty shop	not mentioned, but allowed by-right	By-right	By-right	By-right	By-right	not mentioned, but allowed	no actual change
Beauty supply and accessories	not mentioned, but allowed by-right	By-right	By-right	By-right	By-right	not mentioned, but allowed	no actual change
Bookstore, newsstand	not mentioned, but allowed by-right	By-right	By-right	By-right	By-right	not mentioned, but allowed	no actual change
Bowling alley	By-right	By-right			By-right	not mentioned, but allowed	no change
Business school					By-right	By-right	no change
Candy store	not mentioned, but allowed by-right	By-right	By-right	By-right	By-right	not mentioned, but allowed	no actual change
Civic club					By-right	By-right	no change
Clock shop sales and repair	By-right	By-right	By-right	By-right	By-right	not mentioned, but allowed	no change
Commercial artist or photographer's studio					By-right	By-right	no change
Commercial radio or television broadcasting stations, studios, or offices					CUP	CUP	no change

Use	B-1		B-2		FB/O-1		Change
	existing	proposed	existing	proposed	existing	proposed	
No change							
Computer store or personal electronic sales and service	not mentioned, but allowed by-right	By-right	By-right	By-right	By-right	not mentioned, but allowed	no actual change
Drug store a without drive-through window	not mentioned, but allowed by-right	By-right	By-right	By-right	By-right	not mentioned, but allowed	no actual change
Electronic component assembly or repair					By-right	By-right	no change
Electronic equipment and component manufacturing					CUP	CUP	no change for now, later move to M-1 with a future ZTA
Fast food restaurants without a drive-through window	By-right	By-right			By-right	not mentioned, but allowed	no actual change, description added for clarification
Fire station	By-right	By-right			By-right	not mentioned, but allowed	no change
Florist, gift shop	not mentioned, but allowed by-right	By-right	By-right	By-right	By-right	not mentioned, but allowed	no actual change
Food store: Grocery store, supermarket (excluding convenience or quick service food stores)	not mentioned, but allowed by-right	By-right	By-right	By-right	By-right	not mentioned, but allowed	no actual change
Furniture store, with retail floor area exceeding 20,000 square feet	not mentioned, but allowed by-right	By-right				not mentioned, but allowed	no actual change
Government offices	not mentioned, but allowed by-right	By-right	By-right	By-right	By-right	not mentioned, but allowed	no actual change
Hardware, paint and wallpaper store	not mentioned, but allowed by-right	By-right	By-right	By-right	By-right	not mentioned, but allowed	no actual change

<u>Use</u>	<u>B-1</u>		<u>B-2</u>		<u>FB/O-1</u>		<u>Change</u>
	<u>existing</u>	<u>proposed</u>	<u>existing</u>	<u>proposed</u>	<u>existing</u>	<u>proposed</u>	
No change							
Hobby, craft shop	not mentioned, but allowed by-right	By-right	By-right	By-right	By-right	not mentioned, but allowed	no actual change
Hospitals	By-right	By-right			By-right	not mentioned, but allowed	no change
Hotels and motels	By-right	By-right			By-right	not mentioned, but allowed	no change
Jewelry, engraving store	not mentioned, but allowed by-right	By-right	By-right	By-right	By-right	not mentioned, but allowed	no actual change
Library	By-right	By-right	By-right	By-right	By-right	not mentioned, but allowed	no change
Marina					CUP	CUP	no change
Medical and/or dental laboratory					By-right	By-right	no change
Medical and/or dental office and clinic	By-right	By-right	By-right	By-right	By-right	not mentioned, but allowed	no change
Metal fabrication					CUP	CUP	no change
Musical instruments, sheet music, and recorded music sales	not mentioned, but allowed by-right	By-right	By-right	By-right	By-right	not mentioned, but allowed	no actual change
Office, general business or professional	By-right	By-right	By-right	By-right	By-right	not mentioned, but allowed	no change
Package, telecommunications and courier services					By-right	By-right	no change
Park, public			By-right	By-right	By-right	not mentioned, but allowed	no change

<u>Use</u>	<u>B-1</u>		<u>B-2</u>		<u>FB/O-1</u>		<u>Change</u>
	<u>existing</u>	<u>proposed</u>	<u>existing</u>	<u>proposed</u>	<u>existing</u>	<u>proposed</u>	
No change							
Photographic equipment sales and service and photographic studio	not mentioned, but allowed by-right	By-right	By-right	By-right	By-right	not mentioned, but allowed	no actual change
Photographic processing laboratory					By-right	By-right	no change
Recording studio					By-right	By-right	no change
Recreation facility, public			By-right	By-right	By-right	not mentioned, but allowed	no change
Repair services or businesses, including repair of lamps, microwave ovens, radios, shoes, television sets, toasters, toys, watches, and similar items	By-right	By-right				not mentioned, but allowed	added to FB/O-1, use description split to move larger-impact repair businesses to FB/O-1
Rescue squads	By-right	By-right			By-right	not mentioned, but allowed	no change
Restaurant, full-service, cafe, catering business, delicatessens or ice cream parlors, for service of food for consumption primarily on the premises, including outdoor eating area, but not drive-in or fast food restaurants	By-right	By-right	By-right	By-right	By-right	not mentioned, but allowed	no change
Retail stores and businesses	By-right	By-right			By-right	not mentioned, but allowed	no change

<u>Use</u>	<u>B-1</u>		<u>B-2</u>		<u>FB/O-1</u>		<u>Change</u>
	<u>existing</u>	<u>proposed</u>	<u>existing</u>	<u>proposed</u>	<u>existing</u>	<u>proposed</u>	
No change							
Roller rinks	By-right	By-right			By-right	not mentioned, but allowed	no change
Shoe sales and repair store	not mentioned, but allowed by-right	By-right	By-right	By-right	By-right	not mentioned, but allowed	no actual change
Shooting range, indoor					CUP	CUP	no change
Stamp and coin stores	not mentioned, but allowed by-right	By-right	By-right	By-right	By-right	not mentioned, but allowed	no actual change
Stationery store	not mentioned, but allowed by-right	By-right	By-right	By-right	By-right	not mentioned, but allowed	no actual change
Tailor, seamstress shop	not mentioned, but allowed by-right	By-right	By-right	By-right	By-right	not mentioned, but allowed	no actual change
Tanning salon	not mentioned, but allowed by-right	By-right	By-right	By-right	By-right	not mentioned, but allowed	no actual change
Tobacco store	not mentioned, but allowed by-right	By-right	By-right	By-right	By-right	not mentioned, but allowed	no actual change
Tourist information and orientation facilities	not mentioned, but allowed by-right	By-right	By-right	By-right	By-right	not mentioned, but allowed	no actual change
Toy store	not mentioned, but allowed by-right	By-right	By-right	By-right	By-right	not mentioned, but allowed	no actual change
Trade or convention center					By-right	By-right	no change

Use	B-1		B-2		FB/O-1		Change
	existing	proposed	existing	proposed	existing	proposed	
Use clarified as accessory							
Commercial parking					CUP	Accessory	use clarified as accessory
Outside storage of materials and supplies					CUP	Accessory	use clarified as accessory
Parking lots, parking spaces, parking areas and parking structures	By-right	Accessory	By-right	Accessory	By-right	Accessory	use clarified as accessory
Public utilities such as poles, lines, distribution transformers, pipes, meters, water and sewer lines. New and/or upgraded/improved electric and communications utilities shall be installed underground	Accessory	Accessory		Accessory	Accessory	Accessory	added as accessory added in B-2
Moved							
Automobile and truck sales and sales and service establishments	CUP	moved				CUP	moved to FB/O-1
Building Supplies and service with storage under cover	By-right	moved			By-right	By-right	moved to FB/O-1
Mobile Home sales	CUP	moved				CUP	moved to FB/O-1
Model car racetracks	CUP	moved				CUP	moved to FB/O-1
Pawn Shops operated by a licensed pawnbroker	CUP	moved				CUP	moved to FB/O-1

Use	B-1		B-2		FB/O-1		Change
	existing	proposed	existing	proposed	existing	proposed	
<u>Moved</u>							
Processing or manufacturing establishments that are not objectionable because smoke, odor, dust or noise, but only when such processing or manufacturing is incidental to a retail business conducted on premises and more than 10 employees employed on the premises engaged in processing or manufacturing activities may be permitted	CUP	moved				CUP	moved to FB/O-1
Rental of tools, appliances, machinery, party supplies and similar equipment to the general public, and wherein the items to be rented are stored and/or repaired within a building	CUP	moved				CUP	moved to FB/O-1
Repair services or businesses, including repair of guns, bicycles, washers, dryers, stoves, refrigerators, and similar items	By-right	moved				By-right	use description split to move larger-impact repair businesses to FB/O-1
Self-storage facility without a live-in manager	CUP	moved				By-right	moved to FB/O-1 by-right, description changed for clarity

Use	B-1		B-2		FB/O-1		Change
	existing	proposed	existing	proposed	existing	proposed	
Moved							
Sporting goods store	not mentioned, but allowed by-right	By-right	By-right	moved	By-right	not mentioned, but allowed	moved to B-1
Now requires a CUP							
Amusement parlors	By-right	CUP		CUP	By-right	moved	now moved to B-1 & B-2 with a CUP
Automobile rental agencies	By-right	moved			By-right	CUP	now moved to FB/O-1 with CUP
Banks and financial institutions with a drive-through	By-right	CUP		CUP	By-right	CUP	now requires a CUP, added to B-2 with a CUP
Bed and breakfast inn			By-right	CUP	By-right	moved	now moved to B-2 with a CUP
Bicycle sales and repair	By-right	CUP	By-right	moved	By-right	By-right	now moved to B-1 with a CUP and FB/O-1
Child care or adult day care center	By-right	CUP	By-right	CUP	By-right	CUP	now requires a CUP
Churches and places of worship	By-right	CUP	By-right	CUP	By-right	By-right	now requires a CUP in B-1 & B-2
Commercial radio or television broadcasting stations, studios or offices not requiring on-site receiving/transmitting antennas and/or towers	By-right	moved			By-right	CUP	moved from B-1, now requires a CUP, description changed for clarification
Contractors, where all services are performed offsite and where there is no storage of supplies or equipment outside the building	By-right	CUP			By-right	By-right	now requires a CUP in B-1
Convenience stores and service establishments such as, but not limited to automatic self-service laundries	By-right	CUP			By-right	By-right	now requires a CUP in B-1, description changed for clarification

Use	B-1		B-2		FB/O-1		Change
	existing	proposed	existing	proposed	existing	proposed	
Now requires a CUP							
Dog grooming, without indoor or outdoor kennel facilities	not mentioned, but allowed by-right	By-right	By-right	CUP	By-right	not mentioned, but allowed	now requires a CUP in B-2
Drug store with a drive-through window	not mentioned, but allowed by-right	CUP	By-right	CUP			now requires a CUP in B-1 & B-2
Fast food restaurants with a drive-through window	By-right	CUP					now requires a CUP in B-1
Funeral Homes without crematories and live animal slaughter	By-right	moved			By-right	CUP	now requires a CUP in FB/O-1, eliminated from B-1
Furniture and upholstery repair			By-right	moved	By-right	By-right	moved to FB/O-1, eliminated from B-2
Furniture store, with retail floor area not exceeding 20,000 square feet	not mentioned, but allowed by-right	By-right	By-right	CUP	By-right	not mentioned, but allowed	now requires a CUP in B-2
Garages and public parking	By-right	CUP			By-right	moved	now moved to B-1 with a CUP
Glass and mirror sales and service establishments (excluding automobile glass repair or replacement)			By-right	moved	By-right	By-right	moved to FB/O-1, eliminated from B-2
Household appliance sales and service store		CUP	By-right	moved	By-right	moved	now moved to B-1 with a CUP, description changed for clarification
Laundry, cleaning, and dyeing works in which no combustible solvent is used	By-right	moved			By-right	CUP	now requires a CUP in FB/O-1, eliminated from B-1
Live theaters, live entertainment centers	By-right	CUP					now requires a CUP in B-1, description changed for clarification

Use	B-1		B-2		FB/O-1		Change
	existing	proposed	existing	proposed	existing	proposed	
Now requires a CUP							
Locksmith	not mentioned, but allowed by-right	By-right	By-right	CUP	By-right	not mentioned, but allowed	now requires a CUP in B-2
Manufacture of precast concrete decorative and/or structural architectural components, (nonHAZMAT)					By-right	CUP	now requires a CUP, later move to M-1 with a future ZTA
Miniature golf courses and golf driving ranges	By-right	CUP			By-right	moved	now moved to B-1 with a CUP
Movie theaters and assembly halls	By-right	CUP			By-right	moved	now moved to B-1 with a CUP
Museums	By-right	By-right	By-right	CUP	By-right	not mentioned, but allowed	now requires a CUP in B-2
Off premises sales of beer and wine	not mentioned, but allowed by-right	CUP	CUP	CUP			now requires a CUP in B-1
Pet shops, including boarding kennels on the premises	By-right	CUP			By-right	moved	now moved to B-1 with a CUP
Philanthropic and charitable institutions	By-right	CUP	By-right	CUP	By-right	CUP	now requires a CUP in B-1 & FB/O-1, added to B-2 with a CUP
Printing, photocopying, photographic processing or blueprinting	By-right	By-right	By-right	moved	By-right	not mentioned, but allowed	moved from B-2
Private clubs and lodges	By-right	CUP			By-right	CUP	now requires a CUP
Public maintenance and storage facilities					By-right	CUP	now requires a CUP

Use	B-1		B-2		FB/O-1		Change
	existing	proposed	existing	proposed	existing	proposed	
Now requires a CUP							
School, K-12	By-right	CUP	CUP	CUP			now requires a CUP in B-1, description changed eliminating the differentiation for private versus public
Service Stations	By-right	moved			By-right	CUP	now moved to FB/O-1 with CUP, description changed for clarification
Stand-alone car wash	By-right	moved			By-right	CUP	now moved to FB/O-1 with CUP
Uses with a drive-through window	By-right	CUP	By-right	CUP		CUP	now requires a CUP, added in FB/O-1 with a CUP
Veterinary hospitals and boarding kennels	By-right	CUP					now requires a CUP in B-1, already by-right in M-1
Video sales and rental store	not mentioned, but allowed by-right	CUP	By-right	moved	By-right	moved	now moved to B-1 with a CUP
Wholesale businesses, with parking to the rear of the building	By-right	CUP			By-right	CUP	now requires a CUP
Eliminated							
Charitable institutions			By-right				eliminate description due to redundancy
Heliport/helistop					CUP	eliminated	eliminated entirely - not a common use, not needed in Zoning Ordinance because it is typically accessory to something else like a hospital
Off-site antennas or towers for a Radio or television broadcasting station	CUP	eliminated			CUP	eliminated	eliminated entirely - possibly should be added to M-1

<u>Use</u>	<u>B-1</u>		<u>B-2</u>		<u>FB/O-1</u>		<u>Change</u>
	<u>existing</u>	<u>proposed</u>	<u>existing</u>	<u>proposed</u>	<u>existing</u>	<u>proposed</u>	
Eliminated							
Self-storage facility with a live-in manager	CUP	eliminated					elimination of description of self-storage with the possibility of allowing a live-in manager, self-storage still exists as a use
Storage of materials and supplies, provided such storage is entirely enclosed and is conducted in the same building immediately adjacent thereto	Accessory	eliminated			Accessory	eliminated	elimination of description, but is still a normal accessory use - instead, other regulations regarding outside storage control need to screen/enclose storage
Tourist homes	By-right				By-right		eliminated entirely

Attachment D - Status of nonconformity of businesses and organizations in Town

<u>Use</u>	<u>Existing</u>	<u>Proposed</u>	<u>Stay conforming</u>	<u>Already nonconforming</u>	<u>Becomes nonconforming</u>	<u>Change</u>
B-1						
Barber, beauty shop	By-right	By-right	9			no change
Beauty supply and accessories	By-right	By-right	3			no change
Drug store a without drive-through window	By-right	By-right	1			no change
Fast food restaurants without a drive-through window	By-right	By-right	1			no change
Food store: Grocery store, supermarket (excluding convenience or quick service food stores)	By-right	By-right	3			no change
Hotels and motels	By-right	By-right	2			no change
Medical and/or dental office and clinic	By-right	By-right	6			no change
Office, general business or professional	By-right	By-right	42			no change
Restaurant, full-service, cafe, catering business, delicatessens or ice cream parlors, for service of food for consumption primarily on the premises, including outdoor eating area, but not drive-in or fast food restaurants	By-right	By-right	12			no change
Retail stores and businesses	By-right	By-right	12			no change
Boat sales and repair	not allowed	not allowed		1		no change
Contractors' equipment and storage yards	not allowed	not allowed		2		no change
Recreation facility, public	not allowed	not allowed		1		no change
Towing & Storage yard	not allowed	not allowed		1		no change
Towing & Storage yard & Automobile and truck sales and sales and service establishments	not allowed	not allowed		1		no change
Automobile and truck sales and sales and service establishments	CUP	not allowed		34	3	moved
Child care or adult day care center	By-right	CUP			1	now requires a CUP
Churches and places of worship	By-right	CUP			9	now requires a CUP

B-1						
Contractors, where all services are performed offsite and where there is no storage of supplies or equipment outside the building	By-right	CUP			5	now requires a CUP
Convenience stores and service establishments such as, but not limited to automatic self-service laundries	By-right	CUP			8	now requires a CUP
Fast food restaurants with a drive-through window	By-right	CUP			3	now requires a CUP
Veterinary hospitals and boarding kennels	By-right	CUP			1	now requires a CUP
Video sales and rental store	By-right	CUP			1	now requires a CUP
Automobile rental agencies	By-right	not allowed			1	moved
Gasoline filling stations	By-right	not allowed			4	moved
Repair services or businesses, including repair of guns, bicycles, washers, dryers, stoves, refrigerators, and similar items	By-right	not allowed			1	moved
Self-storage facility with a live-in manager	CUP	not allowed			1	eliminated

B-2						
Barber, beauty shop	By-right	By-right	4			no change
Government offices	By-right	By-right	3			no change
Jewelry, engraving store	By-right	By-right	1			no change
Medical and/or dental office and clinic	By-right	By-right	4			no change
Office, general business or professional	By-right	By-right	6			no change
Restaurant, full-service, cafe, catering business, delicatessens or ice cream parlors, for service of food for consumption primarily on the premises, including outdoor eating area, but not drive-in or fast food restaurants	By-right	By-right	3			no change
Automobile and truck sales and sales and service establishments	not allowed	not allowed		3		no change

B-2						
Building Supplies and service with storage under cover	not allowed	not allowed		1		no change
Contractors, where all services are performed offsite and where there is no storage of supplies or equipment outside the building	not allowed	not allowed		3		no change
Home occupation	not allowed	not allowed		1		no change
Medical and/or dental laboratory	not allowed	not allowed		3		no change
Nursery & Garden center	not allowed	not allowed		1		no change
Retail stores and businesses	not allowed	not allowed		9		no change
Stand-alone car wash	not allowed	not allowed		1		no change
Child care or adult day care center	By-right	CUP			2	now requires a CUP
Churches and places of worship	By-right	CUP			2	now requires a CUP
Dog grooming, without indoor or outdoor kennel facilities	By-right	CUP			1	now requires a CUP
Furniture store, with retail floor area not exceeding 20,000 square feet	By-right	CUP			1	now requires a CUP
Glass and mirror sales and service establishments (excluding automobile glass repair or replacement)	By-right	not allowed			1	moved
Household appliance sales and service store	By-right	not allowed			1	moved
Philanthropic and charitable institutions	By-right	CUP			3	now requires a CUP

FB/O-1						
Contractors, where all services are performed offsite and where there is no storage of supplies or equipment outside the building	By-right	By-right	1			no change
Automobile and truck sales and sales and service establishments	not allowed	CUP		2		added with CUP

FB/O-1						
Contractors' equipment and storage yards	not allowed	not allowed		3		no change
Towing & Storage yard	not allowed	not allowed		2		no change
Trash & recycling business	not allowed	not allowed		2		no change

M-1						
Automobile recycling, on parcels of 25 acres or larger where all vehicle storage is not located in a floodplain	CUP	CUP		1		no change

R-1						
Home occupation	By-right	By-right	2			no change
Landfill	not allowed	not allowed		1		no change

R-2						
Home occupation	By-right	By-right	21			no change
Churches and places of worship	By-right	By-right	1			no change
Philanthropic and charitable institutions	CUP	CUP	1			no change
Child care or adult day care center	not allowed	not allowed		1		no change
Museum or art gallery	not allowed	not allowed		1		

R-3						
Home occupation	By-right	By-right	16			no change
Philanthropic and charitable institutions	not allowed	not allowed		1		no change
Rescue squads	not allowed	not allowed		1		no change

Total				
<u>Use</u>	<u>Stay conforming</u>	<u>Already nonconforming</u>	<u>Becomes nonconforming</u>	<u>Total</u>
Total	154	77	49	280