AT A MEETING OF THE DUMFRIES TOWN COUNCIL, HELD ON NOVEMBER 13, 2012, AT 7:00 P. M., IN THE COUNCIL CHAMBERS, LOCATED AT 17755 MAIN STREET, DUMFRIES, VIRGINIA: ON A MOTION MADE BY _____, AND SECONDED BY _____, THE FOLLOWING ORDINANCE WAS ADOPTED BY THE FOLLOWING VOTE:

Charles C. Brewer, _____;
Gerald M. Foreman, II, _____;
Kristin W. Forrester, _____;
Helen D. Reynolds, _____;
Willie J. Toney, _____;
TBD
TBD

ORDINANCE TO AMEND THE CODE OF THE TOWN OF DUMFRIES, VIRGINIA, AS AMENDED, BY AMENDING CHAPTER 70, ARTICLE III, SECTION 70-13(h) AND ADDING SECTION 70-13(k) RELATED TO THE DEFINITION OF FLOOR AREA AND ADDING PARKING CREDITS

WHEREAS, an application was submitted by Pete Singh to amend Chapter 70-13 to change the definition of floor area and to add allowances for parking credits; and

WHEREAS, the Planning Commission discussed the matters in several works sessions and held a public hearing and a positive recommendation to the Town Council on August 13, 2012; and

WHEREAS, the Town Council authorized a public hearing on this matter, duly advertised for the purpose, was held on October 9, 2012 and all interested citizens were heard.

THEREFORE BE IT ORDAINED by the Dumfries Town Council on this 13th day of November that the Code of Ordinances, Town of Dumfries, Virginia, as amended, is further amended by amending Chapter 70, Article III, Section 70-13(h) and adding Section 70-13(k), and is reenacted as follows:

Sec. 70-13. - Minimum off-street parking.

(a) *Generally.*

(1) Every use or structure instituted, constructed, erected, enlarged, or structurally altered after January 18, 1979, shall provide off-street parking and loading facilities in accordance with the provisions of this article, except as otherwise provided for in this article.

(2) Such off-street parking and loading facilities shall be maintained and continued as long as the main use is continued.

(3) No owner or operator of any structure affected by this article shall discontinue, change, or dispense with the required parking and loading facilities without establishing alternative vehicular parking and loading facilities which meet the requirements of this article.

(4) No person shall utilize such structure or use without providing the off-street parking and loading facilities to meet the requirements of and be in compliance with this article.

(5) When a permitted use is nonconforming as to required parking, and such use is enlarged with respect to the unit of measurement specified in this article as the basis for determining the amount of parking spaces, additional parking shall be required only on the basis of the enlargement of the permitted use.

(b) *Location of off-street parking.* The off-street parking facilities required by this article shall be located on the same lot or parcel of land that they are intended to serve; however, when the size or shape of land, or a nonconforming building or structure presently existing on the parcel of land, prevents the establishment of such facilities on the same lot or parcel, they may be permitted on a properly zoned lot or parcel within 300 feet of the

premises they are to serve. However, before such parking facilities are approved, a written agreement thereto assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by the town attorney, and shall be filed with the zoning administrator.

(c) *Combined off-street parking.* Nothing in this article shall be construed to prevent collective provisions for or joint use of off-street parking facilities for two or more buildings or uses by two or more owners or operators; provided that, the total of such parking spaces when combined or used together shall not be less than the sum of the requirements for the several individual uses computed separately in accordance with this article. However, before such spaces are approved for use, a written agreement thereto assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by the town attorney, and filed with the zoning administrator.

(d) *Buffer required where adjoining property is residential.* Where a parking area for a medical, hospital, commercial, or industrial use adjoins a lot in a residential district or is located closer than 100 feet to a lot in a residential district without an intervening street, a solid wall or fence six feet in height, with its finished side facing the adjacent residential lot, shall be erected on the lot providing the parking. However, the wall or fence shall not extend into the front yard required on the lot on which it is located.

(e) *Delineating parking spaces.* Whenever five or more parking spaces are provided, such spaces shall be laid out on the parking surface with paint or plastic stripping which shall provide a permanent delineation between spaces.

(f) *Surfacing of parking areas.* Offstreet parking areas or loading or service areas shall be surfaced with a stable material, that will not track onto pavement, such as asphalt, concrete, or other approved all-weather surface. Construction shall be to town specifications. This requirement shall also apply to interior travel lanes or driveways.

Parking in front and corner side yards on lots in the R-1 and R-2 zoning districts shall be surfaced with a stable material. No such parking surface shall exceed more than 30 percent of any such yard.

(g) *Site planning.* Ingress and egress to the property, and traffic lanes, parking spaces and loading and service areas on the premises shall form a convenient and well-organized system appropriate to the uses in the building. Entrances and exits shall be so arranged as to minimize conflicts with traffic on public streets and to reduce traffic noises on portions of the lot where there might be adverse effects on residential uses on the property or on any uses on adjacent property. Driveways, parking, loading, and service areas shall be located, designed, constructed, maintained, and operated so as to minimize the impact or adverse visual effects and noise on other portions of the property and on surrounding property, particularly residential property and, where necessary, fences, walls, and/or vegetative screening shall be provided and maintained to further these purposes. Any lights used to illuminate said parking areas shall be arranged and hooded so as to confine all direct light rays entirely within the boundary lines of the parking area.

(h) *Calculating number of off-street parking spaces.* In calculating the number of such parking spaces, the following rules shall govern:
(1) The term "floor area" shall mean the gross floor area of the specific use multiplied by a core factor of .80.
(2) When the units of measurement determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half shall be disregarded, and fractions over one-half shall require one additional parking space.
(3) The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.
(4) In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately, except as allowed in section 70.13(k).
(5) Off-street parking facilities supplied to meet the needs of one use shall not be considered as meeting the off-street parking needs of any other use, except as allowed in section 70.13(k).
(6) Each parking space shall be a minimum of nine feet in width and 18 feet in length.

(i) *Amount of off-street parking required.* The off-street parking required by this article shall be provided and maintained on the basis of the following requirements specified in the following tables, except as otherwise provided in this article:

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Use Type	Required Off-street Spaces
Residential uses:	
Single-family dwellings	1 for each dwelling unit
Two-family detached townhouses, mobile homes, planned unit development	2.5 for each dwelling unit
Multifamily dwellings:	
Efficiency with no bedroom	1.5 for each dwelling unit
One-bedroom unit	2 for each dwelling unit
Two-bedroom unit	2.5 for each dwelling unit
Three or more bedroom units	2.5 for each dwelling unit
Assisted housing for the elderly and physically handicapped	1 for each 2 dwelling units
Group quarters:	
Boardinghouse, lodginghouse, or roominghouse	1 for each residential unit, plus 2 spaces for employees
Convalescent, nursing or rest homes, sanitariums	1 for each 6 beds
Dormitory, fraternity or sorority houses	1 for each 2 beds
Transient lodgings:	
Hotel and motel	1 for each guest room, plus 1 employee space for each 10 guest rooms
Tourist home	1 for each guest room, plus 2 for employees
Educational uses:	
Kindergarten, day care center, nursery	1 for each 175 square feet of floor space plus 2 for employees
Elementary, intermediate, or junior high schools, private or public	1 for each teacher, employee, or administrator, whether full- or part-time if activities of personnel are conducted between 8:00 a.m. and 4:00 p.m.
High school, college or preparatory school, public or private	1 for each teacher, employee, or administrator, whether full- or part-time if activities of personnel are conducted between 8:00 a.m. and 4:00 p.m. plus 1 for every 10 students for maximum capacity
Trade uses	
Business:	
Retail space (unless otherwise specified)	1 for each 200 square feet of retail floor area
Furniture, hardware, home furnishings, and other similar establishments	1 for each 400 square feet of floor area
Gasoline filling station	1 for each lubrication pit or maintenance stall plus 1 for service vehicle, plus 3 for employees
Restaurant, nightclub, or similar establishment	1 for each 100 square feet of retail floor area
Shopping center	1 for each 200 square feet of retail floor area
Wholesale, inventory, storage not otherwise classified	1 for each 1,000 square feet of floor area devoted to enclosed storage
Automobile rental agencies	1 for each 200 square feet of floor area, plus1 space for each vehicle to be rented
Industrial uses:	
Factories, laboratories, laundries, etc.	1 for each 1½ employees on the maximum working shift, plus space to accommodate all trucks and other vehicles used in connection therewith
Cultural, entertainment, and recreational uses	
Auditoriums, assembly halls, community center, dance halls, legitimate and motion picture theaters:	

With fixed seats	1 for each 4 seats based on maximum seating capacity
Without fixed seats	1 for each 100 square feet of floor area
Amphitheaters, sports arena, stadium or gymnasium	1 for each 5 seats or 10 feet of bench space
Art gallery, library, museum	1 for each 400 square feet of floor area
Sports activities:	
Bowling	4 for each alley
Indoor (swimming pools, skating rinks, recreation centers and similar establishments)	1 for each 125 square feet of usable recreational or social floor area
Outdoor (swimming pools, skating rinks, miniature golf, and similar establishments)	1 for each 200 square feet of usable and improved recreational area
Golf course	2 per hole
Outdoor court games (tennis, basketball, and similar establishments)	1 per 2 players based upon maximum capacity
Office uses:	
Business, general and governmental buildings, professional office buildings, but not including medical offices	1 for each 300 square feet of floor area
Medical uses:	
Doctor's or dentist's office, clinic, and out-patient clinic	1 for each doctor, 1 for each employee working between 9:00 am and 5:00 pm, and 3 for each examination room or dentist's chair
Hospital	1 for each 3 beds, plus 6 spaces for each employee or staff member on the maximum working shift, plus 5 spaces for each doctor on the staff
Veterinary hospital	1 for each 300 square feet of floor area
Service uses	
Barber, beauty salon	2 for each chair
Laundry:	
Self-service	1 for each 2 cleaning or laundry machines
Dry cleaning establishment	1 for each 200 square feet of floor area
Funeral home, mortuary:	1 for each 4 seats in chapels or parlors with fixed seats, or 1 for each 100 square feet of floor area for assembly rooms without fixed seats for services, plus 5 for employees
Other	1 for each 200 square feet of floor area
Institutional uses:	
Churches, synagogues, temples, and other places of worship; and civic fraternal, political, private, religious, and social nonprofit organizations	1 for every 4 seats of the maximum seating capacity in the main place of assembly or 1 for each 100 square feet of usable floor area in the main place of assembly in places which do not have fixed seats

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(j) *Amount of off-street loading required.* There shall be provided, on the premises used for the following purposes in any district at the time any building or structure is constructed, reconstructed, enlarged, extended, or structurally altered, spaces for off-street loading, except as otherwise provided in this article in accordance with the following schedule.

(1) For each retail store, storage warehouse, wholesale establishment, industrial plant, factory, freight terminal, market, restaurant, mortuary, laundry, dry cleaning establishment, or similar use which has an aggregate floor area of:

a. Over 10,000 square feet but not over 25,000 square feet: one space.

b. Over 25,000 square feet but not over 60,000 square feet: two spaces.

c. Over 60,000 square feet but not over 120,000 square feet: three spaces.

d. Over 120,000 square feet but not over 200,000 square feet: four spaces.

e. Over 200,000 square feet but not over 290,000 square feet: five spaces.

f. For each additional 90,000 square feet or major fraction thereof: one space.

(2) For each apartment building having over 50 dwelling units: one space.

(3) For each auditorium, museum, assembly hall, community center, hotel, office building, sports arena, stadium, gymnasium, hospital, sanitorium, or similar use which has an aggregate gross floor area of:

a. Over 10,000 square feet but not over 40,000 square feet: one space.

b. For each additional 60,000 square feet over 40,000 square feet or major fraction thereof: one space.

(4) For any use not specifically mentioned in this section, the requirements for off-street loading, for a use which is so mentioned and to which the unmentioned use is similar, shall apply:

a. Off-street loading facilities supplied to meet the needs of one use shall not be considered as meeting the off-street loading needs of any other use.
b. No area of a facility supplied to meet the required off-street parking facilities for a use shall be utilized for or deemed to meet the requirements of this article for off-street loading facilities.

(k) The Public Works Director, with concurrence of the Zoning Administrator, may authorize, upon request of a property owner, a parking credit allowance. Such requests shall be in writing, shall state the reasons for the request, and shall include studies, surveys, reports or other evidence to support the request. A parking credit allowance may be authorized as follows:

A. Up to thirty percent (30%) of the required parking spaces may be waived when the use is located in an area of development that is so intense that normal individual demand will not be generated. In considering this waiver request, weight shall be given to the availability of public transportation, the proximity of commercial parking garages or lots, and the expected overlap of commercial and employment activities in the area.

B. Credit may be given for parking spaces required for one use when parking spaces required for another use on the same lot, or on an adjacent lot, can be used because of a difference in normal operating hours. This credit may be given for up to seventy-five percent (75%) of the required spaces when no overlap in normal operating hours occurs, and up to twenty five (25%) of the required spaces when an overlap of less than four (4) hours per day occurs, provided legally sufficient agreement is executed when different property owners are involved.

BY ORDER OF COUNCIL

_____
Gerald M. Foreman, Mayor

ATTEST:

_____
Dawn Hobgood, Town Clerk

Ordinance Number O-2012-009

AT A MEETING OF THE DUMFRIES TOWN COUNCIL, HELD ON NOVEMBER 13, 2012, AT 7:00 P. M., IN THE COUNCIL CHAMBERS, LOCATED AT 17755 MAIN STREET, DUMFRIES, VIRGINIA: ON A MOTION MADE BY _____, AND SECONDED BY _____, THE FOLLOWING ORDINANCE WAS ADOPTED BY THE FOLLOWING VOTE:

Charles C. Brewer, _____;
Gerald M. Foreman, II, _____;
Kristin W. Forrester, _____;
Helen D. Reynolds, _____;
Willie J. Toney, _____;
TBD
TBD

ORDINANCE TO AMEND THE CODE OF THE TOWN OF DUMFRIES, VIRGINIA, AS AMENDED, BY AMENDING CHAPTER 70, ARTICLE III, SECTION 70-282(b)(14) RELATED TO RESIDENTIAL AMENTITIES ON THE GROUND FLOOR IN THE B-2 ZONE

WHEREAS, an application was submitted by Pete Singh to amend Chapter 70-282(b)(14) to allow up to 75% of the ground floor in the B-2 zone to be dedicated to a residential use; and

WHEREAS, the Planning Commission discussed the matters in several works sessions and felt that this proposal was not in conformity with the comprehensive plan of the Town; and

WHEREAS, the Planning Commission amended the original proposal to allow 10% of the ground floor in the B-2 zone to be dedicated to residential amenities and held a public hearing and recommended approval to the Town Council on August 13, 2012; and

WHEREAS, the Town Council authorized a public hearing on this matter, duly advertised for the purpose, was held on October 9, 2012 and all interested citizens were heard.

THEREFORE BE IT ORDAINED by the Dumfries Town Council on this 13th day of November that the Code of Ordinances, Town of Dumfries, Virginia, as amended, is further amended by amending Chapter 70, Article III, Sections 70-282(b)(14), and is reenacted as follows:

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
(a) Up to 10% of the ground floor may be dedicated to residential amenities. Residential amenities shall not be located adjacent to Main Street. Residential amenities shall be located at the rear of the building. No residential amenities are permitted in single story buildings.

(15) School, K-12
(16) Uses with a drive-through window

BY ORDER OF COUNCIL

_____
Gerald M. Foreman, Mayor

ATTEST:

_____
Dawn Hobgood, Town Clerk

Ordinance Number O-2012-010

AT A MEETING OF THE DUMFRIES TOWN COUNCIL, HELD ON NOVEMBER 13, 2012, AT 7:00 P. M., IN THE COUNCIL CHAMBERS, LOCATED AT 17755 MAIN STREET, DUMFRIES, VIRGINIA: ON A MOTION MADE BY _____, AND SECONDED BY _____, THE FOLLOWING ORDINANCE WAS ADOPTED BY THE FOLLOWING VOTE:

Charles C. Brewer, _____;
Gerald M. Foreman, II, _____;
Kristin W. Forrester, _____;
Helen D. Reynolds, _____;
Willie J. Toney, _____;
TBD
TBD

ORDINANCE TO AMEND THE CODE OF THE TOWN OF DUMFRIES, VIRGINIA, AS AMENDED, BY AMENDING CHAPTER 70, ARTICLE III, SECTION 70-287 RELATED TO HEIGHTS AND SETBACKS IN THE B-2 ZONE

WHEREAS, an application was submitted by Pete Singh to amend Chapter 70-287 to allow increased building heights and modification to setbacks through a conditional use permit; and

WHEREAS, the Planning Commission discussed the matter in several works sessions and felt that additional height would be appropriate through a conditional use permit, however they felt it was necessary to place a cap to the additional height; and

WHEREAS, the Planning Commission held a public hearing and recommended approval to the Town Council on August 13, 2012; and

WHEREAS, the Town Council authorized a public hearing on this matter, duly advertised for the purpose, was held on October 9, 2012 and all interested citizens were heard.

THEREFORE BE IT ORDAINED by the Dumfries Town Council on this 13th day of November that the Code of Ordinances, Town of Dumfries, Virginia, as amended, is further amended by adding Chapter 70, Article III, Sections 70-287, and is reenacted as follows:

Sec. 70-287. - Height regulations; maximum structure limitation.
~~No structure shall exceed~~ The maximum height of structures in the B-2 zone is 50 feet ~~in height~~ from grade of the ground, excluding mechanical equipment, which shall be adequately screened. No other architectural features such as false facades and towers, antennas, aerials, satellite dishes, spires, belfries, cupolas, chimneys, flues, flagpoles and steeples and similar devices shall exceed 55 feet in height from grade of the ground. However, additional height may be approved through approval of a conditional use permit. In no case shall building height exceed the lesser of six stories or 75 feet. Mechanical equipment, architectural features, as listed above, shall not extend higher than 80 feet. Additional height is not guaranteed, and may only be approved upon finding that the additional height will not adversely affect surrounding land uses. Minimum building setbacks for building sides adjacent to residential property or property zoned residentially shall be increased by one foot for every additional one foot of height that a building extends above 55 feet.

BY ORDER OF COUNCIL

_____
Gerald M. Foreman, Mayor

ATTEST:

_____
Dawn Hobgood, Town Clerk

Ordinance Number O-2012-011