



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: Laura O'Dell

PRESENTER TITLE: Town Planner/Zoning Administrator

AGENDA ITEM:

2012 Zoning Text Amendments to the B-1, B-2, and FB/O-1 Zoning Districts

BACKGROUND / SUMMARY:

Over the past year the Planning Commission has been working on zoning text amendments to the B-1, B-2, and FB/O-1 zoning districts. A final review of the zoning text amendments was conducted at the April 15, 2013, Planning Commission meeting. On August 12, 2013, the Planning Commission passed a resolution to move the text amendments forward to the Town Council for review. Attached are the final 2012 zoning text amendments for review.

ATTACHMENTS:

Proposed Amendment and Memorandum

REQUESTED ACTION: NO ACTION REQUESTED

Provide comments and direction for Staff

FOR MORE INFORMATION, CONTACT:

Phone#: 703-221-3400

Name: Laura O'Dell

E-mail: lodell@dumfriesva.gov

FOR USE DURING MEETING

VOTE:

PASSED

NOT PASSED

Y	N		Y	N		Y	N	
<input type="checkbox"/>	<input type="checkbox"/>	Brewer	<input type="checkbox"/>	<input type="checkbox"/>	Foreman	<input type="checkbox"/>	<input type="checkbox"/>	Forrester
<input type="checkbox"/>	<input type="checkbox"/>	Reynolds	<input type="checkbox"/>	<input type="checkbox"/>	Toney	<input type="checkbox"/>	<input type="checkbox"/>	Washington
<input type="checkbox"/>	<input type="checkbox"/>	Wood						



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MEMORANDUM

TO: Town Council
FROM: Laura O'Dell, Town Planner/Zoning Administrator
DATE: September 17, 2013
RE: Review of Zoning Text Amendments to the B-1, B-2, and FB/O-1 Zoning Districts

BACKGROUND

Over the past year the Planning Commission has been working on zoning text amendments to the B-1, B-2, and FB/O-1 zoning districts. The Planning Commission took into consideration the intent of each district and the allowable uses for each district. Before any changes were made the uses in these three zones seemed to meet both the Comprehensive Plan and their intent sections. Staff did not suggest eliminating any uses from these zones, however, consideration was given to the addition of uses that would provide more opportunities for redevelopment and to enhance the overall vision dictated in the Comprehensive Plan.

A final review of the zoning text amendments was conducted at the August 12, 2013, Planning Commission meeting and a resolution was passed authorizing the Planning Commission to move the 2012 Zoning Text Amendments to the Town Council for review. Attached are the final 2012 zoning text amendments for your review, as well as the resolution passed by the Planning Commission.

RECOMMENDATION

Staff recommends the Town Council review the Zoning Text Amendments to the B-1, B-2, and FB/O-1 Districts and provide direction.

DIVISION 6. - BUSINESS, GENERAL DISTRICT B-1

Sec. 70-247(A). - Allowable uses.

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) Allowable uses in the B-2 zoning 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.~~

(2) Catering (No more than two commercial vehicles are allowed on site. Commercial vehicles must be stored out of view of the public way).

~~(12) Clock shop sales and repair.~~

~~(13) Computer store or personal electronic sales and service.~~

(3)14) Data or computer services.

(4)15) Dog grooming without indoor or outdoor kennel facilities.

~~(16) Drug store without drive-through window.~~

(5)17) Fast food restaurants without a drive-through window.

(6)18) Fire stations.

~~(19) Florist, gift shop.~~

~~(20) Food store: Grocery store, supermarket (excluding convenience or quick service food stores).~~

(7) Funeral homes without crematories.

~~(21) Furniture store.~~

(8) Furniture repair (No dipping or stripping).

~~(22) Government offices.~~

~~(23) Hardware, paint and wallpaper store.~~

~~(24) Hobby, craft shop.~~

(9)25) Gunsmith and gun archery sales.

(10)Hospitals (Under 12,000 square feet and no helistop).

- (~~11~~26) Hotels and motels.
- (12) Household appliance sales and service stores (No outdoor staging or storage).
- ~~(27) Jewelry, engraving stores.~~
- ~~(28) Libraries.~~
- ~~(29) Locksmiths.~~
- (13~~30) Medical, dental and urgent care facilities. and/or dental office and clinic.~~
- (14~~31) Museums.~~
- ~~(32) Musical instruments, sheet music, and recorded music sales.~~
- ~~(33) Offices, general business or professional.~~
- (15) Party supplies sales and rentals (No outdoor staging or storage).
- (16) Pet shops, not including boarding kennels.
- ~~(17~~34) Photographic, artist or recording equipment sales and service and photographic studios.
- ~~(18~~35) Printing, publishing, photocopying, photographic processing or blueprinting.
- ~~(19~~36) Repair services or businesses, including repair of lamps, microwave ovens, radios, shoes, television sets, toasters, toys, watches, and similar items (Not to exceed 12,000 square feet).
- ~~(20~~37) Rescue squads.
- ~~(21~~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.~~
- (22~~40) Retail stores and businesses.~~
- (23~~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.~~
- (24~~51) Universities, colleges, and seminaries.~~

Sec. 70-247(B). - Uses allowable pursuant to a conditional use permit.

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 section 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) Any allowable use in the B-1 zone which exceeds 12,000 square feet shall require a conditional use permit.

(3) Assembly halls, meeting halls, convention space or event centers.

(4) Assisted living facilities.

(5) Automobile rental agencies meeting the following conditions:

- 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 up to a three-quarter-ton vehicle (gross vehicle weight not to exceed 9,100 pounds, and not to exceed 4 wheels).
- f. All vehicles are required to be parked in an approved and marked parking stall in accordance with the site plan for the property.

(6) Banks and financial institutions with a drive-through.

(7) Bed and Breakfast Inns.

~~(3) Bicycle sales and repair.~~

(8) Boat sales, non-motorized (Indoor).

(9) Child care or adult day care centers.

(10) Churches and places of worship.

(11) Contractors, where all services are performed offsite and where there is no storage of supplies or equipment outside the building.

(12) Convenience stores and service establishments such as, but not limited to automatic self-service laundries.

(13) Cultural arts and entertainment centers.

(14) Donated materials collection center, container, structure, area or bins (screened and not visible from the street).

(15) Drug stores with a drive-through window.

(16) Dry cleaning, garment processing facility (not to exceed 3,000 square feet).

(17) Farmers markets or flea markets.

(18) Fast food restaurants with a drive-through window.

(19) Garages, and public parking.

(20) Garden centers, greenhouses or nurseries.

(21) Gasoline filling stations.

(22) Glass and mirror sales and services, excluding automobiles onsite.

(23) Golf driving ranges.

(24) Gun ranges, indoor only.

(25) Hospital (Over 12,000 square feet and/or helistop).

~~(12) Household appliance sales and service store.~~ (26) Institutes or schools for special education, training and instruction.

- [\(27\) Interior design and decorating shops.](#)
- [\(28\) Kennels, commercial \(indoor\).](#)
- [\(29\) Laundromats.](#)
- ~~(3013)~~ Live theaters, live entertainment centers.
- ~~(3114)~~ Miniature golf courses ~~and golf driving ranges.~~
- [\(32\) Mixed use buildings.](#)
- [\(33\) Model car race tracks.](#)
- [\(34\) Motorcycle sales, rental or lease, service or repair \(Indoor only, no exterior staging or storage\).](#)
- [\(35\) Motor vehicle parts, new or remanufactured \(Indoor only, no outside staging or storage\).](#)
- ~~(3615)~~ ~~Movie t~~Theaters, ~~indoor.~~ ~~and assembly halls.~~
- ~~(3716)~~ Off premises sales of beer and wine.
- [\(38\) Paintball arena, indoor.](#)
- [\(39\) Parking, commercial \(short-term not to exceed 24 hours\).](#)
- ~~(4017)~~ Pet shops, including [indoor](#) boarding kennels on the premises.
- ~~(4118)~~ Philanthropic, [civic club](#) and charitable institutions [\(No outdoor donation centers, containers, structures, bins or areas allowed\).](#)
- ~~(4219)~~ Private clubs and lodges.
- [\(43\) Publishing.](#)
- [\(44\) Recreation facility.](#)
- [\(45\) Repair services or businesses, including repair of lamps, microwave ovens, radios, shoes, television sets, toasters, toys, watches, and similar items \(Over 12,000 square feet\).](#)
- ~~(4620)~~ Residential, multifamily, located above a commercial, retail or office use on the ground floor.
- ~~(4721)~~ Schools, K-12.
- [\(48\) Taxi or limousine dispatching, office only.](#)
- [\(49\) Tool and equipment sales and rental, minor \(No outdoor staging or storage\).](#)
- ~~(5022)~~ Uses with a drive-through window.
- ~~(5123)~~ Veterinary hospitals and [indoor](#) boarding kennels.
- ~~(5224)~~ Video sales and rental stores.
- ~~(5325)~~ Wholesale businesses, with parking to the rear of the building.

Sec. 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) Carwash accessory to gas sales (automated manned enclosed)

DIVISION 7. - BUSINESS, NEIGHBORHOOD DISTRICT B-2

Sec. 70-282(A). - Allowable uses.

(1) Antique shops.

- (2) Apparel, clothing stores.
- (3) Art galleries.
- (4) Art supply stores.
- (5) Bakeries, 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 shops.
- (8) Beauty supply and accessories.
- (9) Bicycle sales and repair, indoor.
- (10) Bookstores, newsstands.
- (11) Candy stores.
- (12) Clock shop sales and repair.
- (13) Coffee shops.
- (14) Computer stores or personal electronic sales and service.
- (15) Drug stores without drive-through window.
- (16) Dry cleaning (pick up only, not to exceed 3,000 sf
- (17) Florist, gift shops.
- (18) Food stores: Grocery stores, supermarkets (excluding convenience or quick service food stores. Not to exceed 10,000 square feet).
- (19) Furniture stores.
- (20) Government offices.
- (21) Hardware, paint and wallpaper stores.
- (22) Hobby, craft shops.
- (23) Jewelry, engraving stores.
- (24) Libraries.
- (25) Locksmiths.
- (26) Medical and/or dental offices and clinics.
- (27) Musical instruments, sheet music, and recorded music sales and lessons.
- (28) Office, general business or professional.
- (29) Packaging and shipping (Not to exceed 5,000 square feet).
- (30) Parks, public.
- (31) Photographic equipment sales and service and photographic studios.
- (32) Recreation facilities, public.
- ~~(27) Repair services or businesses, including repair of lamps, microwave ovens, radios, shoes, television sets, toasters, toys, watches, and similar items.~~
- (33) Restaurants, 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.
- (34) Self service copy shops.
- (35) Shoe sales and repair stores.
- (36) Sporting goods stores.

- (~~37~~~~30~~) Stamp and coin stores.
- (~~38~~~~31~~) Stationery stores.
- (~~39~~~~32~~) Tailor, seamstress shops.
- (~~40~~~~33~~) Tanning salons.
- (~~41~~~~34~~) Tobacco stores.
- (~~42~~~~35~~) Tourist information and orientation facilities.
- (~~43~~~~36~~) Toy stores.
- (~~44~~) Travel agencies.

~~(37) Universities, colleges, and seminaries.~~

(a) Any allowable use in the B-2 zone which exceeds 10,000 square feet shall require a conditional use permit.

- (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.

Sec. 70-282(B). - Uses allowable pursuant to a conditional use permit.

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 section 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.~~

- (1) Banks ~~and financial institutions~~ with a drive-through.
- (2) Bed and breakfast inns.
- (3) Child care or adult day care centers.
- (4) Churches and places of worship.

~~(6) Cultural arts and entertainment centers.~~

~~(7) Dog grooming, without indoor or outdoor kennel facilities.~~

(~~5~~~~8~~) Drug store with a drive-through window.

(~~6~~) Farmers market

~~(9) Furniture store, with retail floor area not exceeding 20,000 square feet.~~

~~(10) Locksmiths. * Use has been moved to the B-2 allowable use list.~~

(7) Micro-brewery or craft brewery, not to exceed a gross floor area of 12,000 square feet.

(8) Mixed use buildings.

(~~9~~~~11~~) Museums.

(~~10~~~~12~~) Off premises sales of beer and wine.

~~(13) Philanthropic and charitable institutions.~~

~~(11)~~ Residential, multifamily, located above a commercial, retail or office use on the ground floor.

~~(12)~~ Schools, K-12 (No boarding).

~~(13)~~ Theaters, indoor.

~~(16)~~ Uses with a drive-through window.

~~(14)~~ Video sales and rental stores.

Sec. 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.~~

~~(1) Event and convention space, no more than 25% of the area of the principle use.~~

(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.

DIVISION 13. - FB/O-1, FLEX BUSINESS/OFFICE DISTRICT

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.~~

~~(1)~~ Alarm systems operations offices.

~~(2)~~ Allowable uses in B-1 and B-2 zoning districts.

(3) Ambulance service and maintenance facilities.

(4) Automobile rental agencies meeting the following conditions:

- 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. All vehicles are required to be parked in an approved and marked parking stall in accordance with the site plan for the property.

(5) Banks and financial institutions with a drive-through.

~~(4) Bicycle sales and repair.~~

~~(6) Building supplies and service with storage under cover.~~

~~(7) Business schools.~~

~~(8) Carpenter or cabinet shops, (Indoor).~~

~~(9) Catering~~

~~(10) Churches and places of worship without playgrounds, day care or schools.~~

~~(11) Civic club.~~

~~(Commercial artist or photographer's studio.~~

~~(12) Commercial kennels, indoor.~~

~~(13) Contractors, where all services are performed offsite and where there is no storage of supplies or equipment outside the building.~~

~~(14) Convenience stores and service establishments such as, but not limited to automatic self-service laundries.~~

~~(12) Cultural arts and entertainment centers.~~ * Note: Use re-categorized as a conditional use in the FB/0-1 zone.

~~(516) Donated materials center, indoor only.~~

~~(16) Dry cleaning, garment processing facility (Not to exceed 3,000 square feet).~~

~~(17) Electronic component assembly or repair.~~

~~(18) Funeral Homes without crematories and/or live animal slaughter.~~

~~(14) Furniture and upholstery repair.~~

~~(19) Garages, public parking.~~

~~(20) Glass and mirror sales and service establishments (excluding automobile glass repair or replacement).~~

~~(21) Gun ranges, indoor only.~~

~~(22) Janitorial or maid services.~~

~~(23) Lawn mower and small engine sales and repair. (repair items to be screened from public view)~~

~~(24) Live theaters/entertainment and family centers.~~

- ~~(16) Medical and/or dental laboratory.~~
- ~~(25)17) Package, telecommunications and courier services.~~
- ~~(26) Pawn shops operated by a licensed pawnbroker.~~
- ~~(27)18) Photographic processing laboratories.~~
- ~~(19) Recording studio.~~
- ~~(28) 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.~~
- ~~(29) Repair services or businesses, including repair of guns, bicycles, washers, dryers, stoves, refrigerators, and similar items (Dipping and stripping).~~
- ~~(30) Restaurants.~~
- ~~(31) Stand alone car washes (Must be manned and automatic).~~
- ~~(32) Taxi or limousine dispatching or service facilities.~~
- ~~(22) Trade or convention center.~~ ~~(33) Warehousing (non-HAZMAT).~~

Sec. 70-483. - Uses allowable pursuant to a conditional use permit.

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 section 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.~~
- ~~(1) Assembly, non-HAZMAT.~~
- ~~(2) a-~~ Automobile and truck sales ~~and sales~~ and service establishments meeting the following conditions:

- ~~a. 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
- ~~b. 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.
- ~~c. 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.
- ~~d. 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).~~

~~(?) Bakery, industrial.~~

~~(2) Banks and financial institutions with a drive-through.~~ * Note: Use re-categorized as an allowable use in the FB/O-1 zone.

(1) Boat sales, rental, lease, storage, or repair.

(2) Brewery and bottling facilities.

(3) Bus station (No maintenance, storage, washing or fueling).

~~(4) Child care or adult day care center.~~

(5) Churches and places of worship with playgrounds, day care or schools.

(6) Commercial parking.

~~(7) Commercial radio or television broadcasting stations, studios, or offices.~~

(8) Convention centers and space.

(9) Cultural arts and entertainment centers.

~~(10) Electronic equipment and component manufacturing.~~

(11) Fast food restaurants, with a drive through window.

(12) Flea markets.

(13) Food stores.

(14) Furniture and upholstery repair, dipping and stripping.

~~(6) Funeral Homes without crematories and live animal slaughter.~~ * Note: Use re-categorized as an allowable use in the FB/O-1 zone.

~~(15) Gasoline filling stations.~~

(16) Hospitals, nursing or convalescent care facilities.

(17) Institutes or schools for special education, training and instruction.

~~(18) Laundry, cleaning, and dyeing works in which no combustible solvent is used.~~

~~(19) Marina.~~

~~(12) Mobile home sales.~~

~~(19) Model car race tracks.~~

(20) Moving and storage facilities (No outdoor storage or mobile storage units allowed).

~~(14) Pawn shops operated by a licensed pawnbroker.~~ * Note: Use re-categorized as an allowable use in the FB/O-1 zone.

(21) Philanthropic and charitable institutions.

~~(22)16~~ Private clubs and lodges.

~~(23)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.~~ * Note: Use re-categorized as an allowable use in the FB/0-1 zone.

~~(24) Self storage facilities with no more than one onsite residential unit.~~

~~(20) Shooting range, indoor.~~

~~(25)21~~ Stand-alone car wash.

~~(26)22~~ Wholesale businesses, 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.~~* Note: Use re-categorized as conditional use in the FB/0-1 zone.

~~(2) Off-street parking.~~* Note: Use is deleted because off-street parking is always required and does not need to be listed as a use.

~~(1)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.

~~(2)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.