



STAFF REPORT

TO: Planning Commission
FROM: Daniel Galindo, AICP – Senior Planner
SUBJECT: Zoning District Use Changes Amendment
DATE: September 15, 2015

SUMMARY

After the conducting a public hearing over the draft amendment to revise the uses which would be permissible in each zoning district, the Planning Commission met in a work session to discuss the comments received. At the work session, the Commission instructed town staff to make a number of minor changes to the draft amendment which are further detailed in this report. The amendment is listed as an action item for the Planning Commission's September 17 meeting; motions will be provided prior to the meeting.

See the August 28, 2015 staff report for more information on the history of this amendment and details on changes made between the July public input sessions and the Planning Commission public hearing.

CHANGES IN RESPONSE TO PUBLIC HEARING

In response to the input received through written comments and during the September 10 public hearing, the Planning Commission made a number of changes to the attached amendment as detailed below.

- 1. Church or Other Place of Worship** – The amendment has been modified to match where and how churches are allowed in the existing ordinance (i.e. SUP in R-3; P in MC, etc.). See page 6 of the amendment.
- 2. Duplex Dwelling in R-3** – The amendment has been modified to list duplexes as permitted in the R-3 district to match the current ordinance, so they will remain conforming uses in the district. Other technical changes associated with the previous proposal to delete duplexes from R-3 have been removed. See pages 1, 7, 29, 32, 37-38, and 43 of the amendment.
- 3. Manufacture of Stairs and Similar Wood Products** – Due to confusion regarding the ability of a business to continue manufacturing stairs in the CM-1 district, the amendment has been modified to delete this use completely. The use had previously been listed as a SUP in the C-1 district, and light manufacturing is now listed as an SUP instead with an associated use standard restricting such manufacturing to “the

onsite production of stairs and similar goods made of wood.” See pages 8, 22, and 145 of the amendment.

4. **Nature Preserve in C-1** – The amendment has been modified to add nature preserve as a permitted use in the C-1 district to protect the continued use of the Chapman DeMary Trail. See page 8 of the amendment.
5. **Indoor Firing Range** – The definition has been modified to clarify that this use must comply with all applicable state and federal regulations. See page 140 of the amendment.
6. **Communications Tower** – The amendment has been modified to delete this use from the residential (R) districts and to remove the related height standard for these districts. The associated definitions have also been modified to exclude amateur radio towers of 75 feet or less which are granted some protection by § 15.2-2293.1 of the Code of Virginia. See pages 6, 13 and 136 of the amendment.
7. **Major Public Utility** – The amendment has been modified to delete this use from the residential (R) districts. See page 8 of the amendment.
8. **All-weather Surface** – Due to questions about the meaning of this phrase, a definition has been added to clarify that gravel is an “all-weather surface” as used in the definitions of outdoor storage and outdoor storage lot. See page 132 of the amendment.
9. **Use Standards in C-1** –
 - **Use of “Freestanding”** – This term is used in the current ordinance and was carried over to the proposed amendment within use standards placing size restrictions on eating establishment, general retail sales, and personal services establishment in the C-1 district. However, it was not clear how the size would be restricted if such uses were not freestanding, so the term has been deleted from these standards. See pages 19 and 21-22 of the amendment.
 - **Use of “Unified, Mixed-use Development Plan”** – This phrase is used in the current ordinance and was carried over to the proposed amendment within use standards placing size restrictions on eating establishment, general retail sales, and personal services establishment in the C-1 district. Due to confusion about the meaning of this phrase, it has been replaced with “multiple-use development” which has been defined in *Article 15: Definitions*. See pages 19, 21-22 and 145 of the amendment.
10. **Fueling Stations** –
 - **Limitation on Number of Fuel Pumps** – The 8 pump limitation placed on fueling stations within the MC district in the current ordinance is proposed to be applicable town-wide, and Bill Murphy of Valley Energy asked whether this limitation was necessary. Because of uncertainty regarding how the number of pumps is calculated, the Commission requested that the Zoning Administrator provide his interpretation on the issue. He has stated that a pump is the self-contained unit regardless of the number of hoses, and the definition for fuel pump has been modified to more explicitly match the Administrator’s interpretation. See page 141 of the amendment.
 - **Location of Storage Tanks** – The current ordinance requires the bulk storage of flammable liquids to be underground, but the Zoning Administrator questioned whether this was necessary for smaller tanks of alternative fuels such as propane. In response, the standard has been rewritten to state that

such storage “must be in accordance with federal and state regulations” rather than prescribe the location. See page 21 of the amendment.

- 11. Reformatting of Use Standards** – Within the previous draft of the amendment, *Article 4, Section 1.2: Use Standards* provided a sequentially numbered alphabetical list of the uses with standards. While this format presents no issues for the current amendment, it does not offer any room for additional uses to be added to the list in the future while maintaining alphabetical order. To address this issue, numbers are now reserved between all uses currently in the list. In addition, subheadings of “General Standards” and “District Standards” have been added beneath each use, as appropriate, to better organize the standards for the individual uses. See pages 10-26 of the amendment.

MINOR CHANGES PROPOSED BY STAFF

While updating the amendment to incorporate the Planning Commission’s requested changes, town staff has noted a few additional minor changes which should be made to improve the amendment.

1. **Add Wells to Definition of Minor Public Utility** – Potable water wells are not currently listed in any of the definitions associated with public utilities, and town staff recommends they be included in the definition of “Public Utility, Minor.”
2. **Delete Storm Sewer from Definition of Public Utility** – Storm sewer is the only type of service listed in the definition of “Public Utility” that is not typically paid for by a consumer, but such facilities are commonly required by state regulations. Town staff recommends deleting this phrase from the definition to avoid any chance of conflict with the state’s regulations.
3. **Add Church or Other Place of Worship as a SUP in R-2** – When the R-2 district was last amended in 2013, churches were removed from the list of SUPs; however, this made the Grace Annex United Methodist Church a nonconforming use. Based on the Commission’s decision to not alter where and how churches are allowed in the ordinance, town staff recommends adding churches back to R-2 as a SUP.
4. **Replace “Permitted” with “Allowed” When Describing SUPs** – Because the ordinance uses the term “permitted uses” to describe those uses which require no additional steps to approval, town staff believes the ordinance’s usage of “uses permitted by special use permit” when describing SUPs is unnecessarily confusing for the average person. Town staff recommends that this phrase be rewritten as “uses allowed by special use permit” throughout the ordinance.

ATTACHMENTS

- Draft Ordinance Amendment (redline)