



AGENDA ITEM FORM

TYPE OF AGENDA ITEM:

- CONSENT AGENDA
- PRESENTATION
- ACTION ITEM
- TOWN MANAGER & STAFF COMMENTS
- PUBLIC HEARING
 - Duly Advertised

PURPOSE OF ITEM:

- INFORMATION ONLY
- DISCUSSION ONLY
- DISCUSSION AND/OR DECISION
 - Introduction Resolution
 - Ordinance Grant/MOU
 - By Motion Bylaws
 - Certificate

PRESENTER: Christine Sanders

PRESENTER TITLE: Town Attorney

AGENDA ITEM:

Joint Public Hearing to adopt/readopt, confirm and ratify Zoning Text Amendments to the B-1, B-2 and FB/O-1 Zoning Districts (Ordinance Numbers 0-2011-013, 014 and 015, previously adopted by Council 9/20/2011), (hereinafter "the Zoning Text Amendments").

BACKGROUND / SUMMARY:

This matter was discussed with Council in closed session on 5/7/2013. This item also came before the Planning Commission at its May 20, 2013, meeting for the adoption of an initiating motion pursuant to Virginia Code Section 15.2-2286(A)(7). The Zoning Text Amendments require re-adoption/ adoption after an initiating motion passed by the Planning Commission (which occurred on 5/20/2013), and Council and Planning Commission must hold a joint public hearing to adopt, re-adopt these Zoning Text Amendments. In so adopting and re-adopting these Zoning Text Amendments, Council and the Planning Commission will ratify and confirm the actions taken in 2011.

ATTACHMENTS:

- Initiating Resolution from Planning Commission
- Public Hearing Notice
- Ordinances to adopt and re-adopt, ratify and confirm the Zoning Text Amendments.

REQUESTED ACTION:

Vote on the introduction of the ordinances

FOR MORE INFORMATION, CONTACT:

703-221-3400 ext 140

Christine Sanders, Town Attorney

csanders@dumfriesva.gov

FOR USE DURING MEETING

Y	N		Y	N
<input type="checkbox"/>	<input type="checkbox"/>	Brewer	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	Reynolds	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	Wood		

VOTE:

Foreman	
Toney	

PASSED

Y	N
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

NOT PASSED

Forrester	
Washington	

AT A MEETING OF THE TOWN OF DUMFRIES PLANNING COMMISSION HELD ON MAY 20, 2013, IN COUNCIL CHAMBERS, 17755 MAIN STREET, DUMFRIES, VIRGINIA: ON A MOTION MADE BY MR. WEBB, AND SECONDED BY MR. PADBERG, THE FOLLOWING ZONING TEXT AMENDMENT INITIATING MOTION WAS ADOPTED BY THE FOLLOWING VOTE:

Naeem Arshad, absent ;
Gina Critchley absent;
Selonia Miles, yes;
Christopher A. Padberg, yes;
William O'Kelly Russell, yes;
Louise Waggy, absent;
John E. Webb, yes;

MOTION TO INITIATE ZONING TEXT AMENDMENTS TO THE B1, B2 AND FB/O-1 ZONING DISTRICTS

WHEREAS, the Town of Dumfries Planning Commission ("the Commission") originally deliberated proposed zoning text amendments to the B1, B2 and FB/O-1 zoning districts at meetings in July 2011, ("the Zoning Text Amendments"), and voted to adopt the Zoning Text Amendments at its meeting in August 2011; and

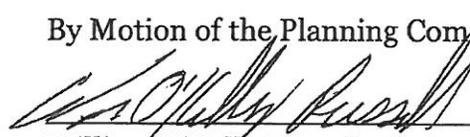
WHEREAS, Town Council subsequently adopted the Zoning Text Amendments after duly advertising and holding a public hearing on the same pursuant to applicable law, at a meeting held on September 20, 2011; and

WHEREAS, it is now asserted, but not admitted, that the Commission and the Council adopted the Zoning Text Amendments absent an initiating resolution or motion pursuant to Virginia Code Section 15.2-2286(A)(7); and

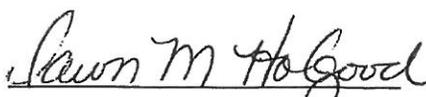
WHEREAS, the Commission wishes to address the above assertion of a lack of initiating motion by passing a motion to initiate these same Zoning Text Amendments and in so doing states emphatically that public necessity, convenience, general welfare, and good zoning practice requires the passage of the Zoning Text Amendments, and refers this initiating motion to the Council and in so doing ratifies and confirms its discussions, deliberations and vote on the Zoning Text Amendments and requests that the Zoning Text Amendments be scheduled for a joint public hearing with the Town Council on June 4, 2013, for the ratification, confirmation, adoption and/or re-adoption by the Commission and Council.

NOW, THEREFORE, the Planning Commission moves to initiate and/or reinstate the Zoning Text Amendments pursuant to public necessity, convenience, general welfare and good zoning practice and this initiating motion is hereby adopted this 20th day of May, 2013.

By Motion of the Planning Commission


William O'Kelly Russell, Chair

ATTEST:


Dawn Hobgood, Town Clerk

TOWN OF DUMFRIES

**NOTICE OF PUBLIC HEARING
TO DISCUSS ZONING TEXT AMENDMENTS
TO THE B-1, B-2, AND FB/O-1 ZONING DISTRICTS
JOINT PUBLIC HEARING BY THE TOWN COUNCIL AND
PLANNING COMMISSION OF THE TOWN OF DUMFRIES, VIRGINIA ON**

**JUNE 4, 2013 AT 7:00 PM
or as soon thereafter as may be heard**

The Town of Dumfries Town Council and Planning Commission hereby give notice of a joint Public Hearing on June 4, 2013, to consider ratification, confirmation, adoption and re-adoption of proposed Zoning Ordinance Amendments to the following code sections: Section 70-247 relating generally to General Business District B-1, Use Regulations; Sec. 70-281 and 70-282 relating generally to Neighborhood Business District B-2; Intent and Use Regulations; Sec. 70-482 through 70-484 relating generally to Flex Business/Office District FB/O-1, Use Regulations on Tuesday, June 4, 2013 beginning at 7:00 p.m. in the Council Chambers of Town Hall located at 17755 Main Street in Dumfries Virginia to discuss the following:

A public hearing to hear citizens' comments on:

The ratification, confirmation, adoption and re-adoption of zoning text amendments to the B-1, B-2 and FB/O-1 Zoning Districts which were adopted as Ordinance No. 0-2011-013, by The Dumfries Town Council September 20, 2011, wherein certain by-right/conforming uses in each district became nonconforming upon re-adoption of the zoning text amendments; these zoning text amendments were previously considered heard at a public hearing Aug. 8, 2011 by the Planning Commission and Sept. 6, 2011 by the Town Council.

A complete copy of the above-referenced zoning text is available for review at the Office of the Town Clerk at 17755 Main Street, Dumfries, Virginia 22026 between the hours of 8:30 AM and 5:00 PM; M-F. The public hearing is being held in a public facility believed to be accessible to persons with disabilities. Persons with questions on the accessibility of the facility should contact the Town Clerk during normal working hours.

**BY GERALD M. FOREMAN, MAYOR
TOWN OF DUMFRIES, VIRGINIA**

Instruction to Publisher: Run this notice one time on May 22 one time on May 29, 2013.

AT A REGULAR MEETING OF THE DUMFRIES TOWN COUNCIL HELD ON TUESDAY, JULY 9, 2013, IN COUNCIL CHAMBERS, 17755 MAIN STREET, DUMFRIES, VIRGINIA: ON A MOTION DULY 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, ;
Gwen P. Washington, ;
Derrick R. Wood, ;

ORDINANCE #O-2011-013 (# O-2013- ---)

Introduction	September 6, 2011	Re-Introduction	June 4, 2013
Enacted	September 20, 2011	Re-Enacted, re-adopted,	
Effective	September 20, 2011	ratified and confirmed:	July 9, 2013

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

WHEREAS, the Town of Dumfries Town Council, (hereinafter “Town Council”), originally deliberated proposed zoning text amendments to the B1, B2 and FB/O-1 zoning districts (hereinafter “the Zoning Text Amendments”) at meetings on June 21, and July 5, 2011, and at its July 19, 2011, meeting and finding the Zoning Text Amendments to be consistent with the Town of Dumfries Comprehensive Plan, good zoning practices, public necessity and in the best interest and general welfare the Town of Dumfries, (hereinafter the “Town”), referred the Zoning Text Amendments to the Planning Commission; and

WHEREAS, the Town of Dumfries Planning Commission (the “Commission”) held a duly advertised public hearing at its meeting of August 8, 2011, where in it deliberated the Zoning Text Amendments and found them to be consistent with the Comprehensive Plan, good zoning practices, public necessity and in the best interest for the general welfare of the Town, and voted at that meeting to recommend adoption of the proposed Zoning Text Amendments to the Town Council; and

WHEREAS, the Town Council subsequently adopted the Zoning Text amendments at its meeting of September 20, 2011 after a duly advertised public hearing pursuant to applicable law; and

WHEREAS, it is now asserted, but not admitted, that the Commission and the Council adopted the Zoning Text Amendments absent an initiating resolution or motion pursuant to Virginia Code Section 15.2-2286(A)(7); and

WHEREAS, the Commission adopted an initiating motion pursuant to Virginia Code Section 15.2-2286(A)(7) at its meeting of May 20, 2013 in order to adopt, re-adopt, ratify and confirm the Zoning Text Amendments; and

WHEREAS, the Commission and Council now wish to hold another public hearing for the adoption, re-adoption, ratification and confirmation of the Zoning Text Amendments, such public hearing being duly advertised pursuant to applicable law; and

WHEREAS, the Commission and the Council held a joint public hearing on June 4, 2013, for the purpose of the adoption, re-adoption, ratification and confirmation of the Zoning Text Amendments.

NOW THEREFORE BE IT ORDAINED by the Council of the Town of Dumfries, Virginia, in a meeting this 9th day of July, 2013:

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.~~
- ~~(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.~~
 - ~~e. 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

This ordinance shall become effective on September 20, 2011. 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
(as to September 20, 2011)

BY ORDER OF COUNCIL

Gerald M. Foreman, Mayor

ATTEST:

Dawn Hobgood, Town Clerk

AT A REGULAR MEETING OF THE DUMFRIES TOWN COUNCIL HELD ON TUESDAY, JULY 9, 2013, IN COUNCIL CHAMBERS, 17755 MAIN STREET, DUMFRIES, VIRGINIA: ON A MOTION DULY 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, ;
Gwen P. Washington, ;
Derrick R. Wood, ;

ORDINANCE #O-2011-014 (# O-2013- ---)

Introduction	September 6, 2011	Re-Introduction	June 4, 2013
Enacted	September 20, 2011	Re-Enacted, re-adopted,	
Effective	September 20, 2011	ratified and confirmed:	July 9, 2013

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.

WHEREAS, the Town of Dumfries Town Council, (hereinafter “Town Council”), originally deliberated proposed zoning text amendments to the B1, B2 and FB/O-1 zoning districts (hereinafter “the Zoning Text Amendments”) at meetings on June 21, and July 5, 2011, and at its July 19, 2011, meeting finding the Zoning Text Amendments to be consistent with the Town of Dumfries Comprehensive Plan, good zoning practices, public necessity and in the best interest and general welfare for the Town of Dumfries, (hereinafter the “Town”), referred the Zoning Text Amendments to the Planning Commission; and

WHEREAS, the Town of Dumfries Planning Commission (the “Commission”) held a duly advertised public hearing at its meeting of August 8, 2011, where in it deliberated the Zoning Text Amendments and found them to be consistent with the Comprehensive Plan, good zoning practices, public necessity and in the best interest of the general welfare of the Town, and voted at that meeting to recommend adoption of the proposed Zoning Text Amendments to the Town Council; and

WHEREAS, the Town Council subsequently adopted the Zoning Text amendments at its meeting of September 20, 2011 after a duly advertised public hearing pursuant to applicable law; and

WHEREAS, it is now asserted, but not admitted, that the Commission and the Council adopted the Zoning Text Amendments absent an initiating resolution or motion pursuant to Virginia Code Section 15.2-2286(A)(7); and

WHEREAS, the Commission adopted an initiating motion pursuant to Virginia Code Section 15.2-2286(A)(7) at its meeting of May 20, 2013 in order to adopt, re-adopt, ratify and confirm the Zoning Text Amendments; and

WHEREAS, the Commission and Council now wish to hold another public hearing for the adoption, re-adoption, ratification and confirmation of the Zoning Text Amendments, such public hearing being duly advertised pursuant to applicable law; and

WHEREAS, the Commission and the Council held a joint public hearing on June 4, 2013, for the purpose of the adoption, re-adoption, ratification and confirmation of the Zoning Text Amendments.

NOW THEREFORE BE IT ORDAINED by the Council of the Town of Dumfries, Virginia, in a meeting this 9th day of July, 2013:

1. 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

This ordinance shall become effective on September 20, 2011. 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
(as to September 20, 2011)

BY ORDER OF COUNCIL

Gerald M. Foreman, Mayor

ATTEST:

Dawn Hobgood, Town Clerk

AT A REGULAR MEETING OF THE DUMFRIES TOWN COUNCIL HELD ON TUESDAY, JULY 9, 2013, IN COUNCIL CHAMBERS, 17755 MAIN STREET, DUMFRIES, VIRGINIA: ON A MOTION DULY 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, ;
Gwen P. Washington, ;
Derrick R. Wood, ;

ORDINANCE #O-2011-015 (# O-2013- ---)

Introduction	September 6, 2011	Re-Introduction	June 4, 2013
Enacted	September 20, 2011	Re-Enacted, re-adopted,	
Effective	September 20, 2011	ratified and confirmed:	July 9, 2013

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.

WHEREAS, the Town of Dumfries Town Council, (hereinafter “Town Council”), originally deliberated proposed zoning text amendments to the B1, B2 and FB/O-1 zoning districts (hereinafter “the Zoning Text Amendments”) at meetings on June 21, and July 5, 2011, and at its July 19, 2011, meeting finding the Zoning Text Amendments to be consistent with the Town of Dumfries Comprehensive Plan, good zoning practices, public necessity and in the best interest and general welfare the Town of Dumfries, (hereinafter the “Town”), referred the Zoning Text Amendments to the Planning Commission; and

WHEREAS, the Town of Dumfries Planning Commission (the “Commission”) held a duly advertised public hearing at its meeting of August 8, 2011, wherein it deliberated the Zoning Text Amendments and found them to be consistent with the Comprehensive Plan, good zoning practices, public necessity and in the best interest of the general welfare of the Town, and voted at that meeting to recommend adoption of the proposed Zoning Text Amendments to the Town Council; and

WHEREAS, the Town Council subsequently adopted the Zoning Text amendments at its meeting of September 20, 2011 after a duly advertised public hearing pursuant to applicable law; and

WHEREAS, it is now asserted, but not admitted, that the Commission and the Council adopted the Zoning Text Amendments absent an initiating resolution or motion pursuant to Virginia Code Section 15.2-2286(A)(7); and

WHEREAS, the Commission adopted an initiating motion pursuant to Virginia Code Section 15.2-2286(A)(7) at its meeting of May 20, 2013 in order to adopt, re-adopt, ratify and confirm the Zoning Text Amendments; and

WHEREAS, the Commission and Council now wish to hold another public hearing for the adoption, re-adoption, ratification and confirmation of the Zoning Text Amendments, such public hearing being duly advertised pursuant to applicable law; and

WHEREAS, the Commission and the Council held a joint public hearing on June 4, 2013, for the purpose of the adoption, re-adoption, ratification and confirmation of the Zoning Text Amendments.

NOW THEREFORE BE IT ORDAINED by the Council of the Town of Dumfries, Virginia, in a meeting this 9th day of July, 2013:

1. 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

This ordinance shall become effective on September 20, 2011. 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
(as to September 20, 2011)

BY ORDER OF COUNCIL

Gerald M. Foreman, Mayor

ATTEST:

Dawn Hobgood, Town Clerk