



STAFF REPORT

Council Meeting Date:	November 28, 2023
Agenda Title:	Zoning Ordinance Text Amendment - Assembly Uses in the Industrial District
Requested Action:	Hold a Public Hearing
Department / Agency Lead:	Community Development
Staff Lead:	Heather Jenkins, Zoning Administrator

EXECUTIVE SUMMARY

Article 3, Section 3-4.12 – *Industrial District* currently permits several uses as by-right Permitted Uses where people gather for social, entertainment, cultural, educational and recreational purposes, such as Conference Centers, Institutional Buildings, and Private clubs, lodges, meeting halls, labor unions, fraternal organizations and sororities. The Virginia Uniform Statewide Building Code classifies Churches as an Assembly use, the same category as Conference Centers, Meeting Halls, Lodges, and other uses listed in the Ordinance as by-right Permitted Uses in the Industrial District. However, Churches are not listed as either a Permitted Use or a Permissible Use in the Industrial District.

The Religious Land Use and Institutionalized Persons Act (RLUIPA) is a federal law that prohibits a locality from imposing undue burdens or restrictions on land use for churches and other religious institutions through zoning regulations. Treating churches or other places of worship differently from other, similar uses, is a recognized claim of discrimination under RLUIPA.

Staff was approached by a property owner seeking to lease an existing building located within the Industrial District to a group that desire to establish a Church. Staff has been advised by legal counsel that the Ordinance should be amended to address the discrepancy between Churches and other, similar Assembly uses currently allowed in the Industrial District

Town Council initiated a text amendment to Section 3-4.12 Industrial District on May 9, 2023 to address assembly uses in the Industrial District. On August 22, 2023 the Planning Commission held a work session where additional information was requested to inform the Commission in their discussion and staff's preparation of draft Ordinance language. On September 19, 2023 the Planning Commission held a second work session, at the conclusion of which the Commission indicated that the text amendment should be placed on the next available public hearing agenda, where two different ordinance options should be prepared for consideration.

BACKGROUND

A Church (or place of religious worship) is defined in Article 12 of the Ordinance as:

A building or structure, or group of buildings or structures, which by design and construction are primarily intended for activities that people regularly attend to participate in or hold religious services, meetings, and other activities. The term "church" shall not carry a secular connotation and shall include buildings in which religious services of any denomination are held.

Section 3-4 Requirements for Base Zoning Districts allows Churches in all zoning districts except the Industrial district, as follows:

Ordinance Section	Zoning District	Approval Process
3-4.1	R-15 Residential District	Permissible with the approval of a Special Use Permit
3-4.2	R-10 Residential District	Permissible with the approval of a Special Use Permit
3-4.3	R-6 Residential District	Permitted with administrative approval
3-4.4	RT Residential Townhouse District	Permissible with the approval of a Special Use Permit
3-4.5	RMF Residential Multifamily District	Permissible with the approval of a Special Use Permit
3-4.6	R-40 Residential District	Permissible with the approval of a Special Use Permit
3-4.7	R-E Residential District	Permissible with the approval of a Special Use Permit
3-4.8	RO Residential Office District	Permissible with the approval of a Special Use Permit
3-4.9	PSP Public-Semi-Public Institutional District	Permitted with administrative approval
3-4.10	C Commercial District	Permitted with administrative approval
3-4.11	CBD Central Business District	Permitted with administrative approval
3-4.12	I Industrial District	Not Permitted

The Ordinance currently allows other assembly-type uses in the Industrial District. Section 3-4.12.2 includes Conference Centers, Institutional Buildings, and Private club, lodge, meeting hall, labor union or fraternal organization or sorority as Permitted Uses (by-right), where these uses are classified as assembly uses.

Use categories that are listed as Permitted Uses (by-right) within the Ordinance require administrative approvals prior to commencement of the use. Administrative approvals include approval of a Site Development Plan per Article 10, approval of a Building Permit for any changes to existing structures or construction of new buildings, and approval of a Zoning Permit for any new or altered use within an existing structure.

PROCESS

Town Council's initiation of a text amendment to Article 3 on May 9, 2023 was the first step in the process to revise the Ordinance as prescribed in Article 11, Section 11-3.9 *Zoning Amendments*. Following the initiation by Town Council, the Planning Commission held two work sessions on August 22, 2023 and September 19, 2023, to investigate how assembly uses are currently treated within the Industrial district, how churches are treated in nearby benchmark communities, and how the desire to include some assembly uses within the Industrial district meets the intent of the Comprehensive Plan.

At the end of the work session on September 19, 2023, the Planning Commission directed staff to prepare draft ordinance language for review, and to schedule the text amendment for public hearing at the next available meeting. The staff reports, agenda documents, and presentation slides for both work sessions have been included as attachments to this staff report so as to provide a record of the information presented to the Planning Commission that guided development of the draft ordinance language.

As a part of the public hearing process, the Planning Commission will hear public input, and make a recommendation to Town Council. Per Section 11-3.9.7 *Planning Commission Review*, the planning commission must make a recommendation to Town Council within 100 days following the first work session on August 22, 2023. Upon recommendation by the Planning Commission, the text amendment will then be placed on the Town Council agenda for public hearing and final decision.

STAFF RECOMMENDATION

As directed by the Planning Commission during their September 19, 2023 work session, staff has prepared two versions of draft ordinance language pertaining to assembly uses in the Industrial district - Option A and Option B. Both options include a revision to the language in Section 3-4.12.1 *Legislative Intent*, where the revised descriptive paragraph includes the potential for limited assembly uses. The change to the Legislative Intent is to acknowledge the existing assembly uses currently allowed in the district, as well as the businesses currently established within the Industrial district that include activities that are classified as assembly uses per the Virginia Uniform Statewide Building Code. A summary of both Option A and Option B is included below.

Option A:

- Revises the Legislative Intent in Section 3-4.12.1 to include limited assembly uses to the descriptive paragraph, to more closely match the mixture of use categories that are currently allowed in the district as well as the existing assembly-type businesses that are established in the district.
- Adds Churches as an allowable use in the Industrial district.
- Includes a threshold for all allowable assembly uses, set at 10,000 square feet or more of building area, or more than 300 persons, where any assembly use meeting this threshold will require the approval of a Special Use Permit by Town Council per Section 3-4.12.3.

Under Option A, churches will be added to the list of Permitted Uses (by-right) per Section 3-4.12.2; all other assembly uses that are currently allowed by-right shall remain as Permitted Uses. However, all assembly uses, to include churches, will require the approval of a Special Use Permit by Town Council per Section 3-4.12.3 if those uses occupy 10,000 square feet or more of building space, or include more than 300 persons.

The 10,000 square feet/300 persons threshold to differentiate between assembly uses that should be Permitted by-right, and those assembly uses that should be Permissible with the approval of a Special Use Permit, was selected for two reasons. First, the threshold was selected so as to emulate the threshold set for churches (Places of Worship) in Fauquier County. Having similar thresholds for approval processes should provide a level of parity between the two jurisdictions, so that approval processes in both jurisdictions are comparable. Second, those assembly uses that include 10,000 square feet or more of building area or more than 300 persons, are those uses which are more likely to have an impact on surrounding roadway networks, potentially generating a higher peak usage than smaller/less intensive assembly uses. The Commissioners felt that uses that are potentially more impactful on area roadways should have an additional level of review to ensure that any potential negative impacts on the surrounding industrial businesses are adequately evaluated and mitigated through a public hearing and legislative approval process.

Option B:

- Revises the Legislative Intent in Section 3-4.12.1 to include limited assembly uses to the descriptive paragraph, to more closely match the mixture of use categories that are currently allowed in the district as well as the existing assembly-type businesses that are established in the district.
- Adds Churches as a Permitted, by-right use in the Industrial district, where the use is located in an existing building or less than 500 persons.
- Includes a threshold for all allowable assembly uses, set at 500 or more persons, where any assembly use meeting this threshold will require the approval of a Special Use Permit by Town Council per Section 3-4.12.3.

Under Option B, Churches will be added to the list of Permitted Uses (by-right) per Section 3-4.12.2, where the Church use will be located in an existing building, or if the church will include less than 500 persons. Where any Church is proposed as a new use in a new building to be constructed, or for 500 persons or more, this will require the approval of a Special Use Permit by Town Council per Section 3-4.12.3. Additionally, all assembly uses that are

currently allowed in the Industrial district as Permitted, by-right uses per Section 3-4.12.2 will require the approval of a Special Use Permit by Town Council per Section 3-4.12.3, where that use includes 500 or more persons.

Large, undeveloped Industrial-zoned parcels are limited within the Town, and the Comprehensive Plan calls for the need to retain land within the Town for future light industrial and manufacturing businesses to provide employment opportunities for Town residents. The ability for Churches to be a by-right Permitted use in existing buildings will allow smaller church groups to move into and use existing buildings that have already been constructed, while helping to reserve the remaining undeveloped Industrial-zoned land for manufacturing, processing, and other light-industrial development, as is called for in the Comprehensive Plan. Additionally, smaller Church groups are less likely to generate heavy traffic or other impacts on area roadways that serve businesses in Industrial-zoned areas. Where Churches are proposed as new development on vacant parcels, the requirement for a Special Use Permit per Section 3-4.12.3 will allow an additional level of review to ensure that any potential negative impacts on the surrounding industrial businesses are adequately evaluated and mitigated through a public hearing and legislative approval process.

The 500-person threshold for assembly uses was chosen so as to avoid impacting most existing businesses that are established within the Industrial district, allowing these businesses the ability to continue their current operations and for some moderate expansion without the need for a legislative approval process. The 500-person threshold to trigger the requirement for a Special Use Permit per Section 3-4.12.3 will ensure that larger assembly uses will be adequately evaluated through a public hearing process, and any potential negative impacts moderated through the legislative approval process.

Staff is requesting that the Planning Commission hold a public hearing to discuss draft Ordinance language, and provide guidance to staff on what specific ordinance language is most appropriate to promote the health, safety and general welfare of the public as required by Section 15.2-2283 of the Code of Virginia, and to ensure that public necessity, convenience, general welfare and good zoning practice is achieved as stated in Ordinance Section 11-3.9.1 *Authority for Change*. Should the Commission be ready to make a final recommendation to Town Council for specific ordinance language, two resolutions have been prepared, to include Option A and Option B as summarized above. Per Section 11-3.9.7 *Planning Commission Review*, the planning commission must make a recommendation to Town Council within 100 days following the first work session, which falls on Thursday, November 30, 2023.

Service Level / Policy Impact

None

Fiscal Impact

A fiscal impact analysis has not been conducted.

Legal Impact

Ordinance Section 3-4.12 Industrial District allows several assembly-type uses as Permitted Uses (by-right) with administrative approval. Treating churches or other places of worship differently from other, similar uses, is a recognized claim of discrimination under the Religious Land Use and Institutionalized Persons Act.

ATTACHMENTS

1. Attachment A: Resolution - Option A
2. Attachment B: Resolution - Option B
3. Attachment C: Staff Report and Agenda Packet, Planning Commission Work Session August 22, 2023
4. Attachment D: Presentation Slides, Planning Commission Work Session August 22, 2023
5. Attachment E: Staff Report and Agenda Packet, Planning Commission Work Session September 19, 2023
6. Attachment F: Presentation Slides, Planning Commission Work Session September 19, 2023

November 28, 2023
Planning Commission
Public Hearing

RESOLUTION PURSUANT TO SECTION 11-3.9.2 OF THE ZONING ORDINANCE OF THE TOWN OF WARRENTON FOR A ZONING ORDINANCE TEXT AMENDMENT TO ARTICLE 3, SECTION 3-4.12 INDUSTRIAL DISTRICT

WHEREAS, Warrenton, VA (Hereinafter "the Town") is a municipal corporation located within the County of Fauquier; and

WHEREAS, the Warrenton Town Council may, by ordinance, amend, supplement, or change the regulations of the Zoning Ordinance of the Town whenever the public necessity, convenience, general welfare or good zoning practice may require such an amendment; and

WHEREAS, the Warrenton Town Council initiated a Text Amendment to the Zoning Ordinance in accordance with the procedures set forth in Article 11, Section 11-3.9 Zoning Amendments on May 9, 2023 to address assembly uses in the Industrial District; and

WHEREAS, the Warrenton Planning Commission held a work session to discuss assembly uses in the Industrial District on August 22, 2023 and on September 19, 2023; and

WHEREAS, the Warrenton Planning Commission held a public hearing on this matter on November 28, 2023; and

WHEREAS, the Warrenton Planning Commission finds that per the Code of Virginia Section 15.2-2286.A.7, the text amendment is for the good of public necessity, convenience, general welfare, and good zoning practice; and

NOW THEREFORE BE IT RESOLVED, that the Warrenton Planning Commission recommends to the Warrenton Town Council for their review and decision proposed ordinance language noted as "Option A" as set forth herein.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

For Information:

Community Development Director,
Town Attorney

ATTEST: _____
Town Recorder

3-4.12 I Industrial District

3-4.12.1 Legislative Intent

It is the intent of this district to implement the Town's Comprehensive Plan by providing for a variety of light manufacturing, fabricating, processing, wholesale distributing, ~~and~~ warehousing, and limited assembly uses appropriately located for access by highways and providing a controlled environment within which signing is limited, uses are to be conducted generally within completely enclosed buildings, and a moderate amount of landscaping is required. In order to preserve the land for industry, to reduce extraneous traffic, and avoid future conflicts between industry and other uses, business and service uses are limited primarily to those which will be useful to employees in the district and future residential uses are restricted.

3-4.12.2 Permitted Uses (by-right)

- Accessory buildings
- Active and Passive Recreation, and Passive Recreation Facilities
- Active Recreation Facilities of less than 10,000 square feet or certified for occupancy of no more than 300 persons
- Banks and savings and loan offices
- Broadcasting studios and offices
- Business and office supply establishments
- Cabinet, upholstery, and furniture shops
- Cafeteria ~~or snack bar for employees~~ of less than 10,000 square feet, or certified for occupancy of no more than 300 persons
- Church (or place of religious worship) of less than 10,000 square feet, or certified for occupancy of no more than 300 persons
- Clinics, medical or dental
- Commercial uses constituting up to 15% of permitted site or building area
- Conference Centers of less than 10,000 square feet, or certified for occupancy of no more than 300 persons
- Contractor's office and warehouse without outdoor storage
- Crematory
- Dwellings for resident watchmen and caretakers employed on the premises
- Employment service or agency
- Flex Office and Industrial uses
- Health ~~and~~ or Fitness Facilities of less than 10,000 square feet, or certified for occupancy of no more than 300 persons
- Institutional buildings of less than 10,000 square feet, or certified for occupancy of no more than 300 persons
- Janitorial service establishment
- Laboratories, research, experimental or testing, but not testing explosives, rockets, or jet engines
- Light manufacturing uses which do not create danger to health and safety in surrounding areas and which do not create offensive noise, vibration, smoke, dust, lint, odor, heat, glare, or electrical impulse than that which is generally associated with light industries
- Mobile Food Vendors subject to Article 9-24
- Monument sales establishments with incidental processing to order but not including shaping of headstones
- Motion picture studio

- Nurseries and greenhouses
- Offices- business, professional, or administrative
- Off-street parking and loading subject to Article 7
- Open space subject to Article 9
- Printing, publishing, and engraving establishment; photographic processing; blueprinting; photocopying; and similar uses
- ~~Private e~~Club, ~~H~~odge, meeting or Assembly hall, labor union, or fraternal organization or sorority of less than 10,000 square feet, certified for occupancy of no more than 300 persons
- Rental service establishment
- Retail or wholesale sales and service incidental to a permitted manufacturing, processing, storing, or distributing use
- Rug and carpet cleaning and storage with incidental sales of rugs and carpets
- Security service office or station
- Sign fabricating and painting
- Signs, subject to Article 6
- Studios of less than 10,000 square feet, or certified for occupancy of no more than 300 persons
- Transmission and receiving towers of height not exceeding one hundred twenty-five (125) feet
- Utilities related to and necessary for service within the Town, including poles, wires, transformers, telephone booths, and the like for electrical power distribution or communication service, and underground pipelines or conduits for local electrical, gas, sewer, or water service, but not those facilities listed as requiring a special use permit
- Wholesale establishment, storage warehouse, or distribution center. furniture moving

3-4.12.3

Permissible Uses (by special use permit upon approval of the Town Council)

- Active Recreation Facilities of 10,000 square feet or greater, or certified for occupancy of more than 300 persons
- Automobile body shop
- Automobile and truck repair and service
- Cafeteria of 10,000 square feet or greater, or certified for occupancy of more than 300 persons
- Church (or place of religious worship) of 10,000 square feet or greater, or certified for occupancy of more than 300 persons
- Commercial Kennels
- Conference Centers of 10,000 square feet or greater, or certified for occupancy of more than 300 persons
- Contractor's storage yard
- Data Center
- Farm equipment, motorcycle, boat and sport trailer sales and service
- Fuel, coal, oil distribution storage yards
- Health or Fitness Facilities of 10,000 square feet or greater, or certified for occupancy of more than 300 persons
- Institutional buildings of 10,000 square feet or greater, or certified for occupancy of more than 300 persons
- Lumber and building supply with undercover storage.
- Maintenance and equipment shops with screened outside storage

Option A

- Outdoor storage of any kind
- Plumbing and electrical supply with undercover storage
- Club, Lodge, or Assembly Hall of 10,000 square feet or greater, or certified for occupancy of more than 300 persons
- Active Recreation Facilities of 10,000 square feet or greater, or certified for occupancy of more than 300 persons
- Restaurant or cafeteria, drive-thru or otherwise
- Self-service mini-warehouse
- Studios of 10,000 square feet or greater, or certified for occupancy of more than 300 persons
- Temporary fair and show grounds
- Tire and battery sales and service, tire recapping and retreading
- Transmission and receiving towers of height greater than one hundred twenty-five (125) feet.
- Treatment plants, water storage tanks, major transmission lines or pipelines, pumping or regulator stations, communications towers, storage yards and substations, and cable television facilities and accessory buildings

November 28, 2023
Planning Commission
Public Hearing

RESOLUTION PURSUANT TO SECTION 11-3.9.2 OF THE ZONING ORDINANCE OF THE TOWN OF WARRENTON FOR A ZONING ORDINANCE TEXT AMENDMENT TO ARTICLE 3, SECTION 3-4.12 INDUSTRIAL DISTRICT

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WHEREAS, the Warrenton Town Council may, by ordinance, amend, supplement, or change the regulations of the Zoning Ordinance of the Town whenever the public necessity, convenience, general welfare or good zoning practice may require such an amendment; and

WHEREAS, the Warrenton Town Council initiated a Text Amendment to the Zoning Ordinance in accordance with the procedures set forth in Article 11, Section 11-3.9 Zoning Amendments on May 9, 2023 to address assembly uses in the Industrial District; and

WHEREAS, the Warrenton Planning Commission held a work session to discuss assembly uses in the Industrial District on August 22, 2023 and on September 19, 2023; and

WHEREAS, the Warrenton Planning Commission held a public hearing on this matter on November 28, 2023; and

WHEREAS, the Warrenton Planning Commission finds that per the Code of Virginia Section 15.2-2286.A.7, the text amendment is for the good of public necessity, convenience, general welfare, and good zoning practice; and

NOW THEREFORE BE IT RESOLVED, that the Warrenton Planning Commission recommends to the Warrenton Town Council for their review and decision proposed ordinance language noted as "Option B" as set forth herein.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

For Information:

Community Development Director,
Town Attorney

ATTEST: _____
Town Recorder

3-4.12 I Industrial District

3-4.12.1 Legislative Intent

It is the intent of this district to implement the Town's Comprehensive Plan by providing for a variety of light manufacturing, fabricating, processing, wholesale distributing, ~~and~~ warehousing, and limited assembly uses appropriately located for access by highways and providing a controlled environment within which signing is limited, uses are to be conducted generally within completely enclosed buildings, and a moderate amount of landscaping is required. In order to preserve the land for industry, to reduce extraneous traffic, and avoid future conflicts between industry and other uses, business and service uses are limited primarily to those which will be useful to employees in the district and future residential uses are restricted.

3-4.12.2 Permitted Uses (by-right)

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- Active and Passive Recreation, and Passive Recreation Facilities
- Active Recreation Facilities certified for occupancy of less than 500 persons
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- Broadcasting studios and offices
- Business and office supply establishments
- Cabinet, upholstery, and furniture shops
- Cafeteria ~~or snack bar for employees~~ certified for occupancy of less than 500 persons
- Church (or place of religious worship) located in an existing building, or certified for occupancy of less than 500 persons
- Clinics, medical or dental
- Commercial uses constituting up to 15% of permitted site or building area
- Conference Centers certified for occupancy of less than 500 persons
- Contractor's office and warehouse without outdoor storage
- Crematory
- Dwellings for resident watchmen and caretakers employed on the premises
- Employment service or agency
- Flex Office and Industrial uses
- Health ~~and~~ or Fitness Facilities certified for occupancy of less than 500 persons
- Institutional buildings certified for occupancy of less than 500 persons
- Janitorial service establishment
- Laboratories, research, experimental or testing, but not testing explosives, rockets, or jet engines
- Light manufacturing uses which do not create danger to health and safety in surrounding areas and which do not create offensive noise, vibration, smoke, dust, lint, odor, heat, glare, or electrical impulse than that which is generally associated with light industries
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- Monument sales establishments with incidental processing to order but not including shaping of headstones
- Motion picture studio
- Nurseries and greenhouses
- Offices- business, professional, or administrative
- Off-street parking and loading subject to Article 7
- Open space subject to Article 9

Option B

- Printing, publishing, and engraving establishment; photographic processing; blueprinting; photocopying; and similar uses
- ~~Private eClub, Hlodge, meeting or Assembly hall, labor union, or fraternal organization or sorority~~ certified for occupancy of less than 500 persons
- Rental service establishment
- Retail or wholesale sales and service incidental to a permitted manufacturing, processing, storing, or distributing use
- Rug and carpet cleaning and storage with incidental sales of rugs and carpets
- Security service office or station
- Sign fabricating and painting
- Signs, subject to Article 6
- Studios certified for occupancy of less than 500 persons
- Transmission and receiving towers of height not exceeding one hundred twenty-five (125) feet
- Utilities related to and necessary for service within the Town, including poles, wires, transformers, telephone booths, and the like for electrical power distribution or communication service, and underground pipelines or conduits for local electrical, gas, sewer, or water service, but not those facilities listed as requiring a special use permit
- Wholesale establishment, storage warehouse, or distribution center. furniture moving

3-4.12.3

Permissible Uses (by special use permit upon approval of the Town Council)

- Active Recreation Facilities certified for occupancy of 500 or more persons
- Automobile body shop
- Automobile and truck repair and service
- Cafeteria certified for occupancy of 500 or more persons
- Church (or place of religious worship) located in a new building, or certified for occupancy of 500 or more persons
- Commercial Kennels
- Conference Centers certified for occupancy of 500 or more persons
- Contractor's storage yard
- Data Center
- Farm equipment, motorcycle, boat and sport trailer sales and service
- Fuel, coal, oil distribution storage yards
- Health or Fitness Facilities certified for occupancy of 500 or more persons
- Institutional buildings certified for occupancy of 500 or more persons
- Lumber and building supply with undercover storage.
- Maintenance and equipment shops with screened outside storage
- Outdoor storage of any kind
- Plumbing and electrical supply with undercover storage
- Club, Lodge, or Assembly hall, certified for occupancy of 500 or more persons
- Restaurant or cafeteria, drive-thru or otherwise
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- Studios certified for occupancy of 500 or more persons
- Temporary fair and show grounds
- Tire and battery sales and service, tire recapping and retreading
- Transmission and receiving towers of height greater than one hundred twenty-five (125) feet.
- Treatment plants, water storage tanks, major transmission lines or pipelines,

Option B

pumping or regulator stations, communications towers, storage yards and substations, and cable television facilities and accessory buildings



STAFF REPORT

Council Meeting Date:	August 22, 2023
Agenda Title:	Zoning Ordinance Text Amendment - Assembly Uses in the Industrial District
Requested Action:	Hold a Work Session
Department / Agency Lead:	Community Development
Staff Lead:	Heather Jenkins, Zoning Administrator

EXECUTIVE SUMMARY

Article 3, Section 3-4.12 – *Industrial District* currently permits several uses as by-right Permitted Uses where people gather for social, entertainment, cultural, educational and recreational purposes, such as Conference Centers, Institutional Buildings, and Private clubs, lodges, meeting halls, labor unions, fraternal organizations and sororities. The Building Code classifies Churches as an Assembly use, the same category as Conference Centers, Meeting Halls, Lodges, and other uses listed in the Ordinance as by-right Permitted Uses in the Industrial District. However, Churches are not listed as either a Permitted Use or a Permissible Use in the Industrial District.

The Religious Land Use and Institutionalized Persons Act (RLUIPA) is a federal law that prohibits a locality from imposing undue burdens or restrictions on land use for churches and other religious institutions through zoning regulations. Treating churches or other places of worship differently from other, similar uses, is a recognized claim of discrimination under RLUIPA.

Town Council initiated a text amendment to Section 3-4.12 Industrial District on May 9, 2023, to authorize staff to research possible changes to the Ordinance to address Assembly uses in the Industrial District. Potential ordinance changes include:

- a. Adding Churches as a Permitted (by-right) Use in the Industrial District so that the use requires administrative approval by the Zoning Administrator and/or Building Official; *or*
- b. Modifying the Ordinance to state that all Assembly-type uses in the Industrial District are Permissible Uses that require the approval of a Special Use Permit by Town Council through the public hearing process; *or*
- c. Removing all Assembly-type uses from the list of Permitted and Permissible Uses so that these uses are prohibited altogether in the Industrial District; *or*
- d. Making no change to the Ordinance, so that Churches are not an allowable use in the Industrial District in contrast with other Assembly-type uses.

BACKGROUND

A Church (or place of religious worship) is defined in Article 12 of the Ordinance as:

A building or structure, or group of buildings or structures, which by design and construction are primarily intended for activities that people regularly attend to participate in or hold religious services, meetings, and other activities. The term “church” shall not carry a secular connotation and shall include buildings in which religious services of any denomination are held.

Section 3-4 Requirements for Base Zoning Districts allows Churches in all zoning districts except the Industrial district, as follows:

Ordinance Section	Zoning District	Approval Process
3-4.1	R-15 Residential District	Permissible with the approval of a Special Use Permit
3-4.2	R-10 Residential District	Permissible with the approval of a Special Use Permit
3-4.3	R-6 Residential District	Permitted with administrative approval
3-4.4	RT Residential Townhouse District	Permissible with the approval of a Special Use Permit
3-4.5	RMF Residential Multifamily District	Permissible with the approval of a Special Use Permit
3-4.6	R-40 Residential District	Permissible with the approval of a Special Use Permit
3-4.7	R-E Residential District	Permissible with the approval of a Special Use Permit
3-4.8	RO Residential Office District	Permissible with the approval of a Special Use Permit
3-4.9	PSP Public-Semi-Public Institutional District	Permitted with administrative approval
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3-4.12	I Industrial District	Not Permitted

The Ordinance currently allows other assembly-type uses in the Industrial District. Section 3-4.12.2 includes Conference Centers, Institutional Buildings, and Private club, lodge, meeting hall, labor union or fraternal organization or sorority as Permitted Uses (by-right), where these uses are classified as assembly uses.

Use categories that are listed as Permitted Uses (by-right) within the Ordinance require administrative approvals prior to commencement of the use. Administrative approvals include approval of a Site Development Plan per Article 10, approval of a Building Permit for any changes to existing structures or construction of new buildings, and approval of a Zoning Permit for any new or altered use within an existing structure.

Staff was approached by a property owner seeking to lease an existing building located within the Industrial district to a group that desire to establish a Church. As the Zoning Ordinance does not list Churches as either a permitted or permissible use in the district, staff is not able to process and approve a change of use permit. Staff has been advised by legal counsel that the Ordinance must be amended to permit a Church within the Industrial district prior to the issuance of any administrative approval to allow the commencement of a Church use.

Town Council’s initiation of a text amendment to Article 3 was the first step in the process to revise the Ordinance as prescribed in Article 11, Section 11-3.9 *Zoning Amendments*. Following the work session by the Planning Commission, the next step in the text amendment process is to schedule the item for public hearing where the Planning Commission may hear public input and make a recommendation of approval or denial. Per Section 11-3.9.7 *Planning Commission Review*, the planning commission must make a recommendation to Town Council within 100 days after the first public hearing. Upon recommendation by the Planning Commission, the text amendment will then be placed on the Town Council agenda for public hearing and final decision.

STAFF RECOMMENDATION

Staff is requesting that the Planning Commission hold the work session, and provide guidance to staff on what ordinance language is most appropriate to promote the health, safety and general welfare of the public as required by Section 15.2-2283 of the Code of Virginia, and to ensure that public necessity, convenience, general welfare and good zoning practice is achieved as stated in Ordinance Section 11-3.9.1 *Authority for Change*.

Service Level / Policy Impact

None

Fiscal Impact

None

Legal Impact

Ordinance Section 3-4.12 Industrial District allows several assembly-type uses as Permitted Uses (by-right) with administrative approval. Treating churches or other places of worship differently from other, similar uses, is a recognized claim of discrimination under the Religious Land Use and Institutionalized Persons Act.

ATTACHMENTS

None

EXPERIENCE



WARRENTON

. VIRGINIA .

EST.  1810

Planning Commission Work Session
ZOTA-23-2 - Assembly Uses in the Industrial District
August 22, 2023

Assembly Uses in the Industrial District

Article 12 – Definitions

Church: *A building or structure, or group of buildings or structures, which by design and construction are primarily intended for activities that people regularly attend to participate in or hold religious services, meetings, and other activities. The term “church” shall not carry a secular connotation and shall include buildings in which religious services of any denomination are held.*

Churches are allowed in **All** Zoning Districts **Except** the Industrial District.

Ordinance Section	Zoning District	Approval Process
3-4.1	R-15 Residential District	Permissible with the approval of a Special Use Permit
3-4.2	R-10 Residential District	Permissible with the approval of a Special Use Permit
3-4.3	R-6 Residential District	Permitted with administrative approval
3-4.4	RT Residential Townhouse District	Permissible with the approval of a Special Use Permit
3-4.5	RMF Residential Multifamily District	Permissible with the approval of a Special Use Permit
3-4.6	R-40 Residential District	Permissible with the approval of a Special Use Permit
3-4.7	R-E Residential District	Permissible with the approval of a Special Use Permit
3-4.8	RO Residential Office District	Permissible with the approval of a Special Use Permit
3-4.9	PSP Public-Semi-Public Institutional District	Permitted with administrative approval
3-4.10	C Commercial District	Permitted with administrative approval
3-4.11	CBD Central Business District	Permitted with administrative approval
3-4.12	I Industrial District	Not Permitted

Assembly Uses in the Industrial District

2018 Virginia Construction Code

Section 303 – Assembly Group A

The use of a building or structure for the gathering of persons for purposes such as civic, social or religious functions; recreation, food or drink consumption or waiting for transportation.

Section 303.4 – Assembly Group A-3

Assembly uses intended for worship, recreation or amusement and other assembly uses not classified elsewhere.

- *Arcades*
- *Galleries*
- *Bowling Alleys*
- *Community, Dance & Exhibition Halls*
- *Funeral Parlors*
- *Gymnasiums*
- *Libraries, Museums*
- *Places of Religious Worship*

Assembly Uses in the Industrial District

Article 3 – Section 3-4.12 Uses Allowed in the Industrial District

Permitted Uses (By-Right)

Accessory buildings

Active and Passive Recreation and Recreational Facilities

Banks and savings and loan offices

Broadcasting studios and offices

Business and office supply establishments

Cabinet, upholstery, and furniture shops

Cafeteria or snack bar for employees

Clinics, medical or dental

Commercial uses constituting up to 15% of permitted site or building area

Conference Centers

Contractor's office and warehouse without outdoor storage

Crematory

Dwellings for resident watchmen and caretakers employed on the premises

Employment service or agency

Flex Office and Industrial uses

Health and Fitness Facilities

Institutional buildings

Janitorial service establishment

Laboratories, research, experimental or testing, but not testing explosives, rockets, or jet engines

Light manufacturing uses which do not create danger to health and safety in surrounding areas and which do not create offensive noise, vibration, smoke, dust, lint, odor, heat, glare, or electrical impulse than that which is generally associated with light industries

Mobile Food Vendors subject to Article 9-24

Monument sales establishments with incidental processing to order but not including shaping of headstones

Motion picture studio

Nurseries and greenhouses

Offices- business, professional, or administrative

Off-street parking and loading subject to Article 7

Open space subject to Article 9

Printing, publishing, and engraving establishment; photographic processing; blueprinting; photocopying; and similar uses

Private club, lodge, meeting hall, labor union, or fraternal organization or sorority

Rental service establishment

Retail or wholesale sales and service incidental to a permitted manufacturing, processing, storing, or distributing use

Rug and carpet cleaning and storage with incidental sales of rugs and carpets

Security service office or station

Sign fabricating and painting

Signs, subject to Article 6

Studios

Transmission and receiving towers of height not exceeding one hundred twenty-five (125) feet

Utilities related to and necessary for service within the Town, including poles, wires, transformers, telephone booths, and the like for electrical power distribution or communication service, and underground pipelines or conduits for local electrical, gas, sewer, or water service, but not those facilities listed as requiring a special use

**Assembly Uses per Building Code*

permit

Wholesale establishment, storage warehouse, or distribution center. furniture moving

Permissible Uses (with Special Use Permit)

Automobile body shop

Automobile and truck repair and service

Commercial Kennels

Contractor's storage yard

Data Center

Farm equipment, motorcycle, boat and sport trailer sales and service

Fuel, coal, oil distribution storage yards

Lumber and building supply with undercover storage.

Maintenance and equipment shops with screened outside storage

Outdoor storage of any kind

Plumbing and electrical supply with undercover storage

Restaurant or cafeteria, drive-thru or otherwise

Self-service mini-warehouse

Temporary fair and show ground

Tire and battery sales and service, tire recapping and retreading

Transmission and receiving towers of height greater than one hundred twenty-five (125) feet.

Treatment plants, water storage tanks, major transmission lines or pipelines, pumping or regulator stations, communications towers, storage yards and substations, and cable television facilities and accessory buildings

Assembly Uses in the Industrial District

RLUIPA

Religious Land Use and Institutionalized Persons Act

- Federal Law
- Prohibits undue burdens or restrictions on land use for churches through Zoning regulations.
- Treating churches differently from other, similar uses, is a recognized claim of discrimination

Religious Land Use and Institutionalized Persons Act of 2000 - Prohibits any government from imposing or implementing a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or institution: (1) is in furtherance of a compelling governmental interest; and (2) is the least restrictive means of furthering that compelling governmental interest.

Prohibits any government from imposing a substantial burden on the religious exercise of a person residing in or confined to an institution, as defined in the Civil Rights of Institutionalized Persons Act, even if the burden results from a rule of general applicability, unless the government demonstrates that imposition of the burden on that person: (1) is in furtherance of a compelling governmental interest; and (2) is the least restrictive means of furthering that compelling governmental interest.

Assembly Uses in the Industrial District

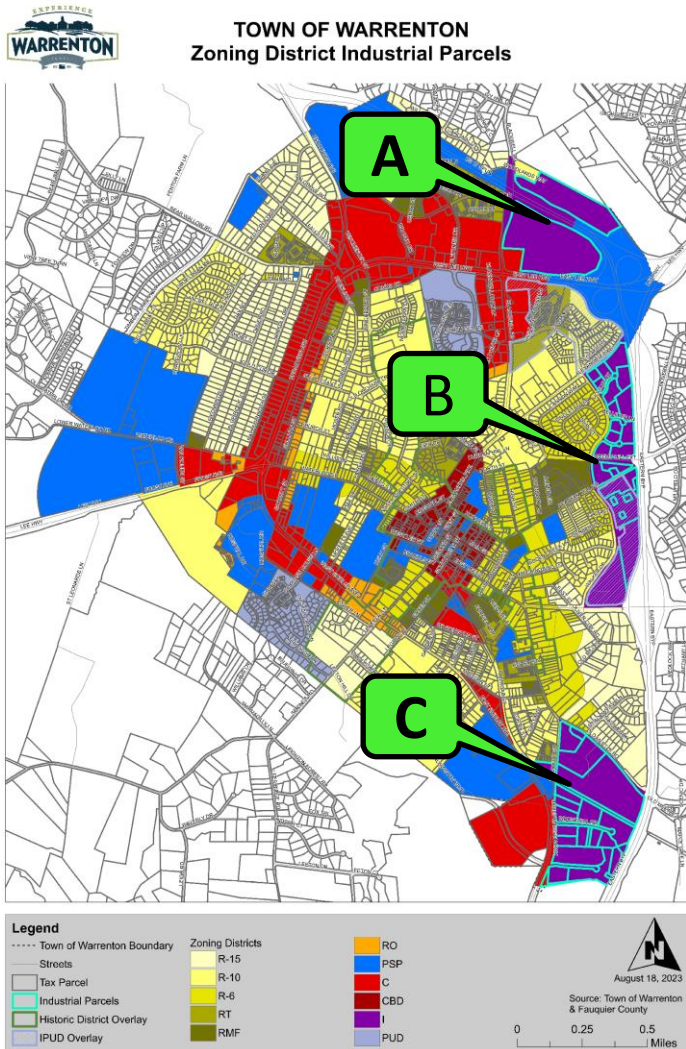
Religious Land Use and Institutionalized Persons Act – Churches

- Locality cannot treat a Church different than other, *similar uses*.
 - The Building Code defines a Church as an Assembly use.
 - The Zoning Ordinance allows Nine (9) other Assembly uses in the Industrial District.
 - Cannot have more strict regulations for Churches than other Assembly uses.

- Can impose land use regulations on a Church only if there is a *compelling governmental interest*.
 - Code of Virginia 15.2-2200
 - *Improve the health, safety, convenience and welfare of citizens;*
 - *Develop adequate highway, utility, health, educational, and recreational facilities;*
 - *Recognize the needs of agriculture, industry & business;*
 - *Provide residential areas with healthy surroundings for family life;*
 - *Ensure community growth uses public funds efficiently.*

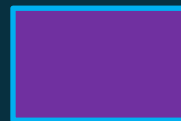
- Any land use restrictions have to be the *least restrictive means* of furthering that compelling governmental interest.

Assembly Uses in the Industrial District



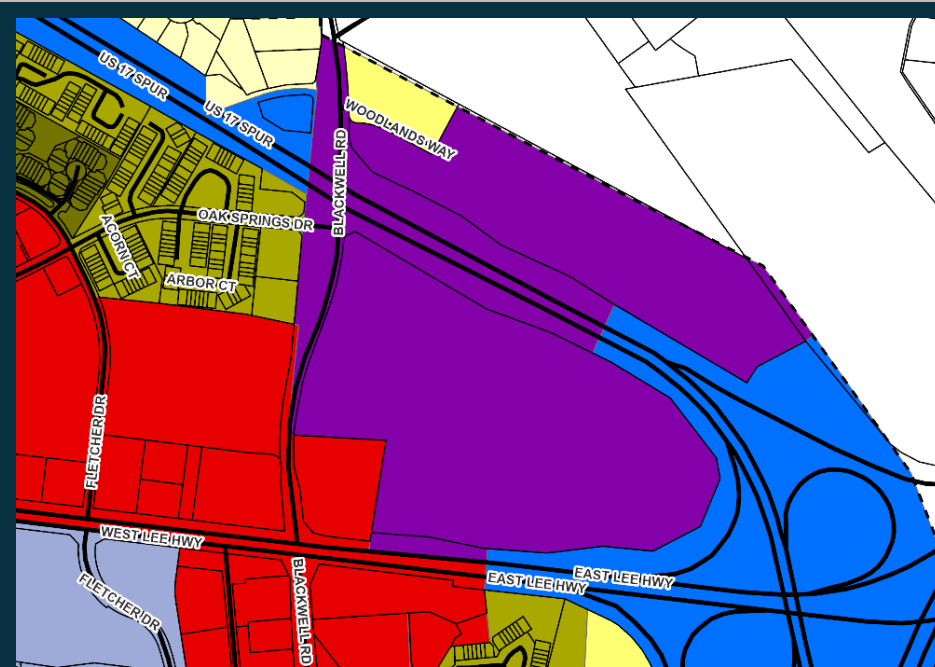
Section 3-4.12 Industrial District Purpose:

- *The intent is to provide for a variety of light manufacturing, fabricating, processing, wholesale distributing, and warehousing uses.*
- *In order to preserve the land for industry, to reduce extraneous traffic, and avoid future conflicts between industry and other uses, business and service uses are limited primarily to those which will be useful to employees in the district.*



76 Parcels
290 Acres of Tax Parcel Land

Assembly Uses in the Industrial District



Area A

North-East Corner; Eastern Bypass Clover Leaf

- Town-owned Property (Vacant)
- Dobson Property (Vacant)
- Amazon Data Services Property (SUP Approved/Vacant)

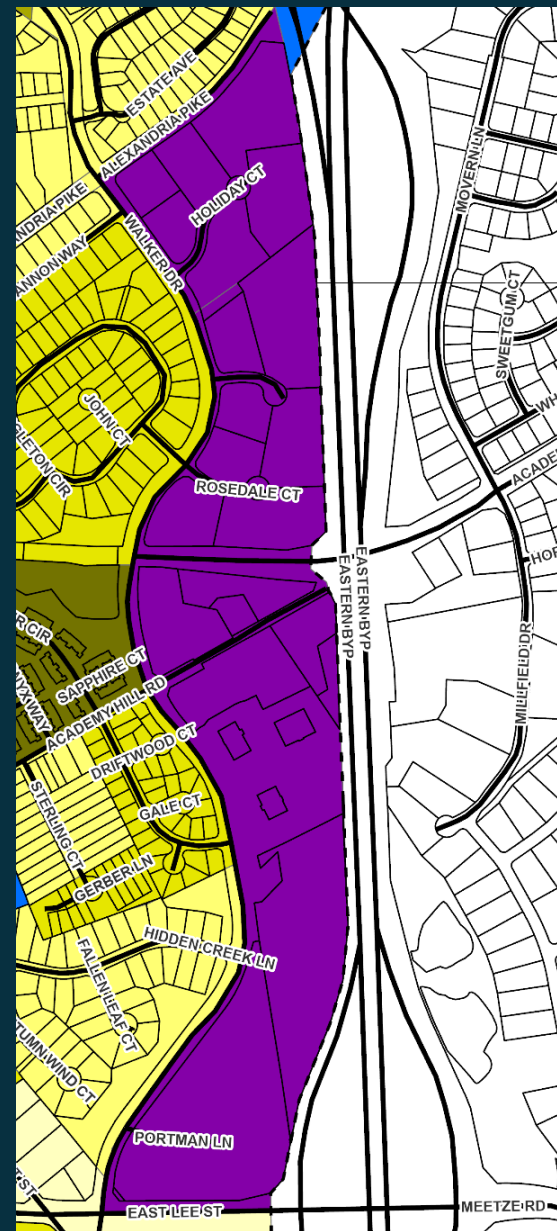
Assembly Uses in the Industrial District

Area B

Eastern Perimeter; Alexandria Pike to East Lee Street

- VDACS Regional Animal Health Facility
- Dominion Construction Group
- EMO Agency
- Fauquier Health
- *Holiday Inn Express (conference/meeting space)*
- Blackcomb Center – various offices
- Virginia Social Services
- Warrenton Dental Center
- Progressions Dance School
- Groups Recover Together
- *Old Town Athletic Club & Campus (health & fitness facility)*
- *PATH (institutional/philanthropic & meeting space)*
- Woodside Dentistry
- Miller Orthodontics
- Woodside Pediatric Dentistry
- Walker Drive Rezoning PUD (SUP Approved) *(unknown)*
- Virginia Sports Chiropractic
- DCG Palmers
- Peak Roofing
- Piedmont Press

**Potential conflicts depending upon final action of PC/TC*



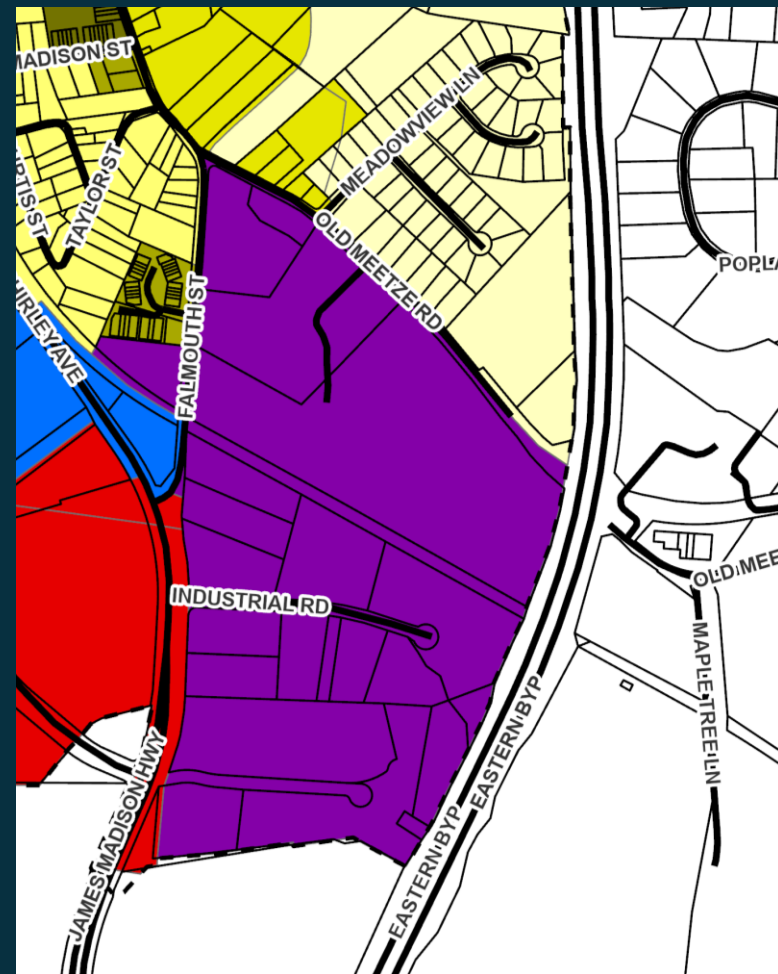
Assembly Uses in the Industrial District

Area C

South-East Corner; Old Meetze Road/Greenway

- *Alwyngton Manor (conference center)*
- Pump Station (Utility)
- Advanced Auto
- Cube Smart
- Carter CAT
- VAMAC
- EW Electrical
- *Fauquier FISH (institutional/philanthropic & meeting space)*
- Country Deisel

**Potential conflicts depending upon final action of PC/TC*



Assembly Uses in the Industrial District

Text Amendment Process:

- Text Amendment Initiated by Town Council – May 9, 2023
 - Joint PC/TC Work Session Requested – Scheduling Conflicts
- Planning Commission Work Session – August 21 2023
 - Provide guidance and direction so that staff can prepare draft ordinance language for public hearing.
- Public Hearing – Planning Commission
 - Next Available Date: September 19, 2023
 - PC Recommendation to TC
 - 100 Day Clock (September 19, 2023 --- December 28, 2023)
- Town Council
 - Work Session or Public Hearing – as directed
 - Final Decision on ordinance language

Assembly Uses in the Industrial District

Staff Requested Action

Provide guidance and direction for draft ordinance language.

Four Options:

1. Add Churches as a Permitted Use (by-right) in Section 3-4.12.2.
2. Move all Assembly Uses, plus Churches, to Permissible Uses (with approval of a Special Use Permit by Town Council) in Section 3-4.12.3.
3. Remove Entirely all Assembly uses from the Industrial District.
4. Make No Changes.

Assembly Uses in the Industrial District

Section 3-4.12.2 Permitted Uses – By-Right

- 39 Total Uses
- By-Right Uses are approved Administratively by the Zoning Administrator – Site Development Plan, Zoning Permit
- **Assembly Uses Permitted:**
 - Active & Passive Recreation and Recreational Facilities
 - Cafeteria or Snack Bar for Employees
 - Conference Centers
 - Health & Fitness Facilities
 - Institutional Buildings
 - Motion Picture Studio
 - Private Club, Lodge, Meeting Hall, Labor Union, or Fraternal Organization or Sorority

Option 1 – Add Churches to the list of Permitted Uses.

- Churches
- Other Assembly uses already allowed by-right that are similar to the activities normally associated with Churches, such as meetings and gatherings of groups of people for a specified reason or purpose.
- Requires no other changes to the Ordinance.
- Site Development Plan, Building & Zoning Permit approvals required to ensure the use meets all Ordinance requirements, such as access & parking, landscape buffering.

Assembly Uses in the Industrial District

Section 3-4.12.3 Permissible Uses – By Special Use Permit Approval

- 17 Total Uses
- Requires Legislative Approval by Public Hearing, followed by Administrative Approval
- **Assembly Uses Permissible:**
 - Restaurant or Cafeteria, Drive-Thru or Otherwise
 - Temporary Fair and Show Grounds

Option 2 – Move all Assembly Uses, plus Churches, to Permissible Uses.

- Active & Passive Recreation and Recreational Facilities
- Cafeteria or Snack Bar for Employees
- Churches
- Conference Centers
- Health & Fitness Facilities
- Institutional Buildings
- Motion Picture Studio
- Private Club, Lodge, Meeting Hall, Labor Union, or Fraternal Organization or Sorority
- Ensures all Assembly uses go through a public hearing process to verify that the specific user/applicant will be appropriate to the area.
- Some existing uses may become Non-Conforming or not be able to expand activities and services without approval of a Special Use Permit instead of an Administrative process.

Assembly Uses in the Industrial District

Section 3-4.12 Industrial District

Purpose:

- *The intent is to provide for a variety of light manufacturing, fabricating, processing, wholesale distributing, and warehousing uses.*
- *In order to preserve the land for industry, to reduce extraneous traffic, and avoid future conflicts between industry and other uses, business and service uses are limited primarily to those which will be useful to employees in the district.*

Option 3 – Remove all Assembly Uses from the Industrial District.

- Active & Passive Recreation and Recreational Facilities
- Cafeteria or Snack Bar for Employees
- Conference Centers
- Health & Fitness Facilities
- Institutional Buildings
- Motion Picture Studio
- Private Club, Lodge, Meeting Hall, Labor Union, or Fraternal Organization or Sorority
- Restaurant or Cafeteria, Drive-Thru or Otherwise
- Temporary Fair and Show Grounds
- Some existing uses may become Non-Conforming and not be able to expand activities and services at all.

Assembly Uses in the Industrial District

Option 4 – Make No Changes.

- Not Recommended.
- Conflicts with RLUIPA – treats Churches differently from other, similar Assembly uses.

Religious Land Use and Institutionalized Persons Act of 2000 - Prohibits any government from imposing or implementing a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or institution: (1) is in furtherance of a compelling governmental interest; and (2) is the least restrictive means of furthering that compelling governmental interest.

Assembly Uses in the Industrial District

➤ Discussion

- Legal - Town Attorney
- Ordinance - Staff

➤ Guidance and Direction to Staff

- Options 1 - 4
- Preferred Direction

➤ Next Step

- 2nd Work Session or 1st Public Hearing
- 100-day Time Limit for Recommendation
 - September 19th – potential 1st public hearing
 - December 19th – last scheduled meeting for 2023
 - December 28th – 100-day deadline for PC action



STAFF REPORT

Council Meeting Date:	September 19, 2023
Agenda Title:	Zoning Ordinance Text Amendment - Assembly Uses in the Industrial District
Requested Action:	Hold a Work Session
Department / Agency Lead:	Community Development
Staff Lead:	Heather Jenkins, Zoning Administrator

EXECUTIVE SUMMARY

Article 3, Section 3-4.12 – *Industrial District* currently permits several uses as by-right Permitted Uses where people gather for social, entertainment, cultural, educational and recreational purposes, such as Conference Centers, Institutional Buildings, and Private clubs, lodges, meeting halls, labor unions, fraternal organizations and sororities. The Building Code classifies Churches as an Assembly use, the same category as Conference Centers, Meeting Halls, Lodges, and other uses listed in the Ordinance as by-right Permitted Uses in the Industrial District. However, Churches are not listed as either a Permitted Use or a Permissible Use in the Industrial District.

The Religious Land Use and Institutionalized Persons Act (RLUIPA) is a federal law that prohibits a locality from imposing undue burdens or restrictions on land use for churches and other religious institutions through zoning regulations. Treating churches or other places of worship differently from other, similar uses, is a recognized claim of discrimination under RLUIPA.

Town Council initiated a text amendment to Section 3-4.12 Industrial District on May 9, 2023, to authorize staff to research possible changes to the Ordinance to address Assembly uses in the Industrial District. Potential ordinance changes include:

- a. Adding Churches as a Permitted (by-right) Use in the Industrial District so that the use requires administrative approval by the Zoning Administrator and/or Building Official; *or*
- b. Modifying the Ordinance to state that all Assembly-type uses in the Industrial District are Permissible Uses that require the approval of a Special Use Permit by Town Council through the public hearing process; *or*
- c. Removing all Assembly-type uses from the list of Permitted and Permissible Uses so that these uses are prohibited altogether in the Industrial District; *or*
- d. Making no change to the Ordinance, so that Churches are not an allowable use in the Industrial District in contrast with other Assembly-type uses.

UPDATE - SEPTEMBER 19, 2023

On August 22, 2023 the Planning Commission held a work session to discuss a proposed Zoning Ordinance text amendment to Article 3, Section 3-4.12 – *Industrial District*, regarding assembly uses in the district. During the work session additional information was requested to inform the Commission in their discussion and staff's preparation of draft Ordinance language.

BACKGROUND

A Church (or place of religious worship) is defined in Article 12 of the Ordinance as:

A building or structure, or group of buildings or structures, which by design and construction are primarily intended for activities that people regularly attend to participate in or hold religious services, meetings, and other activities. The term “church” shall not carry a secular connotation and shall include buildings in which religious services of any denomination are held.

Section 3-4 Requirements for Base Zoning Districts allows Churches in all zoning districts except the Industrial district, as follows:

Ordinance Section	Zoning District	Approval Process
3-4.1	R-15 Residential District	Permissible with the approval of a Special Use Permit
3-4.2	R-10 Residential District	Permissible with the approval of a Special Use Permit
3-4.3	R-6 Residential District	Permitted with administrative approval
3-4.4	RT Residential Townhouse District	Permissible with the approval of a Special Use Permit
3-4.5	RMF Residential Multifamily District	Permissible with the approval of a Special Use Permit
3-4.6	R-40 Residential District	Permissible with the approval of a Special Use Permit
3-4.7	R-E Residential District	Permissible with the approval of a Special Use Permit
3-4.8	RO Residential Office District	Permissible with the approval of a Special Use Permit
3-4.9	PSP Public-Semi-Public Institutional District	Permitted with administrative approval
3-4.10	C Commercial District	Permitted with administrative approval
3-4.11	CBD Central Business District	Permitted with administrative approval
3-4.12	I Industrial District	Not Permitted

The Ordinance currently allows other assembly-type uses in the Industrial District. Section 3-4.12.2 includes Conference Centers, Institutional Buildings, and Private club, lodge, meeting hall, labor union or fraternal organization or sorority as Permitted Uses (by-right), where these uses are classified as assembly uses.

Use categories that are listed as Permitted Uses (by-right) within the Ordinance require administrative approvals prior to commencement of the use. Administrative approvals include approval of a Site Development Plan per Article 10, approval of a Building Permit for any changes to existing structures or construction of new buildings, and approval of a Zoning Permit for any new or altered use within an existing structure.

Staff was approached by a property owner seeking to lease an existing building located within the Industrial district to a group that desire to establish a Church. As the Zoning Ordinance does not list Churches as either a permitted or permissible use in the district, staff is not able to process and approve a change of use permit. Staff has been advised by legal counsel that the Ordinance must be amended to permit a Church within the Industrial district prior to the issuance of any administrative approval to allow the commencement of a Church use.

Town Council's initiation of a text amendment to Article 3 was the first step in the process to revise the Ordinance as prescribed in Article 11, Section 11-3.9 *Zoning Amendments*. Following the work session by the Planning Commission, the next step in the text amendment process is to schedule the item for public hearing where the Planning Commission may hear public input and make a recommendation of approval or denial. Per Section 11-3.9.7 *Planning Commission Review*, the planning commission must make a recommendation to Town Council within 100 days after the first public hearing. Upon recommendation by the Planning Commission, the text amendment will then be placed on the Town Council agenda for public hearing and final decision.

UPDATE - SEPTEMBER 19, 2023

During the work session, members of the Commission asked for additional information for discussion. The questions and summaries are provided below.

Undeveloped Parcels in the Industrial District

There are currently 76 industrial-zoned parcels within the Town, totaling approximately 290 acres of industrial-zoned tax parcel land. There are a total of 18 parcels that are either undeveloped or are currently developed with structures but are likely candidates for redevelopment. These 18 parcels total approximately 151 acres of industrial-zoned land, or approximately 52 percent of all industrial-zoned parcel area within the Town. The 151 acres includes the Walker Drive rezoning area and the Amazon Data Services property, where legislative approvals have been granted but no site plan approvals or building/zoning permits have been issued to vest the use. A tabulation of the undeveloped parcels along with location, ownership, and acreage, has been provided as [Attachment A](#).

Benchmark Communities - Assembly Uses in Industrial Districts

The Town currently allows several uses within the Industrial District that are categorized as Assembly uses by the Statewide Uniform Building Code, to include recreational facilities, conference centers, and clubs; however, the Town does not allow Churches within the Industrial District, which is a religious assembly use. Staff reviewed other jurisdictions within the region, and found that most jurisdictions either allow assembly uses, as well as religious assembly uses, within their respective industrial zoning districts, or, do not allow any type of assembly use to be established in an industrial-zoned district. Similar to the Town, Fauquier County allows several assembly uses such as recreational facilities, museums, and restaurants within industrial-zoned areas, but churches (*Places of Worship*) are not permitted. A tabulation of five other benchmark towns and cities, as well as Fauquier County, has been provided as [Attachment B](#), to show whether assembly uses and religious assembly uses are allowed in industrial-zoned areas, as well as the general approval process.

Permitted and Permissible Uses in the Industrial District

Article 3 of the Zoning Ordinance states the intent of the Industrial District as:

*It is the intent of this district to implement the Town's Comprehensive Plan by providing for a variety of **light manufacturing, fabricating, processing, wholesale distributing, and warehousing uses** appropriately located for access by highways and providing a controlled environment within which signing is limited, uses are to be conducted generally within completely enclosed buildings, and a moderate amount of landscaping is required. In order to preserve the land for industry, to reduce extraneous traffic, and avoid future conflicts between industry and other uses, **business and service uses are limited primarily to those which will be useful to employees in the district** and future residential uses are restricted. [emphasis added]*

The list of permitted and permissible uses found in Sections 3-4.12.2 and 3-4.12.3 include uses that align with main intent of the District as stated above as '*light manufacturing, fabricating, processing, wholesale distributing, and warehousing*', to include such listed uses as Contractor's Office and Warehouse, Laboratories, Light Manufacturing, Fuel Distribution Storage Yards, and Lumber and Building Supply. The list of permitted and permissible uses also include those use categories that are '*useful to employees in the district*' such as Cafeteria or Snack Bar for Employees, Restaurant, Health and Fitness Facilities, and Mobile Food Vendors.

There are permitted and permissible use categories listed in Sections 3-4.12.2 and 3-4.12.3 which do not appear to strictly align with the stated intent of the Industrial District, nor do they appear to be limited to those businesses that would be *useful to employees*, to include Private Club, Lodge or Meeting Hall, Institutional Buildings (museums, libraries, art galleries), or Conference Center. The list of permitted and permissible uses found in the Ordinance also include use categories that do not appear to align with the stated intent of the district for *light manufacturing, fabricating, processing, wholesale distributing, and warehousing*, to include Medical or Dental Clinics, and Business, Professional or Administrative Offices. A tabulation of all Permitted and Permissible Uses as allowed in Sections 3-

4.12.2 and 3-4.12.3, along with the associated Uniform Statewide Building Code Use Group, is provided as Attachment C.

Existing Businesses Located in the Industrial District

A tabulation of the existing businesses that are located within the Industrial District areas is provided as Attachment D. As shown in this tabulation, there are numerous professional offices and medical/dental clinics located in the Industrial-zoned area that extends from Academy Hill Extended, to East Lee Street (Area B on the included map). Of the existing businesses that are established within the Industrial-zoned area that extends from Old Meetze Road to the southern boundary of the Town, these existing businesses are primarily those that are more closely aligned with industrial-type activities, such as warehousing, contracting businesses, and fuel storage.

Walker Drive Rezoning - Proposed Use Chart

The area of the Walker Drive rezoning, divided into six land bays, extends from Academy Hill Road to East Lee Street. The project was approved as Planned Unit Development District (PUD), overlaying parcels located within the Industrial District per Ordinance Section 3-5.2. The approved rezoning, case number ZMA-2016-01, included a list of proposed uses within each land bay. The proposed uses, listed as general office, retail, restaurant, entertainment, multi-family, and health club, include uses that are categorized as Assembly-type uses per the Statewide Uniform Building Code, specifically *restaurant* and *entertainment*. This project has received the required legislative approval, however has not yet received site development plan approval or building/zoning permit issuance to vest the project; as such, any changes to Section 3-4.12 - *Industrial District* as a part of this text amendment may affect this project. A copy of the chart of proposed uses for the Walker Drive Rezoning as well as the land bay map has been included as Attachment E.

STAFF RECOMMENDATION

Staff is requesting that the Planning Commission hold the work session, and provide guidance to staff on what ordinance language is most appropriate to promote the health, safety and general welfare of the public as required by Section 15.2-2283 of the Code of Virginia, and to ensure that public necessity, convenience, general welfare and good zoning practice is achieved as stated in Ordinance Section 11-3.9.1 *Authority for Change*.

UPDATE - SEPTEMBER 19, 2023

Staff requests that the Planning Commission provide guidance on the following:

1. What draft ordinance language is preferred by the Commission members, such as options a-d, or otherwise?
 - a. Adding Churches as a Permitted (by-right) Use in the Industrial District so that the use requires administrative approval by the Zoning Administrator and/or Building Official; *or*
 - b. Modifying the Ordinance to state that all Assembly-type uses in the Industrial District are Permissible Uses that require the approval of a Special Use Permit by Town Council through the public hearing process; *or*
 - c. Removing all Assembly-type uses from the list of Permitted and Permissible Uses so that these uses are prohibited altogether in the Industrial District; *or*
 - d. Making no change to the Ordinance, so that Churches are not an allowable use in the Industrial District in contrast with other Assembly-type uses.
2. Should the stated intent of the Industrial District, as found in Section 3-4.12.1 - Legislative Intent, be revised to reflect the mix of uses that are allowed or established in the district?
3. Given guidance on the above two questions, is this text amendment ready to proceed to public hearing?

Service Level / Policy Impact

None

Fiscal Impact

None

Legal Impact

Ordinance Section 3-4.12 Industrial District allows several assembly-type uses as Permitted Uses (by-right) with administrative approval. Treating churches or other places of worship differently from other, similar uses, is a recognized claim of discrimination under the Religious Land Use and Institutionalized Persons Act.

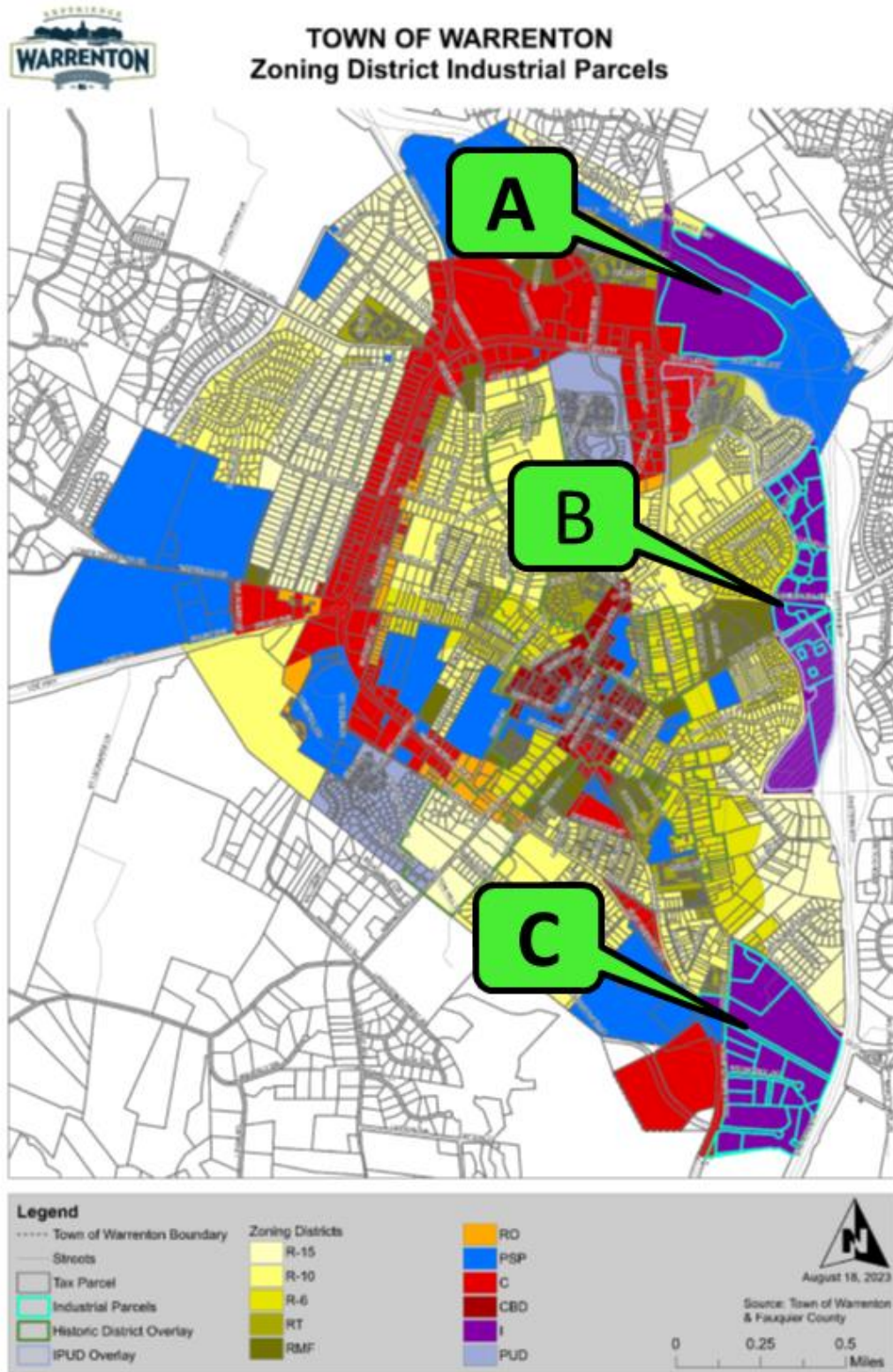
ATTACHMENTS

1. Attachment A: Undeveloped Parcels in the Industrial District
2. Attachment B: Benchmark Communities – Assembly Uses in Industrial Districts
3. Attachment C: Permitted and Permissible Uses in the Industrial District
4. Attachment D: Existing Businesses Located in the Industrial District
5. Attachment E: Walker Drive Rezoning – Proposed Use Chart



ATTACHMENT A

Undeveloped Parcels In The Industrial District				
<i>See Map on Next Page for Area Location</i>				
Area	Location	Owner	PIN	Acreage
A	Blackwell Road/Woodlands Way	Dobson, David M	6985-60-5718-000	21.7730
A	Blackwell Road/East Lee Highway	Amazon Data Services	6984-69-2419-000	41.7050
			Total Area - Area A	63.4780
B	Walder Drive/Holiday Court	Brandon Land Investments, LLC	6984-76-2606-000	1.1907
B	Academy Hill Ext./Academy Hill Road	Town of Warrenton	6984-74-6947-000	1.9321
B	Academy Hill Extended	Gibson, Lori	6984-74-4879-000	0.4974
B	321 Walker Drive	Walker Drive Investment Group, LLC	6984-74-4588-000	3.5350
B	341 Academy Hill Road	341 Academy Hill Road, LLC	6984-74-7799-000	1.7770
B	Walker Drive	Springfield Properties, LLC	6984-73-7494-000	8.5222
B	387 Portman Drive	Remland, LLC	6984-72-3635-000	11.5655
			Total Area - Area B	29.0199
C*	511 Falmouth Street	Worsham, Suzanne & Worsham, William	6983-69-5456-000	4.2000
C*	511 Falmouth Street	Worsham, Suzanne & Worsham, William	6983-69-7548-000	1.0000
C*	615 Falmouth Street	Premium Business Parks International, LLC	6983-69-8183-000	9.6542
C*	615 Falmouth Street	Premium Business Parks International, LLC	6983-78-1685-000	27.8056
C	Industrial Road/James Madison Highway	Red Road, INC	6983-67-5509-000	2.1722
C	710 Industrial Road	Brown, Ricky	6983-77-3316-000	2.2108
C	819 James Madison Highway	819 JMH, LLC	6983-66-3731-000	3.0000
C	James Madison Highway/Unnamed Road	The Drew Corporation	6983-66-9788-000	6.4760
C	Eastern Bypass	The Drew Corporation	6983-76-5917-000	2.0800
* Redevelopment Potential			Total Area - Area C	58.5988
18	Total Number of Undeveloped Parcels	Total Area - Undeveloped Parcels in the Industrial District		151.0967
76	Total Number of Industrial-Zoned Parcels	Total Area of Industrial-Zoned Tax Parcel Land		~290





ATTACHMENT B

Benchmark Communities – Assembly Uses in Industrial Districts							
Jurisdiction	Assembly Uses Allowed	Religious Assembly Allowed	Religious Assembly By-Right	Special Use Permit Required	Size Limitation	Occupancy Limitation	Notes
Town of Warrenton	Yes	No					Recreational Facilities, Conference Center, Club
Fauquier County	Yes	No					Recreational Facilities, Museum, Restaurant
Town of Culpeper	Yes	Yes	X				Restaurant, Dormitory, Wedding Chapel, Church
Town of Leesburg	Yes	Yes	X Existing Building Only	X			Church
City of Manassas	Yes	Yes		X		Less than 50/50 or More	Assembly, Cultural Facility, Church, Dancehall
Town of Vienna	No	No					
City of Charlottesville	Yes	Yes	X				Convent/Monastery, Theaters, Church, Recreational Facilities



ATTACHMENT C

Permitted and Permissible Uses in The Industrial District			
<i>Key: General Use-Type per Zoning</i>		<i>Assembly</i>	<i>Light industrial/Office</i>
			<i>Industrial</i>
Use As Listed in the Ordinance		Building Code Group	
Permitted Uses (by-right) – Section 3-4.12.2			
Accessory Buildings			
Active and Passive Recreation and Recreational Facilities		Assembly (Facilities Only)	
Banks and savings and loan offices		Business	
Broadcasting studios and offices		Business Assembly (Audience Only)	
Business and office supply establishments		Business	
Cabinet, upholstery, and furniture shops		Factory	
Cafeteria or snack bar for employees		Assembly	
Clinics, medical or dental		Business	
Commercial uses constituting up to 15% of permitted site or building area		Business	
Conference Centers		Assembly	
Contractor's office and warehouse without outdoor storage		Business or Storage	
Crematory		Business or Factory	
Dwellings for resident watchmen and caretakers employed on the premises		Residential	
Employment service or agency		Business	
Flex Office and Industrial uses		Business	
Health and Fitness Facilities		Assembly	
Institutional buildings		Assembly	
Janitorial service establishment		Business	
Laboratories, research, experimental or testing, but not testing explosives, rockets, or jet engines		Business	
Light manufacturing uses which do not create danger to health and safety in surrounding areas and which do not create offensive noise, vibration, smoke, dust, lint, odor, heat, glare, or electrical impulse than that which is generally associated with light industries		Business	
Monument sales establishments with incidental processing to order but not including shaping of headstones		Business	
Motion picture studio		Business or Assembly (Audience Only)	
Nurseries and greenhouses		Business	
Offices- business, professional, or administrative		Business	
Off-street parking and loading subject to Article 7		N/A	
Open space subject to Article 9		N/A	
Printing, publishing, and engraving establishment; photographic processing; blueprinting; photocopying; and similar uses		Business	
Private club, lodge, meeting hall, labor union, or fraternal organization or sorority		Assembly	
Rental service establishment		Business	

Retail or wholesale sales and service incidental to a permitted manufacturing, processing, storing, or distributing use	Business or Mercantile
Rug and carpet cleaning and storage with incidental sales of rugs and carpets	Factory
Security service office or station	Business
Sign fabricating and painting	Factory
Signs, subject to Article 6	N/A
Studios	Business
Transmission and receiving towers of height not exceeding one hundred twenty-five (125) feet	Utility
Utilities related to and necessary for service within the Town, including poles, wires, transformers, telephone booths, and the like for electrical power distribution or communication service, and underground pipelines or conduits for local electrical, gas, sewer, or water service, but not those facilities listed as requiring a special use permit	Utility
Wholesale establishment, storage warehouse, or distribution center. furniture moving	Storage or Mercantile
Permissible Uses (by special use permit upon approval of the Town Council - Section 3-4.12.3	
Automobile body shop	Factory
Automobile and truck repair and service	Factory
Commercial Kennels	Business
Contractor's storage yard	N/A
Farm equipment, motorcycle, boat and sport trailer sales and service	Factory
Fuel, coal, oil distribution storage yards	Utility
Lumber and building supply with undercover storage.	Storage
Maintenance and equipment shops with screened outside storage	Factory
Outdoor storage of any kind	
Plumbing and electrical supply with undercover storage	Business or Storage
Restaurant or cafeteria, drive-thru or otherwise	Assembly
Self-service mini-warehouse	Storage
Temporary fair and show grounds	Assembly
Tire and battery sales and service, tire recapping and retreading	Factory
Transmission and receiving towers of height greater than one hundred twenty-five (125) feet.	Utility
Treatment plants, water storage tanks, major transmission lines or pipelines, pumping or regulator stations, communications towers, storage yards and substations, and cable television facilities and accessory buildings	Utility

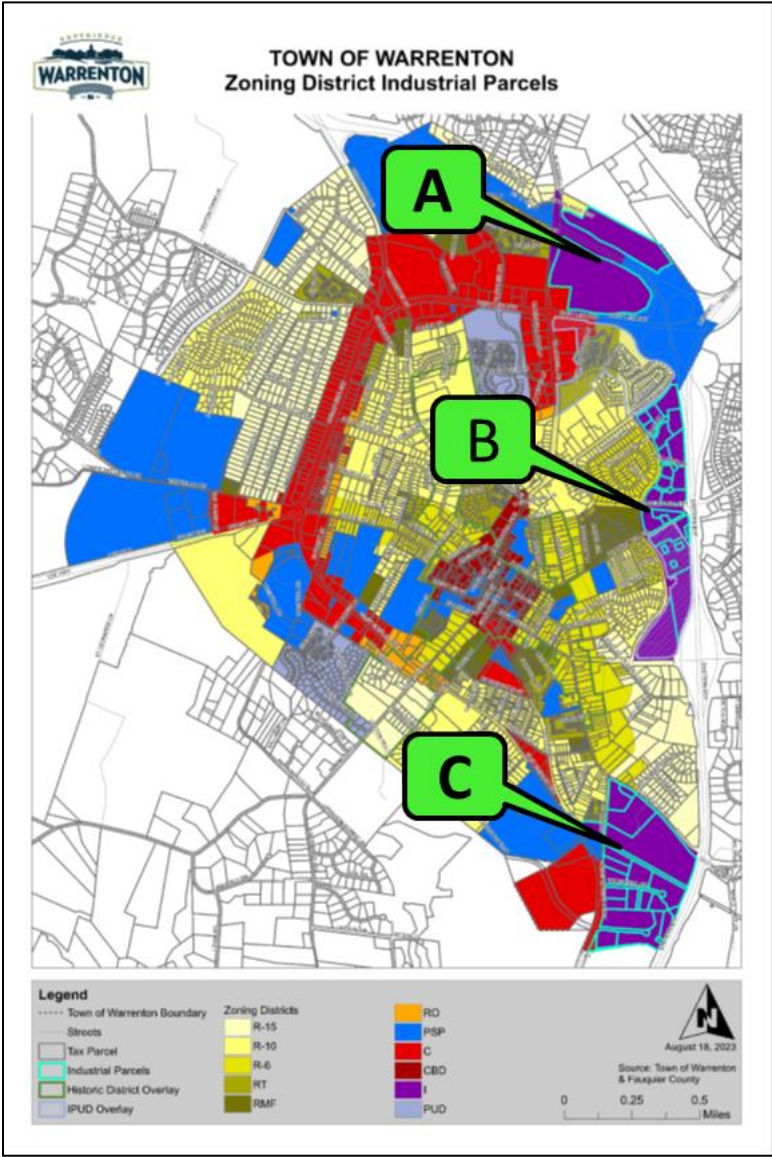


ATTACHMENT D

Existing Businesses Located in The Industrial District			
<i>See Map on Next Page for Area Location</i>			
<i>Key: General Use-Type per Zoning</i>		<i>Assembly</i>	<i>Light Industrial/Office</i>
Area	Business Name	Use Category*	Notes
Area A – Adjacent to Eastern Bypass Interchange			
A	Currently Undeveloped		
Area B – Alexandria Pike to East Lee Street			
B	VDACS Regional Animal Health Facility	Laboratory, Office	Industrial
B	Dominion Construction Group	Contractor's Office & Warehouse	Industrial
B	Palmers Construction Group	Contractor's Office	Industrial
B	Peak Roofing	Contractor's Office	Industrial
B	Screen Printing	Printing	Industrial
B	Piedmont Press	Printing	Industrial
B	Cube Smart	Mini-Warehouse	Industrial
B	EMO Agency	Office	Light Industrial/Office
B	RE/MAX	Office	Light Industrial/Office
B	Dermatology Institute	Office/Clinic	Light Industrial/Office
B	Fauquier Health	Office	Light Industrial/Office
B	Blackcomb Center	Office	Light Industrial/Office
B	Virginia Social Services	Office	Light Industrial/Office
B	Warrenton Dental Services	Office	Light Industrial/Office
B	Progressions Dance School	Studio	Light Industrial/Office
B	Groups Recover Together	Office	Light Industrial/Office
B	Woodside Dentistry	Office/Clinic	Light Industrial/Office
B	Miller Orthodontics	Office/Clinic	Light Industrial/Office
B	Woodside Pediatric Dentistry	Office/Clinic	Light Industrial/Office
B	Virginia Sports Chiropractic	Office/Clinic	Light Industrial/Office
B	Craniofacial Center	Office/Clinic	Light Industrial/Office

B	Holiday Inn Express	Hotel; Conference Center	Assembly Uses: 206 (conference center); 146 (pool/deck)
B	Old Town Athletic Club & Campus	Health & Fitness Facility	Assembly Use: 16,653 sq.ft. ; 434 max. occupants (1 st Floor)
B	PATH	Office; Institutional/Philanthropic	Some Assembly Uses: 78,444 sq.ft.; 390 max. occupancy (Upper Floors)
B	Walker Drive Rezoning PUD	<i>not constructed</i>	Potential Assembly Uses: Restaurant, Entertainment
Area C - Old Meetze Road to Southern Boundary			
C	Pump Station	Utility	Industrial
C	Cube Smart	Mini-Warehouse	Industrial
C	Carter CAT	Contractor's Office & Warehouse	Industrial
C	VAMAC	Contractor's Office & Warehouse	Industrial
C	EW Electrical	Contractor's Office	Industrial
C	Country Deisel	Auto Dealership	Industrial
C	Cecil's Tractor	Farm Equipment Sales & Storage	Industrial
C	Blossman Gas	Bulk Fuel Storage	Industrial
C	Advance Auto	Retail	Light Industrial/Retail
C	Alwyngton Manor	Conference Center	Assembly Use: 300 max. (per SUP)
C	Fauquier FISH	Storage & Distribution; Institutional/Philanthropic	Potential for Future Assembly Use: 26,318 sq.ft.

*Note - each business is noted by the **general** use category listed in the Zoning Ordinance that appears to be the best fit; **this is not an official determination.**

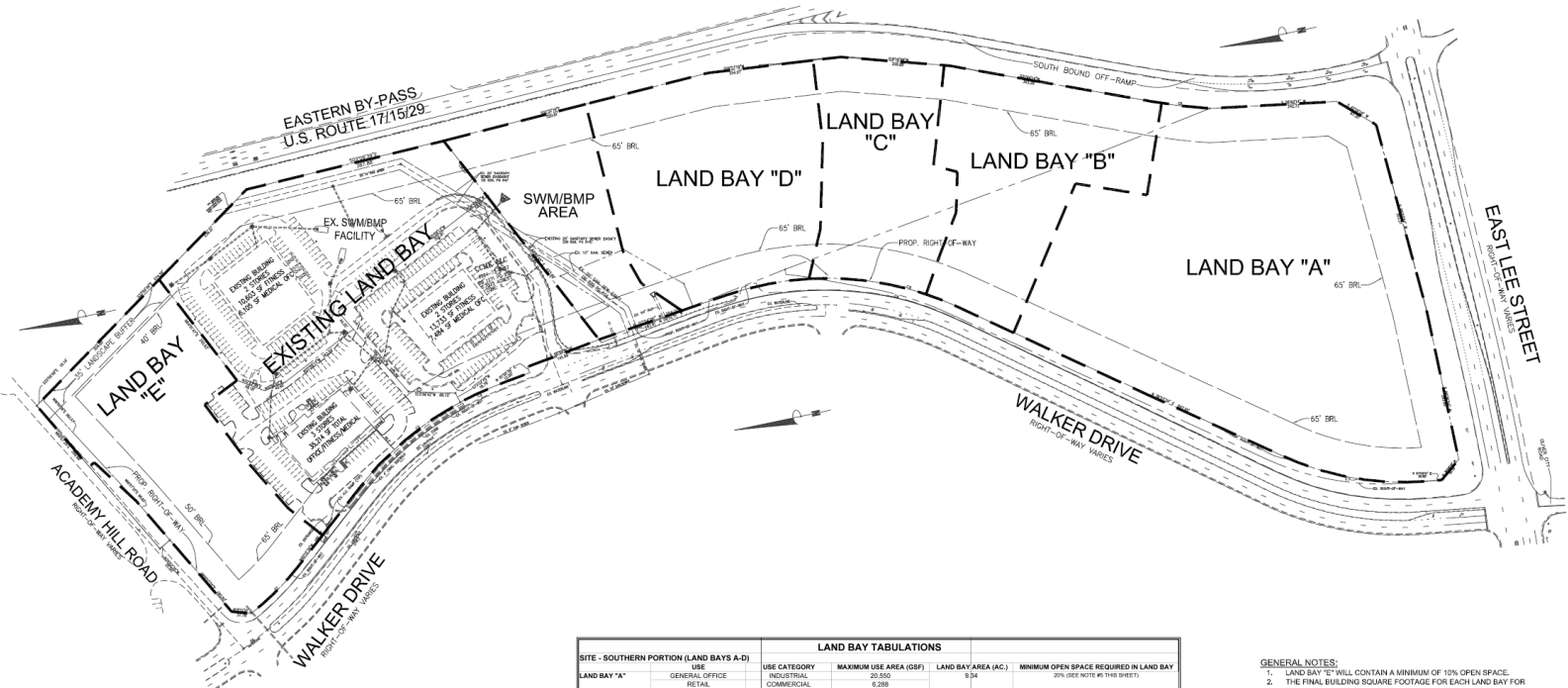




ATTACHMENT E

Walker Drive Rezoning – Proposed Use Chart

SITE – SOUTHERN PORTION (LAND BAYS A-D) NORTHERN PORTION (LAND BAY E & EXISTING LAND BAY)			
LAND AREA	USE	USE CATEGORY	MAXIMUM USE AREA (GSF)
LAND BAY “A”	GENERAL OFFICE	INDUSTRIAL	20,550
	RETAIL	COMMERCIAL	6,288
	RESTAURANT	INDUSTRIAL	6,288
	ENTERTAINMENT	COMMERCIAL	35,000
LAND BAY “B”	ENTERTAINMENT	COMMERCIAL	21,000
	RETAIL	COMMERCIAL	14,263
	RESTAURANT	INDUSTRIAL	14,263
LAND BAY “C”	GENERAL OFFICE	INDUSTRIAL	6,703
	RETAIL	COMMERCIAL	15,814
	RESTAURANT	INDUSTRIAL	2,500
LAND BAY “D”	GENERAL OFFICE	INDUSTRIAL	10,103
	RETAIL	COMMERCIAL	7,603
	RESTAURANT	INDUSTRIAL	2,500
	MULTIFAMILY RESIDENTIAL	MIXED USE RESIDENTIAL	76 UNITS (80,824 GSF)
LAND BAY “E”	GENERAL OFFICE	INDUSTRIAL	20,000
	MULTIFAMILY RESIDENTIAL	MIXED USE RESIDENTIAL	40 UNITS (60,000 GSF)
EXISTING LAND BAY	OFFICE/HEALTH CLUB	INDUSTRIAL	73,139



SITE - SOUTHERN PORTION (LAND BAYS A-D)		LAND BAY TABULATIONS			
LAND BAY "A"	USE	USE CATEGORY	MAXIMUM USE AREA (GSF)	LAND BAY AREA (AC.)	MINIMUM OPEN SPACE REQUIRED IN LAND BAY
	GENERAL OFFICE	INDUSTRIAL	20,500	0.34	20% (SEE NOTE #3 THIS SHEET)
	RETAIL	COMMERCIAL	6,288		
	DEVELOPMENT	INDUSTRIAL	2,100		

- GENERAL NOTES:**
1. LAND BAY "E" WILL CONTAIN A MINIMUM OF 10% OPEN SPACE.
 2. THE FINAL BUILDING SQUARE FOOTAGE FOR EACH LAND BAY FOR INDUSTRIAL, COMMERCIAL, AND RESIDENTIAL USES MAY VARY BY 5%.

EXPERIENCE



WARRENTON

. VIRGINIA .

EST.  1810

Planning Commission Work Session
ZOTA-23-2 - Assembly Uses in the Industrial
District
September 19, 2023

Assembly Uses in the Industrial District

Issue Summary from August Work Session

Church: *A building or structure, or group of buildings or structures, which by design and construction are primarily intended for activities that people regularly attend to participate in or hold religious services, meetings, and other activities. The term “church” shall not carry a secular connotation and shall include buildings in which religious services of any denomination are held.*

Churches are allowed in all zoning districts except the Industrial district.

2018 Virginia Construction Code – Uniform Statewide Building Code

Section 303 – Assembly Group A

The use of a building or structure for the gathering of persons for purposes such as civic, social or religious functions; recreation, food or drink consumption or waiting for transportation.

Assembly Uses Allowed in the Industrial District

Permitted Uses (By-Right)

- Active and Passive Recreation and Recreational Facilities
- Cafeteria or snack bar for employees
- Conference Centers
- Health and Fitness

Facilities

- Institutional buildings
- Motion picture studio
- Private club, lodge, meeting hall, labor union, or fraternal organization or sorority

Permissible Uses (with Special Use Permit)

- Restaurant or cafeteria, drive-thru or otherwise
- Temporary fair and show ground

Assembly Uses in the Industrial District

RLUIPA

Religious Land Use and Institutionalized Persons Act

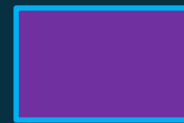
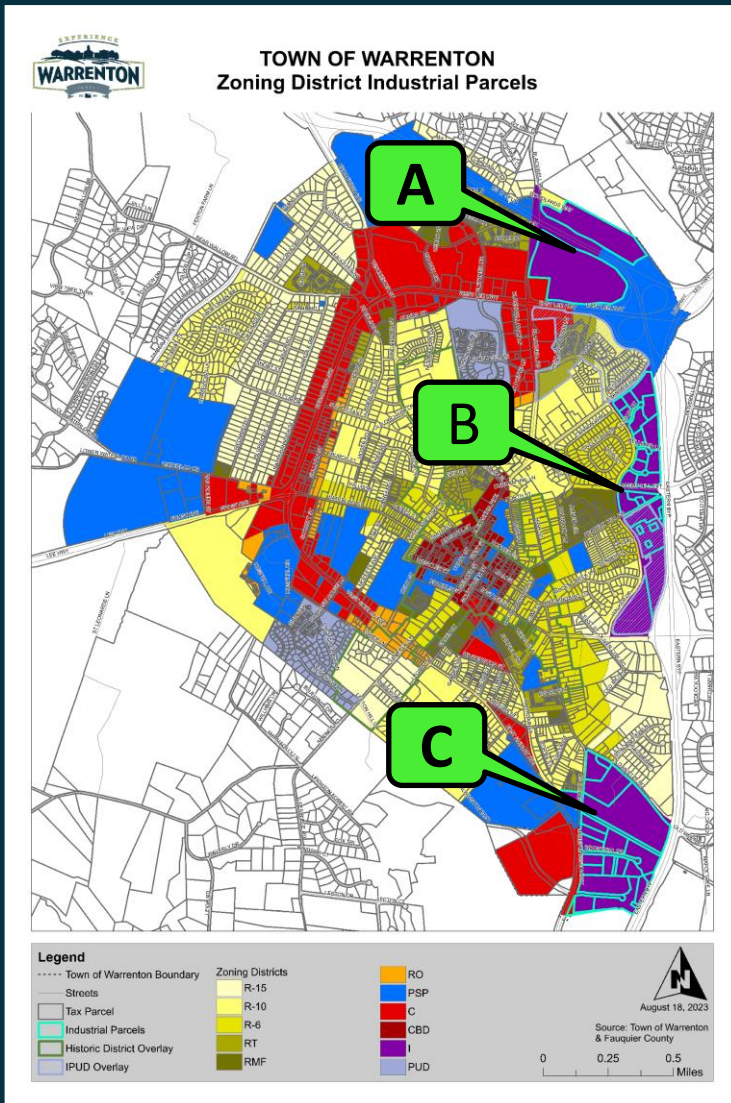
- Federal Law
- Prohibits undue burdens or restrictions on land use for churches through Zoning regulations.
- Treating churches differently from other, similar uses, is a recognized claim of discrimination

Religious Land Use and Institutionalized Persons Act of 2000 - Prohibits any government from imposing or implementing a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or institution: (1) is in furtherance of a compelling governmental interest; and (2) is the least restrictive means of furthering that compelling governmental interest.

Prohibits any government from imposing a substantial burden on the religious exercise of a person residing in or confined to an institution, as defined in the Civil Rights of Institutionalized Persons Act, even if the burden results from a rule of general applicability, unless the government demonstrates that imposition of the burden on that person: (1) is in furtherance of a compelling governmental interest; and (2) is the least restrictive means of furthering that compelling governmental interest.

Assembly Uses in the Industrial District

Undeveloped Parcels



76 Parcels

290 Acres of Tax Parcel Land

18 Undeveloped Parcels

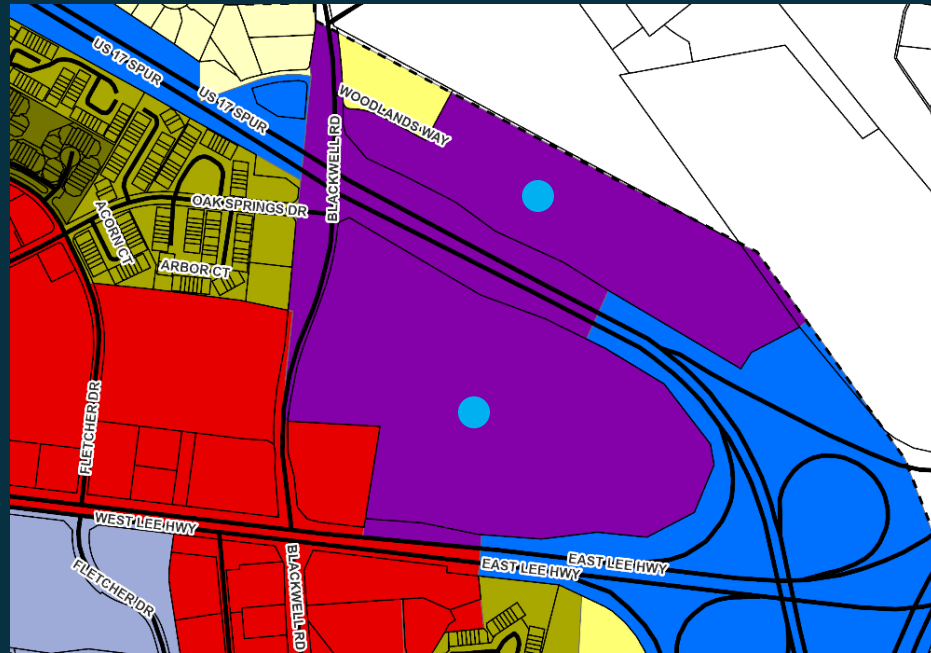
- Includes Amazon & Walker Drive Rezoning – Areas A & B
- Includes likely candidates for Redevelopment – Area C

151 Acres Undeveloped Land

- 52% of All Industrial Zoned Land
- Majority in Area C (*land with no legislative approvals*)

Assembly Uses in the Industrial District

Undeveloped Parcels



Area A - Undeveloped Parcels

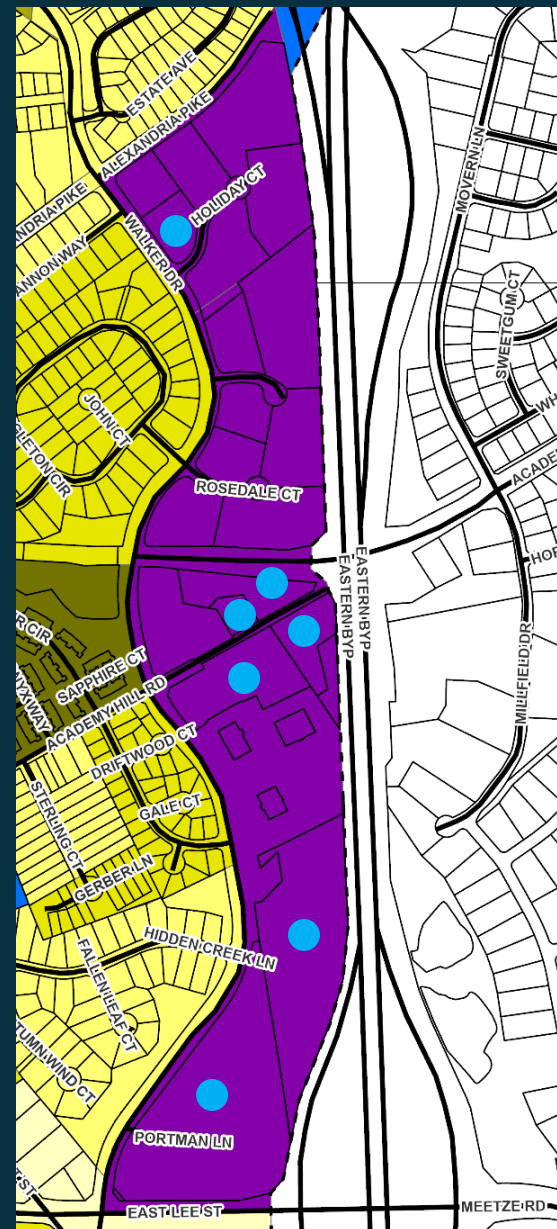
- Dobson, David – 21.8 ac.
- Amazon Data Services – 41.7 ac.
(SUP Approval)

Total Area = 63.5 ac.

*See Attachment A

Assembly Uses in the Industrial District

Undeveloped Parcels



Area B - Undeveloped Parcels

- Brandon Land Investments/1.2 ac.
- Town of Warrenton/1.9 ac.
- Gibson, Lori/0.5 ac.
- 341 Academy Hill Road LLC/1.8 ac.
- Walker Dr. Investment Group/3.5 ac.
(IPUD – Land Bay E)
- Springfield Properties LLC/8.5 ac.
(IPUD – Land Bays B, C, D)
- Remland LLC/11.6 ac.
(IPUD – Land Bays A, B, C)

Total Area = 29 ac.

*See Attachment A

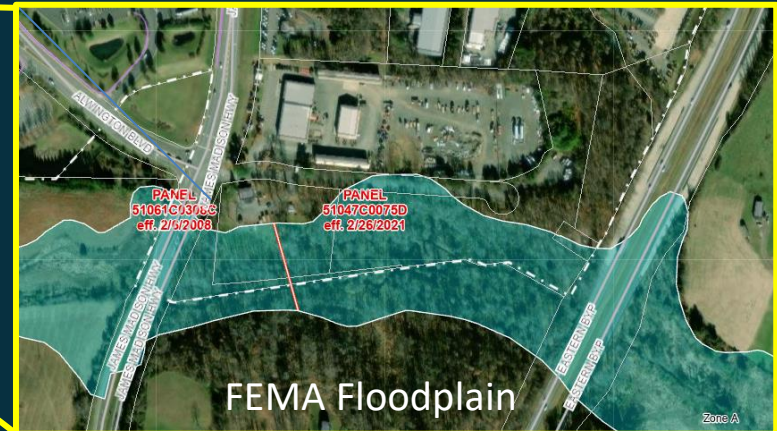
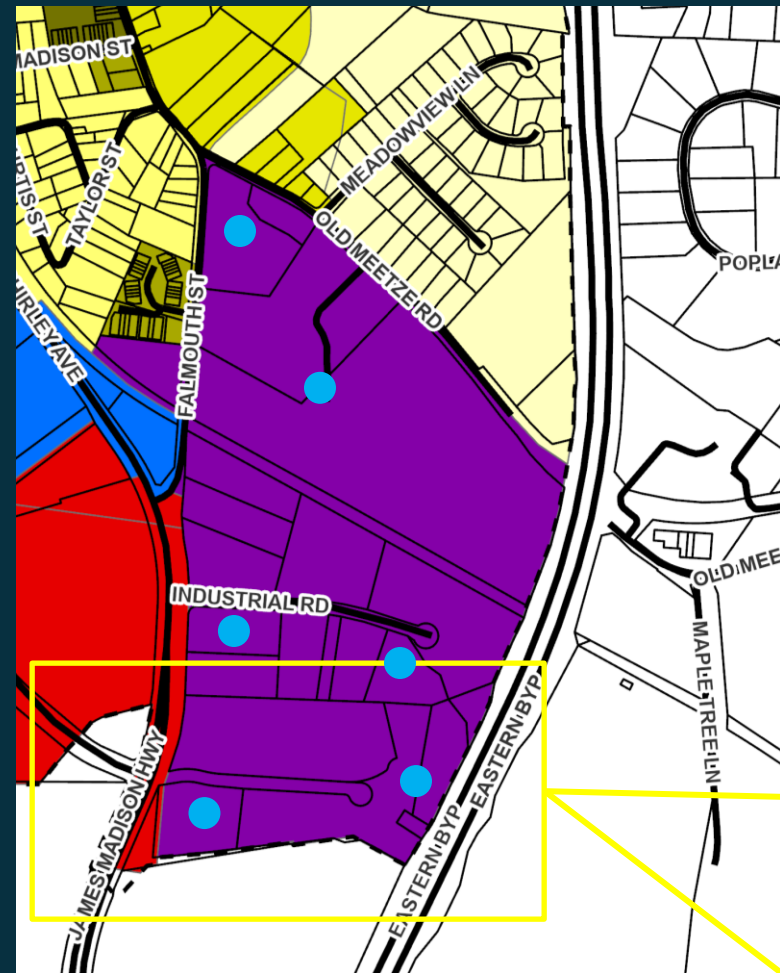
Assembly Uses in the Industrial District

Area C - Undeveloped Parcels

- Worsham, Suzanne & William/5.2 ac. (*Alwyngton Manor*)
- Premium Business Parks International LLC/37.4 ac. (*Wire Factory*)
- Red Road INC/2.2 ac.
- Brown, Ricky/2.2 ac.
- The Drew Corporation/8.6 ac. (*floodplain*)
- 819 JMH LLC/3.0 ac. (*floodplain*)

Total Area = 58.6 ac.

*See Attachment A



Assembly Uses in the Industrial District

Benchmark Communities - Assembly Uses in Industrial Districts							
Jurisdiction	Assembly Uses Allowed	Religious Assembly Allowed	Religious Assembly By-Right	Special Use Permit Required	Size Limitation	Occupancy Limitation	Notes
Town of Warrenton	Yes	No					Recreational Facilities, Conference Center, Club
Fauquier County	Yes	No					Recreational Facilities, Museum, Restaurant
Town of Culpeper	Yes	Yes	X				Restaurant, Dormitory, Wedding Chapel, Church
Town of Leesburg	Yes	Yes	X Existing Building Only	X			Church
City of Manassas	Yes	Yes		X		Less than 50/50 or More	Assembly, Cultural Facility, Church, Dancehall
Town of Vienna	No	No					
City of Charlottesville	Yes	Yes	X				Convent/Monastery, Theaters, Church, Recreational Facilities

Attachment B - Summary

- Allow some Assembly uses **and** Churches – acceptable
- Prohibit all Assembly uses, including Churches – acceptable
- Allow some Assembly uses but **not** Churches – not acceptable

Assembly Uses in the Industrial District

Fauquier County Zoning Ordinance Differences in Approval Process by Size of Church

Place of Worship, **Minor** – Special Permit

Place of Worship, **Major** – Special Exception

- 10,000 sq.ft. in size or greater; or
- 300 seats or more; or
- Any addition of 10,000 sq.ft. or more.

Additional Approval Standards

- 10 acre Minimum Size
- 100 foot Buffer between Residential or Rural Properties
- Access from a Major Collector Roadway

Assembly Uses in the Industrial District

Town of Warrenton Zoning Ordinance Article 3 Existing Differences in Approval Process by Size

PSP - Public-Semi-Public Institutional District

- *Hospitals at 10,000 sq.ft. or greater - SUP*
- *Schools at 10,000 sq.ft. or greater – SUP*

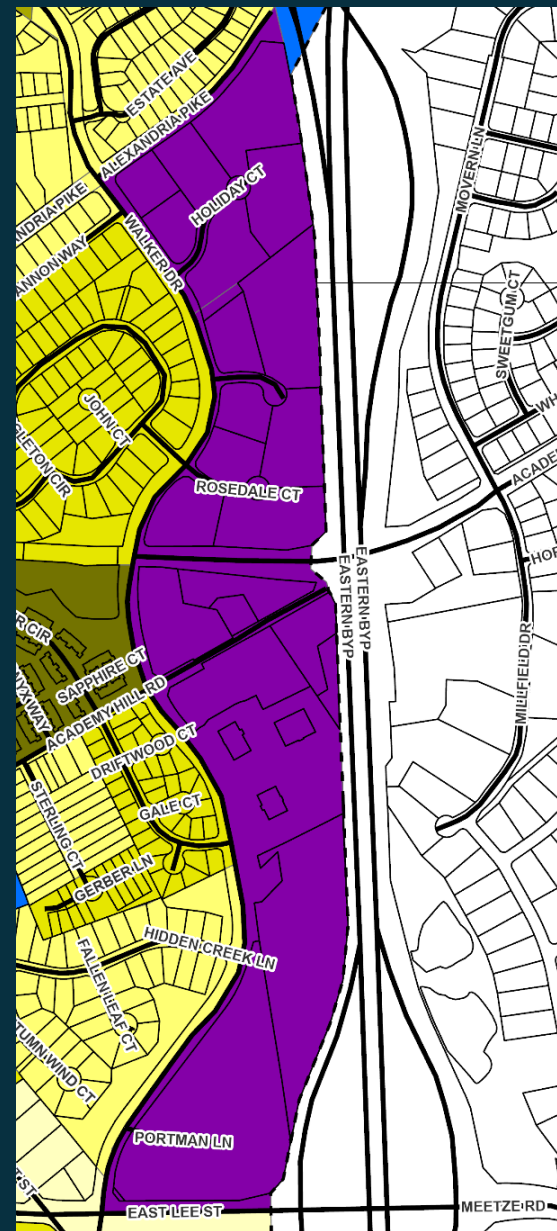
C - Commercial District

- *Any Use greater than 50,000 sq.ft. – SUP*

CBD – Central Business District

- *Personal Service Stores greater than 3,000 sq.ft. – SUP*
- *Retail greater than 3,000 sq.ft. - SUP*

Assembly Uses in the Industrial District



Existing Assembly Businesses in the Industrial District - Area B

Holiday Inn Express – Hotel; **Conference Center**

- Maximum Occupancy: 206 (conference center); 146 (pool/deck)

Old Town Athletic Club & Campus – **Health & Fitness Facility**

- Area: 16,653 sq.ft. (1st Floor)
- Maximum Occupancy: 434 (1st Floor)

PATH – Office; **Institutional/Philanthropic**

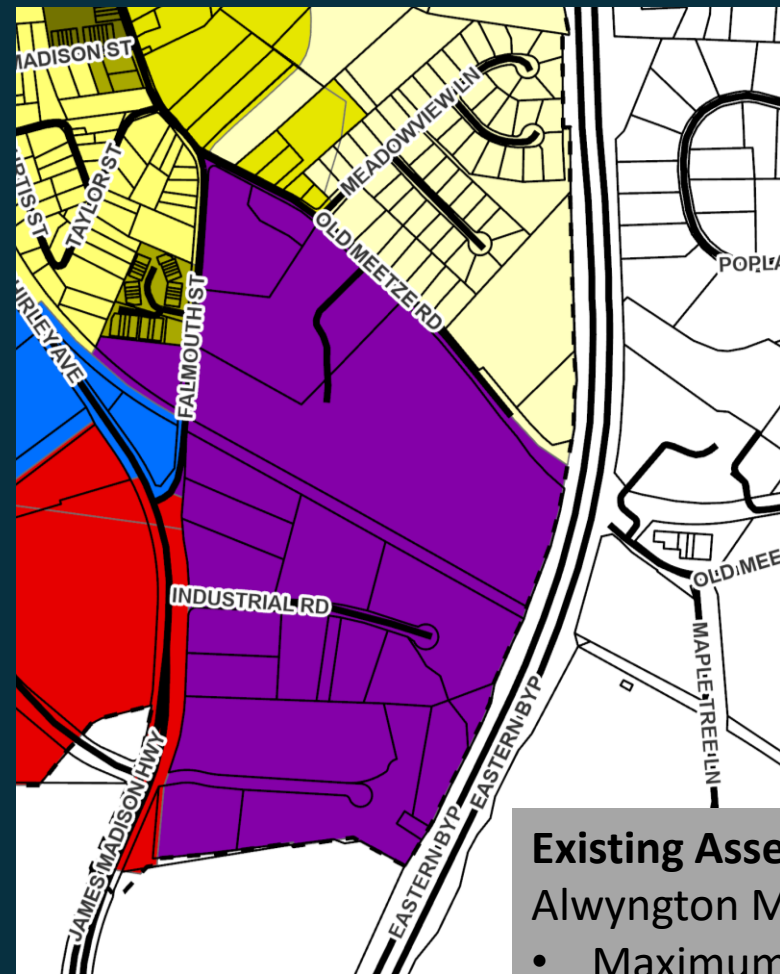
- Area: 78,444 sq.ft. (upper floors)
- Maximum Occupancy: 390 (upper floors)

Walker Drive Rezoning PUD – not constructed

- Potential Assembly Uses: **Restaurant, Entertainment**

See Attachment D

Assembly Uses in the Industrial District



Existing Assembly Businesses in the Industrial District - Area C

Alwynton Manor – Bed & Breakfast; **Conference Center**

- Maximum Occupancy: 300 (per SUP)

Fauquier FISH – Storage & Distribution; **Institutional/ Philanthropic**

- Area: 26,318 sq.ft.

See Attachment D

Assembly Uses in the Industrial District

Article 3 – Section 3-4.12.1

Legislative Intent

It is the intent of this district to implement the Town's Comprehensive Plan by providing for a variety of **light manufacturing, fabricating, processing, wholesale distributing, and warehousing uses** appropriately located for access by highways and providing a controlled environment within which signing is limited, uses are to be conducted generally within completely enclosed buildings, and a moderate amount of landscaping is required. In order to preserve the land for industry, to reduce extraneous traffic, and avoid future conflicts between industry and other uses, **business and service uses are limited primarily to those which will be useful to employees in the district** and future residential uses are restricted. [emphasis added]

Assembly Uses in the Industrial District

Article 3 – Section 3-4.12 Uses Allowed in the Industrial District

Permitted Uses (By-Right)

Active and Passive Recreation and Recreational Facilities
Cafeteria or snack bar for employees
Conference Centers
Health and Fitness Facilities
Institutional buildings
Motion picture studio
Private club, lodge, meeting hall, labor union, or fraternal organization or sorority
Broadcasting studios and offices
Banks and savings and loan offices
Business and office supply establishments
Clinics, medical or dental
Commercial uses constituting up to 15% of permitted site or building area
Employment service or agency
Flex Office and Industrial uses
Janitorial service establishment
Offices- business, professional, or administrative
Rental service establishment
Retail or wholesale sales and service incidental to a permitted manufacturing, processing, storing, or distributing use
Security service office or station
Studios
Cabinet, upholstery, and furniture shops
Contractor's office and warehouse without outdoor storage
Crematory
Laboratories, research, experimental or testing, but not testing explosives, rockets, or jet engines
Light manufacturing uses which do not create

danger to health and safety in surrounding areas and which do not create offensive noise, vibration, smoke, dust, lint, odor, heat, glare, or electrical impulse than that which is generally associated with light industries
Mobile Food Vendors subject to Article 9-24
Monument sales establishments with incidental processing to order but not including shaping of headstones
Nurseries and greenhouses
Off-street parking and loading subject to Article 7
Printing, publishing, and engraving establishment; photographic processing; blueprinting; photocopying; and similar uses
Rug and carpet cleaning and storage with incidental sales of rugs and carpets
Sign fabricating and painting
Signs, subject to Article 6
Transmission and receiving towers of height not exceeding one hundred twenty-five (125) feet
Utilities related to and necessary for service within the Town, including poles, wires, transformers, telephone booths, and the like for electrical power distribution or communication service, and underground pipelines or conduits for local electrical, gas, sewer, or water service, but not those facilities listed as requiring a special use permit
Wholesale establishment, storage warehouse, or distribution center. furniture moving
Accessory buildings
Open space subject to Article 9
Dwellings for resident watchmen and caretakers

employed on the premises

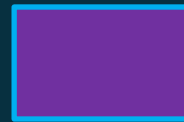
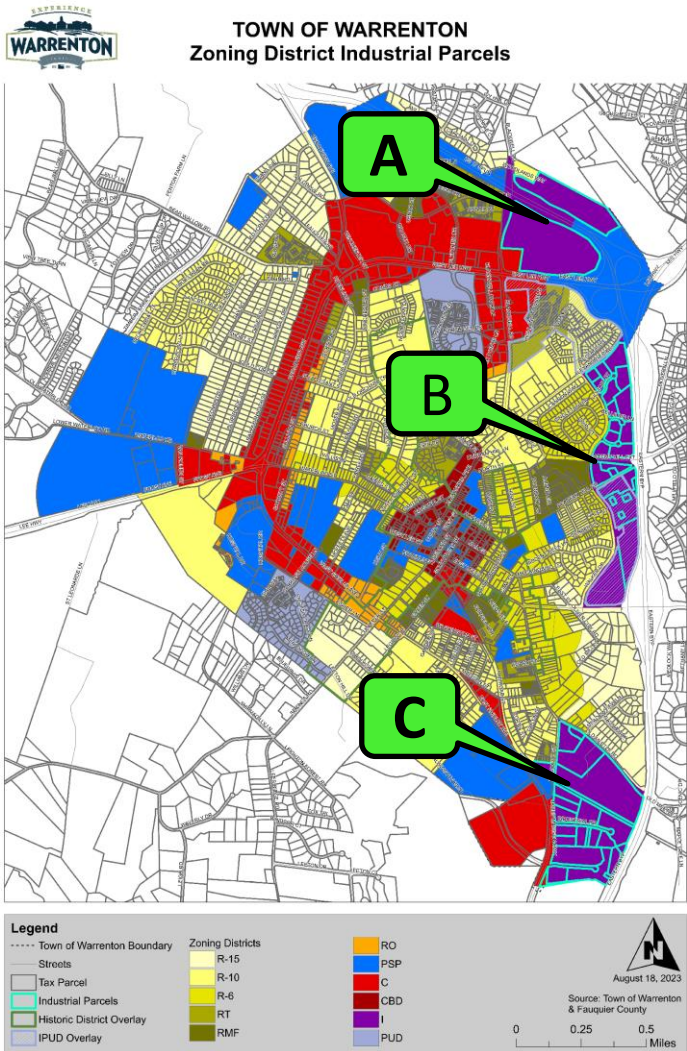
Permissible Uses (with Special Use Permit)

Restaurant or cafeteria, drive-thru or otherwise
Temporary fair and show ground
Automobile body shop
Automobile and truck repair and service
Commercial Kennels
Contractor's storage yard
Data Center
Farm equipment, motorcycle, boat and sport trailer sales and service
Fuel, coal, oil distribution storage yards
Lumber and building supply with undercover storage.
Maintenance and equipment shops with screened outside storage
Outdoor storage of any kind
Plumbing and electrical supply with undercover storage
Self-service mini-warehouse
Tire and battery sales and service, tire recapping and retreading
Transmission and receiving towers of height greater than one hundred twenty-five (125) feet.
Treatment plants, water storage tanks, major transmission lines or pipelines, pumping or regulator stations, communications towers, storage yards and substations, and cable television facilities and accessory buildings

Assembly Uses per Building Code Light Industrial/Office Industrial

See Attachment C

Assembly Uses in the Industrial District

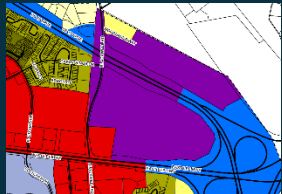


76 Parcels

290 Acres of Tax Parcel Land

Assembly Uses in the Industrial District

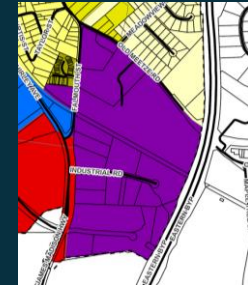
PLAN WARRENTON 2040



Area A

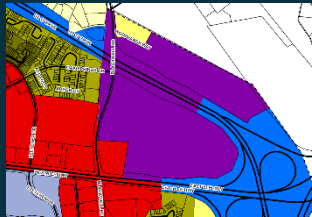


Area B



Area C

Assembly Uses in the Industrial District



Area A

New Town Mixed Use/New Town District

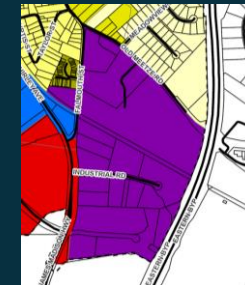
Large lots, direct access from Route 29, and high visibility, a location for a signature office/jobs center; with greater intensity of mixed use and strong live, work, and play options.



Area B

Light Industrial/Old Town District

Continue to promote Old Town as the signature cultural, social and historic hub. Encourage infill housing and adaptive reuse of structures; maintain historic character and scale.

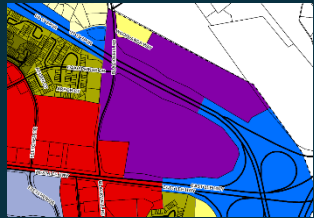


Area C

Greenway & Wellness Mixed Use/Makers District

Maximize use of industrial areas for maker space with a food and arts focus, create connective elements to the greenway, enhance gateway form and function.

Assembly Uses in the Industrial District



Area A

Comprehensive Plan Considerations

New Town Mixed Use/New Town District

Character District Summary

Large lots, direct access from Route 29, and high visibility, a location for a signature office/jobs center; with greater intensity of mixed use and strong live, work, and play options.

Land Use Goal

Support the revitalization of the commercial shopping malls with walkable development, green space, public amenities, as well as provide a location for a major employer.

Existing Businesses

None – undeveloped.

Assembly Uses in the Industrial District



Comprehensive Plan Considerations

Light Industrial/Old Town District

Character District Summary

Continue to promote Old Town as the signature cultural, social and historic hub. Encourage infill housing and adaptive reuse of structures; maintain historic character and scale.

Land Use Goal

Include a mix of infill and new development that is designed to maintain Old Town's historic character.



Area B

Future Land Use Description – Light Industrial

- Remaining light industrial is located to the east of Walker Drive, including light manufacturing, flex industrial, wholesale commercial, and limited office uses, with floor areas generally not exceeding 0.35 on a single site.
- Provide additional types of employment opportunities in addition to services and commercial retail uses.
- Industrial land use designations should be limited to light industrial uses.
- Attention should be given to vehicular access and reducing impact to adjacent properties.
- Buffer adjacent non-industrial uses.
- Uses should be limited to those providing a variety of light industrial uses that will contribute to the creation of new businesses, retention and expansion of existing businesses.
- Very limited support for commercial uses for purpose of reducing traffic generation.

Assembly Uses in the Industrial District



Comprehensive Plan Considerations

Light Industrial/Old Town District

Character District Summary

Continue to promote Old Town as the signature cultural, social and historic hub. Encourage infill housing and adaptive reuse of structures; maintain historic character and scale.

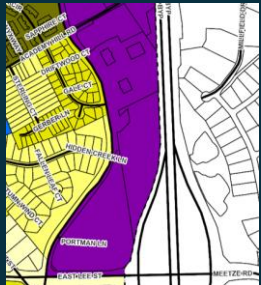
Land Use Goal

Include a mix of infill and new development that is designed to maintain Old Town's historic character.

Existing Businesses

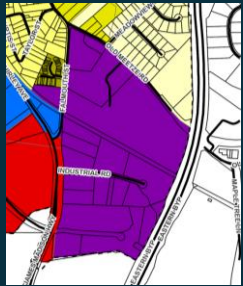
- 6 Industrial-type
- 14 Light Industrial/Office
- 4 Assembly

See Attachment D



Area B

Assembly Uses in the Industrial District



Area C

Comprehensive Plan Considerations

Greenway & Wellness Mixed Use/Makers District

Character District Summary

Maximize use of industrial areas for maker space with a food and arts focus, create connective elements to the greenway, enhance gateway form and function.

Land Use Goal

Promoted as the southern gateway and maintain critical linkages between education, civic uses, surrounding neighborhoods and the remaining industrial uses in the Town.

Future Land Use Description – Light Industrial

- Incorporate previous uses envisioned for Light Industrial.

Existing Businesses

- 8 Industrial
- 1 Light Industrial/Retail
- 2 Assembly

See Attachment D

Assembly Uses in the Industrial District

Article 3 – Section 3-4.12.1

Legislative Intent

It is the intent of this district to implement the Town's Comprehensive Plan by providing for a variety of **light manufacturing, fabricating, processing, wholesale distributing, and warehousing uses** appropriately located for access by highways and providing a controlled environment within which signing is limited, uses are to be conducted generally within completely enclosed buildings, and a moderate amount of landscaping is required. In order to preserve the land for industry, to reduce extraneous traffic, and avoid future conflicts between industry and other uses, **business and service uses are limited primarily to those which will be useful to employees in the district** and future residential uses are restricted. [emphasis added]

- Does the Intent statement conform to the district guidelines in the Comprehensive Plan?
- Does the stated Intent match the list of uses that are allowed?

Assembly Uses in the Industrial District

Benchmark Communities – Assembly Uses in Industrial Districts							
Jurisdiction	Assembly Uses Allowed	Religious Assembly Allowed	Religious Assembly By-Right	Special Use Permit Required	Size Limitation	Occupancy Limitation	Notes
Town of Warrenton	Yes	No					Recreational Facilities, Conference Center, Club
Fauquier County	Yes	No					Recreational Facilities, Museum, Restaurant
Town of Culpeper	Yes	Yes	X				Restaurant, Dormitory, Wedding Chapel, Church
Town of Leesburg	Yes	Yes	X Existing Building Only	X			Church
City of Manassas	Yes	Yes		X		Less than 50/50 or More	Assembly, Cultural Facility, Church, Dancehall
Town of Vienna	No	No					
City of Charlottesville	Yes	Yes	X				Convent/Monastery, Theaters, Church, Recreational Facilities

- Should Assembly uses be allowed in the Industrial District?
- If so, what should the approval process be to ensure compliance with the Intent of the district and the guidelines in the Comprehensive Plan?

Assembly Uses in the Industrial District

Four General Options:

1. Add Churches as a Permitted Use (by-right) in Section 3-4.12.2.
2. Move all Assembly Uses, plus Churches, to Permissible Uses (with approval of a Special Use Permit by Town Council) in Section 3-4.12.3.
 - a. Different approval process depending on size of the use.
3. Remove Entirely all Assembly uses from the Industrial District.
4. Make No Changes.

Assembly Uses in the Industrial District

Section 3-4.12.2 Permitted Uses – By-Right

- 39 Total Uses
- By-Right Uses are approved Administratively by the Zoning Administrator – Site Development Plan, Zoning Permit
- **Assembly Uses Permitted:**
 - Active & Passive Recreation and Recreational Facilities
 - Cafeteria or Snack Bar for Employees
 - Conference Centers
 - Health & Fitness Facilities
 - Institutional Buildings
 - Motion Picture Studio
 - Private Club, Lodge, Meeting Hall, Labor Union, or Fraternal Organization or Sorority

Option 1 – Add Churches to the list of Permitted Uses.

- Churches
- Other Assembly uses already allowed by-right that are similar to the activities normally associated with Churches, such as meetings and gatherings of groups of people for a specified reason or purpose.
- Requires no other changes to the Ordinance.
- Site Development Plan, Building & Zoning Permit approvals required to ensure the use meets all Ordinance requirements, such as access & parking, landscape buffering.

Assembly Uses in the Industrial District

Section 3-4.12.3 Permissible Uses – By Special Use Permit Approval

- 17 Total Uses
- Requires Legislative Approval by Public Hearing, followed by Administrative Approval
- **Assembly Uses Permissible:**
 - Restaurant or Cafeteria, Drive-Thru or Otherwise
 - Temporary Fair and Show Grounds

Option 2 – Move all Assembly Uses, plus Churches, to Permissible Uses.

- Active & Passive Recreation and Recreational Facilities
- Cafeteria or Snack Bar for Employees
- Churches
- Conference Centers (*Holiday Inn, Alwyngton Manor, PATH*)
- Health & Fitness Facilities (*Old Town Athletic Club*)
- Institutional Buildings
- Motion Picture Studio
- Private Club, Lodge, Meeting Hall, Labor Union, or Fraternal Organization or Sorority
- Ensures all Assembly uses go through a public hearing process to verify that the specific user/applicant will be appropriate to the area.
- Some existing uses may become Non-Conforming or not be able to expand activities and services without approval of a Special Use Permit instead of an Administrative process.

Assembly Uses in the Industrial District

Section 3-4.12 Industrial District

Purpose:

- *The intent is to provide for a variety of light manufacturing, fabricating, processing, wholesale distributing, and warehousing uses.*
- *In order to preserve the land for industry, to reduce extraneous traffic, and avoid future conflicts between industry and other uses, business and service uses are limited primarily to those which will be useful to employees in the district.*

Option 3 – Remove all Assembly Uses from the Industrial District.

- Active & Passive Recreation and Recreational Facilities
- Cafeteria or Snack Bar for Employees
- Conference Centers (*Holiday Inn, Alwyngton Manor, PATH*)
- Health & Fitness Facilities (*Old Town Athletic Club*)
- Institutional Buildings
- Motion Picture Studio
- Private Club, Lodge, Meeting Hall, Labor Union, or Fraternal Organization or Sorority
- Restaurant or Cafeteria, Drive-Thru or Otherwise
- Temporary Fair and Show Grounds
- Some existing uses may become Non-Conforming and not be able to expand activities and services at all.

Assembly Uses in the Industrial District

Option 4 – Make No Changes.

- Not Recommended.
- Conflicts with RLUIPA – treats Churches differently from other, similar Assembly uses.

Religious Land Use and Institutionalized Persons Act of 2000 - Prohibits any government from imposing or implementing a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or institution: (1) is in furtherance of a compelling governmental interest; and (2) is the least restrictive means of furthering that compelling governmental interest.

Assembly Uses in the Industrial District

Text Amendment Process:

- Text Amendment Initiated by Town Council – May 9, 2023
 - Joint PC/TC Work Session Requested – Scheduling Conflicts
- Planning Commission – 1st Work Session – August 21 2023
- Planning Commission – 2nd Work Session – September 19, 2023
 - Provide guidance and direction so that staff can prepare draft ordinance language for public hearing.
- Public Hearing – Planning Commission
 - Next Available Date: October 17, 2023
 - PC Recommendation to TC
 - 100 Day Clock (August 21, 2023 - November 29, 2023)
- Town Council
 - Work Session or Public Hearing – as directed
 - Final Decision on ordinance language

Staff Requested Action for September 19, 2023:

- Provide guidance and direction for draft ordinance language.

Assembly Uses in the Industrial District

➤ Discussion

➤ Guidance and Direction to Staff

- Options 1 – 4, Other
- Preferred Direction
- Additional Information

➤ Next Step


- Schedule a Public Hearing
- 100-day Time Limit for Recommendation
 - October 17th – potential 1st public hearing
 - November 29 – 100-day deadline for PC action
 - November 21 – Last scheduled meeting prior to 100 day limit

EXPERIENCE



WARRENTON

. VIRGINIA .

EST.  1810

Planning Commission Work Session
ZOTA-23-2 - Assembly Uses in the Industrial District
September 19, 2023



ZOTA-23-2 – Assembly Uses in the Industrial District

Planning Commission Public Hearing
November 28th, 2023

Article 12 – Definitions

Church: *A building or structure, or group of buildings or structures, which by design and construction are primarily intended for activities that people regularly attend to participate in or hold religious services, meetings, and other activities. The term “church” shall not carry a secular connotation and shall include buildings in which religious services of any denomination are held.*

Churches are allowed in all zoning districts except the Industrial district.

Ordinance Section	Zoning District	Approval Process
3-4.1	R-15 Residential District	Permissible with the approval of a Special Use Permit
3-4.2	R-10 Residential District	Permissible with the approval of a Special Use Permit
3-4.3	R-6 Residential District	Permitted with administrative approval
3-4.4	RT Residential Townhouse District	Permissible with the approval of a Special Use Permit
3-4.5	RMF Residential Multifamily District	Permissible with the approval of a Special Use Permit
3-4.6	R-40 Residential District	Permissible with the approval of a Special Use Permit
3-4.7	R-E Residential District	Permissible with the approval of a Special Use Permit
3-4.8	RO Residential Office District	Permissible with the approval of a Special Use Permit
3-4.9	PSP Public-Semi-Public Institutional District	Permitted with administrative approval
3-4.10	C Commercial District	Permitted with administrative approval
3-4.11	CBD Central Business District	Permitted with administrative approval
3-4.12	I Industrial District	Not Permitted

RLUIPA

Religious Land Use and Institutionalized Persons Act

- Federal Law
- Prohibits undue burdens or restrictions on land use for churches through Zoning regulations.
- Treating churches differently from other, similar uses, is a recognized claim of discrimination

Religious Land Use and Institutionalized Persons Act of 2000 - Prohibits any government from imposing or implementing a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or institution: (1) is in furtherance of a compelling governmental interest; and (2) is the least restrictive means of furthering that compelling governmental interest.

Prohibits any government from imposing a substantial burden on the religious exercise of a person residing in or confined to an institution, as defined in the Civil Rights of Institutionalized Persons Act, even if the burden results from a rule of general applicability, unless the government demonstrates that imposition of the burden on that person: (1) is in furtherance of a compelling governmental interest; and (2) is the least restrictive means of furthering that compelling governmental interest.

RLUIPA

Religious Land Use and Institutionalized Persons Act

- Treating churches differently from other, similar uses, is a recognized claim of discrimination

2018 Virginia Construction Code – Uniform Statewide Building Code Section 303 – Assembly Group A

The use of a building or structure for the gathering of persons for purposes such as civic, social or religious functions; recreation, food or drink consumption or waiting for transportation.

Assembly Uses Allowed in the Industrial District

Permitted Uses (By-Right)	Facilities	Permissible Uses (with Special Use Permit)
<ul style="list-style-type: none">• Active and Passive Recreation and Recreational Facilities• Cafeteria or snack bar for employees• Conference Centers• Health and Fitness	<ul style="list-style-type: none">• Institutional buildings• Motion picture studio• Private club, lodge, meeting hall, labor union, or fraternal organization or sorority	<ul style="list-style-type: none">• Restaurant or cafeteria, drive-thru or otherwise• Temporary fair and show ground

Article 3 – Section 3-4.12 Uses Allowed in the Industrial District

*Assembly Uses per Building Code
Light Industrial/Office
Industrial*

Permitted Uses (By-Right)

Active and Passive Recreation and Recreational Facilities
Cafeteria or snack bar for employees
Conference Centers
Health and Fitness Facilities
Institutional buildings
Motion picture studio
Private club, lodge, meeting hall, labor union, or fraternal organization or sorority
Broadcasting studios and offices
Banks and savings and loan offices
Business and office supply establishments
Clinics, medical or dental
Commercial uses constituting up to 15% of permitted site or building area
Employment service or agency
Flex Office and Industrial uses
Janitorial service establishment
Offices- business, professional, or administrative
Rental service establishment
Retail or wholesale sales and service incidental to a permitted manufacturing, processing, storing, or distributing use
Security service office or station
Studios
Cabinet, upholstery, and furniture shops
Contractor's office and warehouse without outdoor storage
Crematory
Laboratories, research, experimental or testing, but not testing explosives, rockets, or jet engines
Light manufacturing uses which do not create danger to

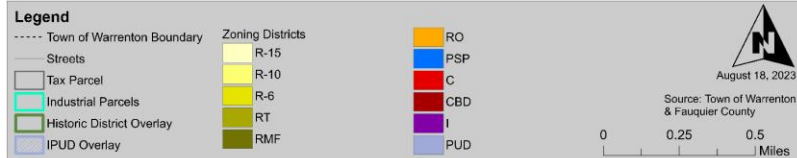
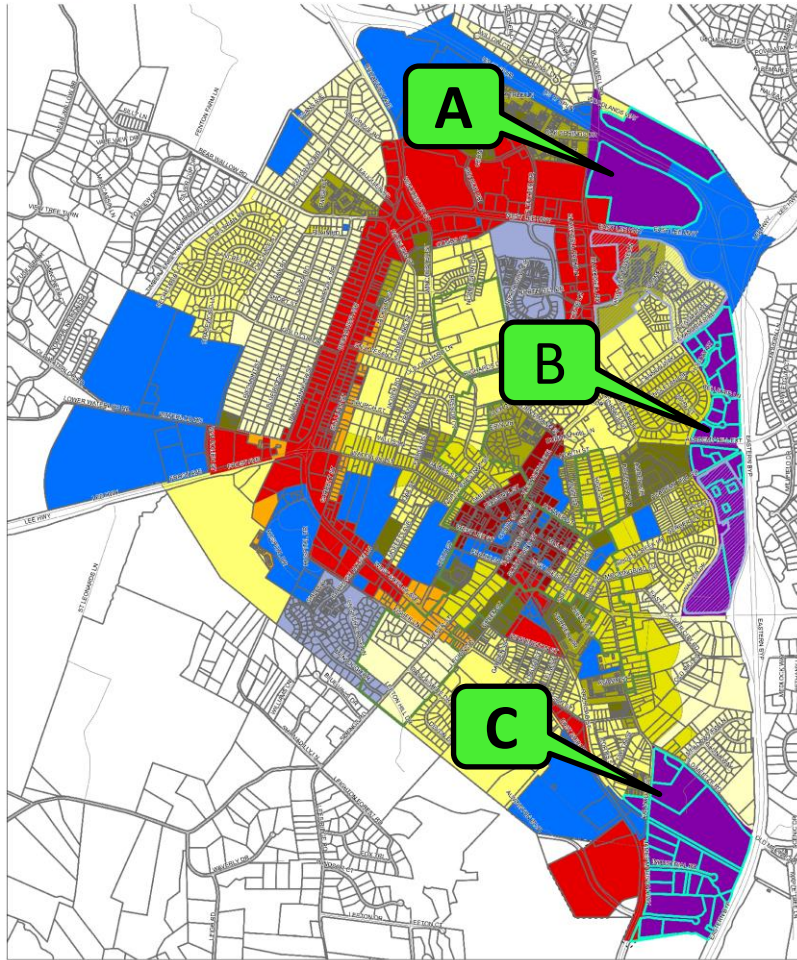
health and safety in surrounding areas and which do not create offensive noise, vibration, smoke, dust, lint, odor, heat, glare, or electrical impulse than that which is generally associated with light industries
Mobile Food Vendors subject to Article 9-24
Monument sales establishments with incidental processing to order but not including shaping of headstones
Nurseries and greenhouses
Off-street parking and loading subject to Article 7
Printing, publishing, and engraving establishment; photographic processing; blueprinting; photocopying; and similar uses
Rug and carpet cleaning and storage with incidental sales of rugs and carpets
Sign fabricating and painting
Signs, subject to Article 6
Transmission and receiving towers of height not exceeding one hundred twenty-five (125) feet
Utilities related to and necessary for service within the Town, including poles, wires, transformers, telephone booths, and the like for electrical power distribution or communication service, and underground pipelines or conduits for local electrical, gas, sewer, or water service, but not those facilities listed as requiring a special use permit
Wholesale establishment, storage warehouse, or distribution center. furniture moving
Accessory buildings
Open space subject to Article 9
Dwellings for resident watchmen and caretakers employed on the premises

Permissible Uses (with Special Use Permit)

Restaurant or cafeteria, drive-thru or otherwise
Temporary fair and show ground
Automobile body shop
Automobile and truck repair and service
Commercial Kennels
Contractor's storage yard
Data Center
Farm equipment, motorcycle, boat and sport trailer sales and service
Fuel, coal, oil distribution storage yards
Lumber and building supply with undercover storage.
Maintenance and equipment shops with screened outside storage
Outdoor storage of any kind
Plumbing and electrical supply with undercover storage
Self-service mini-warehouse
Tire and battery sales and service, tire recapping and retreading
Transmission and receiving towers of height greater than one hundred twenty-five (125) feet.
Treatment plants, water storage tanks, major transmission lines or pipelines, pumping or regulator stations, communications towers, storage yards and substations, and cable television facilities and accessory buildings



TOWN OF WARRENTON
Zoning District Industrial Parcels



Industrial District - Total Tax Parcel Land
76 Parcels
290 Acres of Tax Parcel Land

58 Developed Parcels

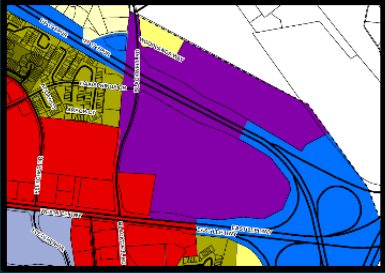
18 Undeveloped Parcels

- Includes Amazon & Walker Drive Rezoning – Areas A & B
- Includes likely candidates for Redevelopment – Area C

139 Acres Developed Land

151 Acres Undeveloped Land

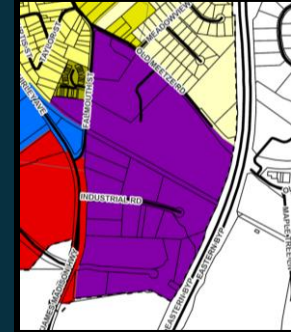
- 52% of All Industrial Zoned Land is currently vacant
- Majority in Area C (*land with no legislative approvals*)



Area A



Area B



Area C

New Town Mixed Use/New Town District

Large lots, direct access from Route 29, and high visibility, a location for a **signature office/jobs center**; with greater intensity of **mixed use** and strong **live, work, and play** options.

Light Industrial/Old Town District

Continue to promote Old Town as the signature cultural, social and historic hub. Encourage **infill housing** and **adaptive reuse of structures**; maintain historic character and **scale**.

Greenway & Wellness Mixed Use/Makers District

Maximize use of industrial areas for **maker space with a food and arts focus**, create connective elements to the greenway, enhance **gateway** form and function.

Comprehensive Plan Considerations

New Town Mixed Use/New Town District

Character District Summary

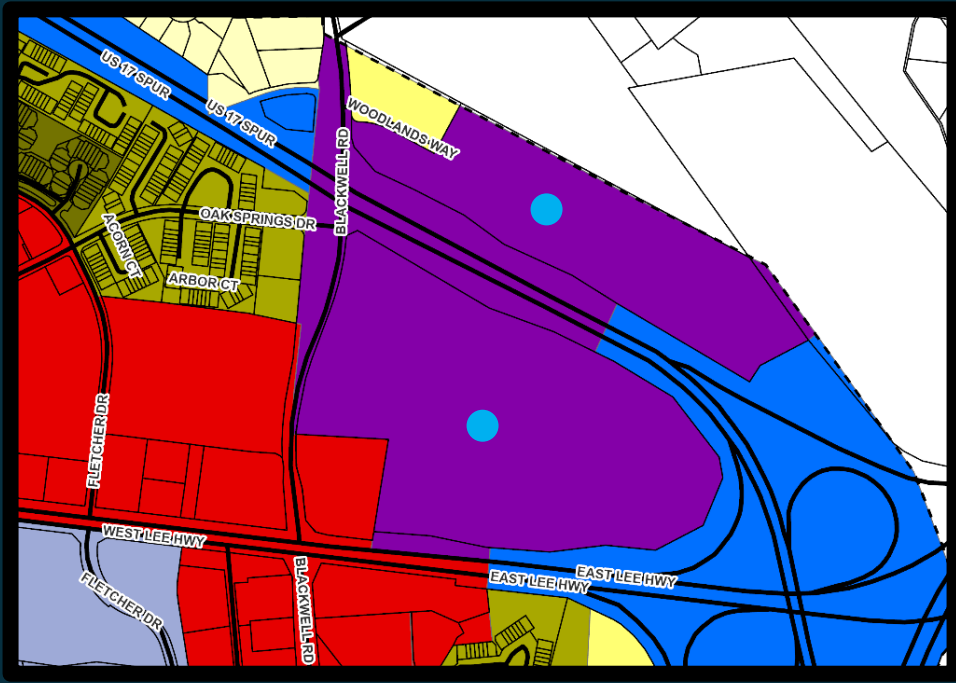
Large lots, direct access from Route 29, and high visibility, a location for a signature office/jobs center; with greater intensity of mixed use and strong live, work, and play options.

Land Use Goal

Support the **revitalization** of the commercial shopping malls with **walkable development**, green space, public amenities, as well as provide a location for a major employer.

Existing Businesses

None – undeveloped.



- Area A - Undeveloped Parcels
 - Dobson, David – 21.8 ac.
 - Amazon Data Services – 41.7 ac.
(SUP Approval)

Total Undeveloped Area = 63.5 ac.

Comprehensive Plan Considerations

Light Industrial/Old Town District

Character District Summary

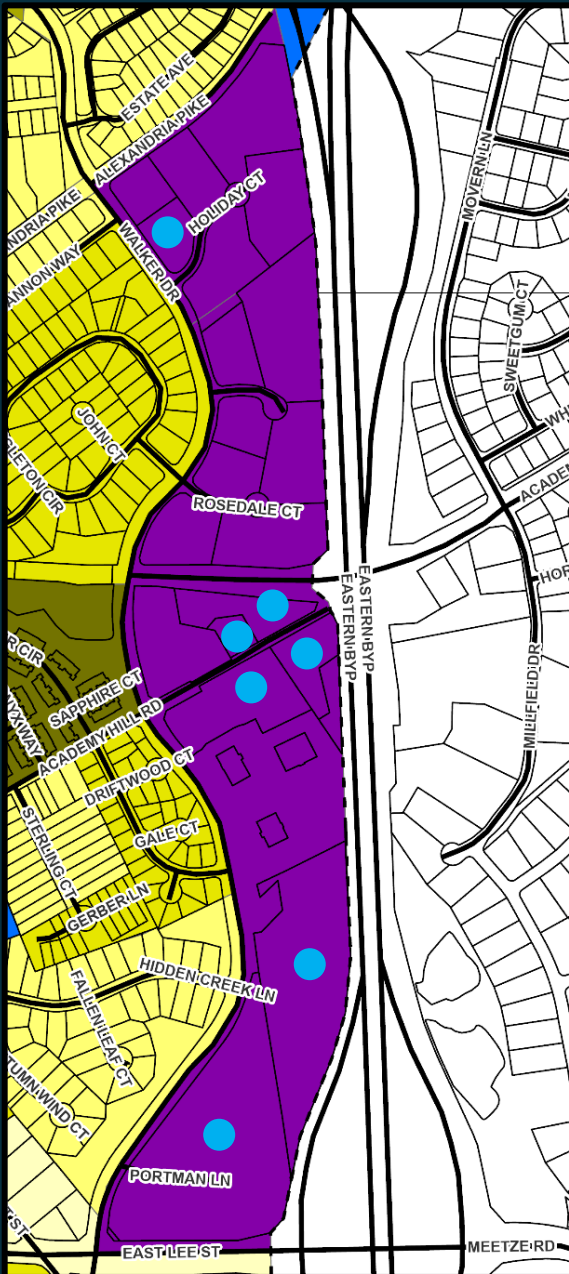
Continue to promote Old Town as the signature cultural, social and historic hub. Encourage infill housing and adaptive reuse of structures; maintain historic character and scale.

Land Use Goal

Include a **mix of infill and new development** that is designed to maintain Old Town's historic character.

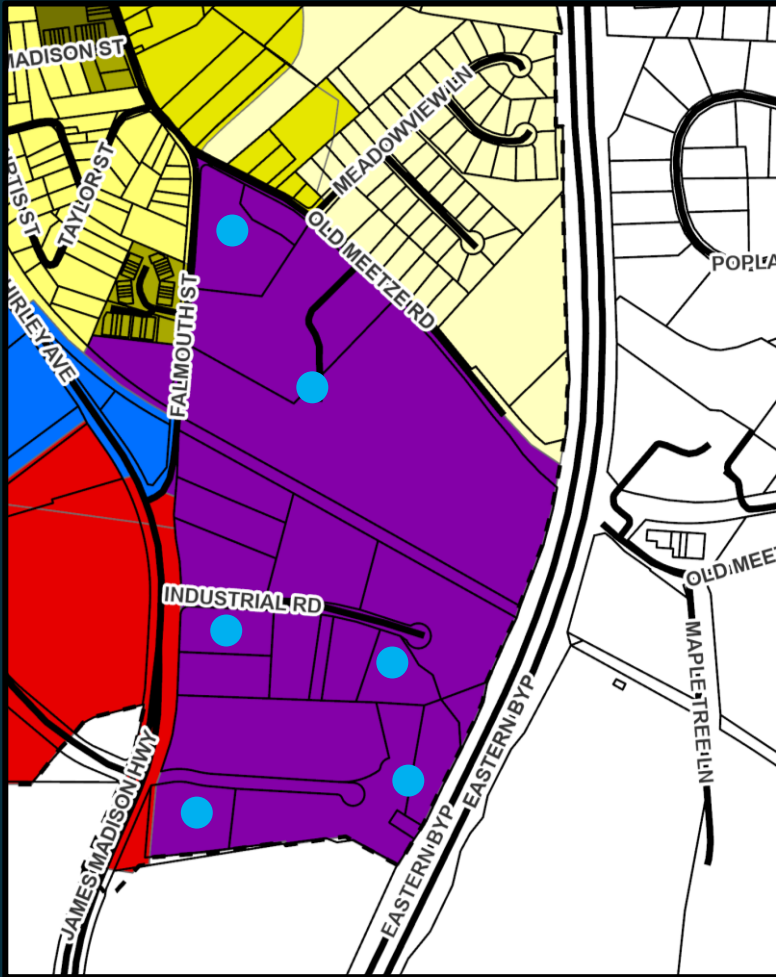
Existing Businesses

- 6 Industrial-type
- 14 Light Industrial/Office
- 4 Assembly



- **Area B - Undeveloped Parcels**
 - Brandon Land Investments/1.2 ac.
 - Town of Warrenton/1.9 ac.
 - Gibson, Lori/0.5 ac.
 - 341 Academy Hill Road LLC/1.8 ac.
 - Walker Dr. Investment Group/3.5 ac.
(IPUD - Land Bay E)
 - Springfield Properties LLC/8.5 ac.
(IPUD - Land Bays B, C, D)
 - Remland LLC/11.6 ac.
(IPUD - Land Bays A, B, C)

Total Undeveloped Area = 29 ac.



Comprehensive Plan Considerations

Greenway & Wellness Mixed Use/Makers District

Character District Summary

Maximize use of industrial areas for maker space with a food and arts focus, create connective elements to the greenway, enhance gateway form and function.

Land Use Goal

Promoted as the southern gateway and **maintain critical linkages** between education, civic uses, surrounding neighborhoods and the remaining industrial uses in the Town.

Future Land Use Description – Light Industrial

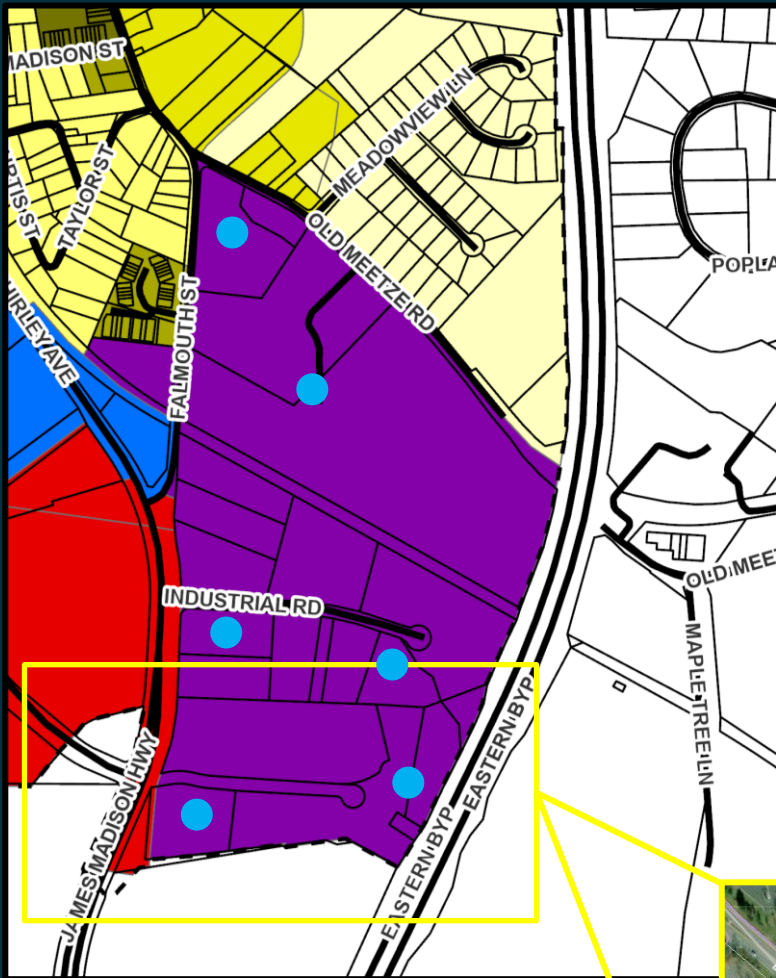
- Incorporate previous uses envisioned for **Light Industrial**.

Existing Businesses

- 8 Industrial
- 1 Light Industrial/Retail
- 2 Assembly

Comprehensive Plan Considerations

Greenway & Wellness Mixed Use/Makers District



Undeveloped Area in Floodplain ~6.5 ac



Area C - Undeveloped Parcels

- Worsham, Suzanne & William/5.2 ac. (*Alwyngton Manor*)
- Premium Business Parks International LLC/37.4 ac. (*Wire Factory*)
- Red Road INC/2.2 ac.
- Brown, Ricky/2.2 ac.
- The Drew Corporation/8.6 ac. (*floodplain*)
- 819 JMH LLC/3.0 ac. (*floodplain*)

Total Undeveloped Area = 58.6 ac

Benchmark Communities – Assembly Uses in Industrial Districts							
Jurisdiction	Assembly Uses Allowed	Religious Assembly Allowed	Religious Assembly By-Right	Special Use Permit Required	Size Limitation	Occupancy Limitation	Notes
Town of Warrenton	Yes	No					Recreational Facilities, Conference Center, Club
Fauquier County	Yes	No					Recreational Facilities, Museum, Restaurant
Town of Culpeper	Yes	Yes	X				Restaurant, Dormitory, Wedding Chapel, Church
Town of Leesburg	Yes	Yes	X Existing Building Only	X			Church
City of Manassas	Yes	Yes		X		Less than 50/50 or More	Assembly, Cultural Facility, Church, Dancehall
Town of Vienna	No	No					
City of Charlottesville	Yes	Yes	X				Convent/Monastery, Theaters, Church, Recreational Facilities

Summary:

- Allow some Assembly uses **and** Churches – acceptable
- Prohibit all Assembly uses, including Churches – acceptable
- Allow some Assembly uses but **not** Churches – not acceptable

Town of Warrenton Zoning Ordinance Article 3 Existing Differences in Approval Process by Size

PSP - Public-Semi-Public Institutional District

- *Hospitals at 10,000 sq.ft. or greater - SUP*
- *Schools at 10,000 sq.ft. or greater - SUP*

C - Commercial District

- *Any Use greater than 50,000 sq.ft. - SUP*

CBD - Central Business District

- *Personal Service Stores greater than 3,000 sq.ft. - SUP*
- *Retail greater than 3,000 sq.ft. - SUP*

Fauquier County Zoning Ordinance Differences in Approval Process by Size of Church

Place of Worship, **Minor** - Special Permit

Place of Worship, **Major** - Special Exception

- 10,000 sq.ft. in size or greater; or
- 300 seats or more; or
- Any addition of 10,000 sq.ft. or more.

Additional Approval Standards

- 10 acre Minimum Size
- 100 foot Buffer between Residential/Rural Properties
- Access from a Major Collector Roadway

Work Session – September 19, 2023

Option A

- Revises the Legislative Intent in Section 3-4.12.1 to include limited assembly uses to the descriptive paragraph, to more closely match the mixture of use categories that are currently allowed in the district as well as the existing assembly-type businesses that are established in the district.
- Adds Churches as an allowable use in the Industrial district.
- Includes a threshold for all allowable assembly uses, set at 10,000 square feet or more of building area, or more than 300 persons, where any assembly use meeting this threshold will require the approval of a Special Use Permit by Town Council per Section 3-4.12.3.

Option B

- Revises the Legislative Intent in Section 3-4.12.1 to include limited assembly uses to the descriptive paragraph, to more closely match the mixture of use categories that are currently allowed in the district as well as the existing assembly-type businesses that are established in the district.
- Adds Churches as a Permitted, by-right use in the Industrial district, where the use is located in an existing building or less than 500 persons.
- Includes a threshold for all allowable assembly uses, set at 500 or more persons, where any assembly use meeting this threshold will require the approval of a Special Use Permit by Town Council per Section 3-4.12.3.

Text Amendment Process:

- Text Amendment Initiated by Town Council – May 9, 2023
 - Joint PC/TC Work Session Requested – Scheduling Conflicts

- Planning Commission – 1st Work Session – August 21 2023
- Planning Commission – 2nd Work Session – September 19, 2023
 - Provide guidance and direction so that staff can prepare draft ordinance language for public hearing.

- Public Hearing – Planning Commission
 - *October 17, 2023 - Cancelled*
 - 1st Public Hearing – November 28, 2023
 - 100 Day Clock (August 21, 2023 - November 29, 2023)

- Town Council
 - Work Session or Public Hearing – as directed
 - Final Decision on ordinance language



ZOTA-23-2 – Assembly Uses in the Industrial District

Planning Commission Public Hearing
November 28th, 2023