



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

Town Council Public Hearing
January 9, 2024

Article 12 – Definitions

Church (or place of religious worship): *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)

- 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

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

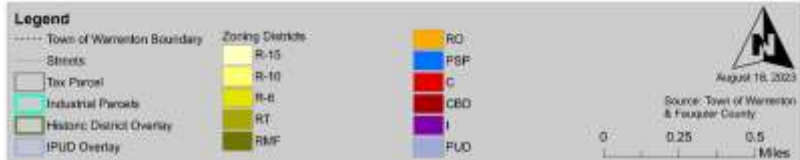
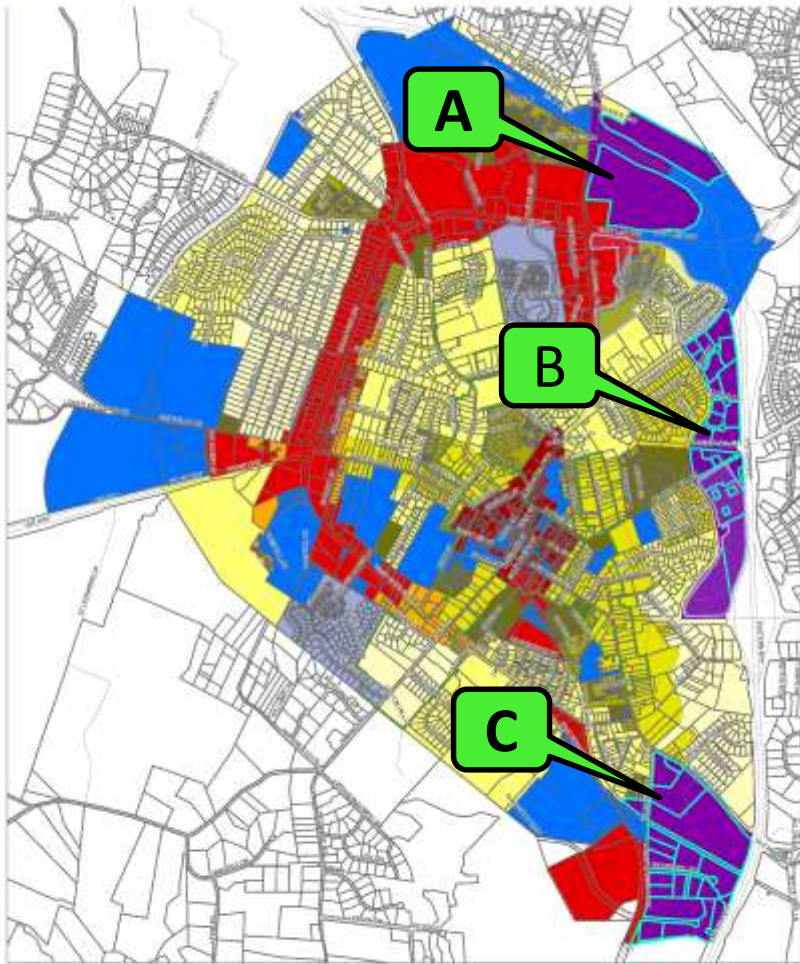
health and safety in surrounding areas and which do not create offensive noise, vibration, smoke, dust, lint, odor, heat, glare, or electrical impulse than that which is generally associated with light industries
Mobile Food Vendors subject to Article 9-24
Monument sales establishments with incidental 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

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.



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.

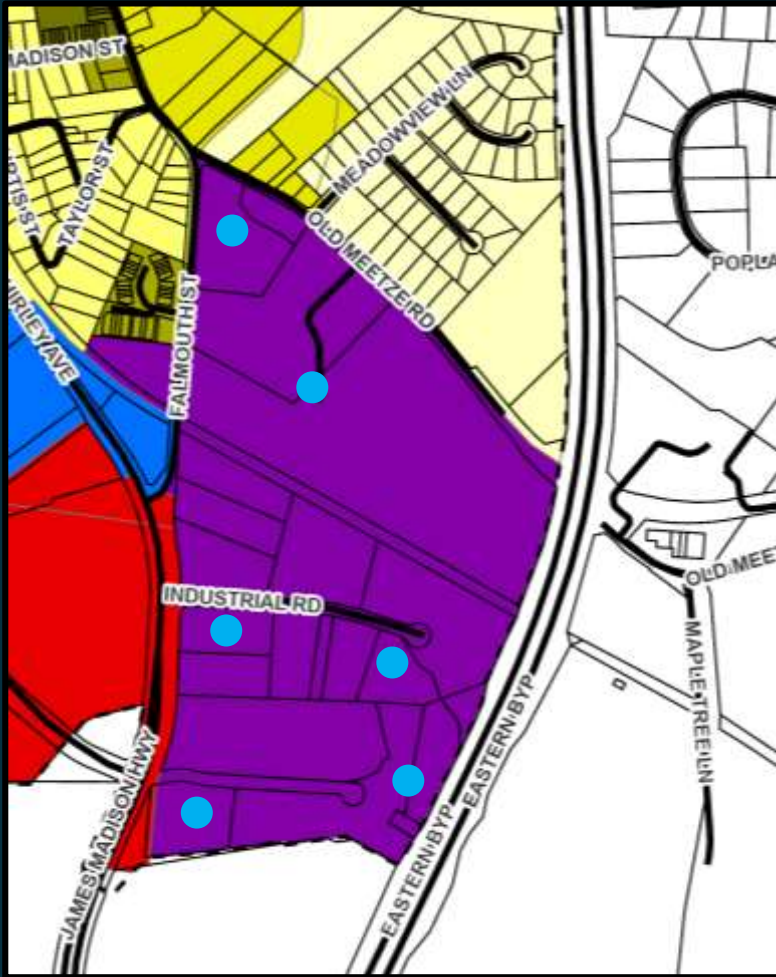
Existing Businesses

- 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

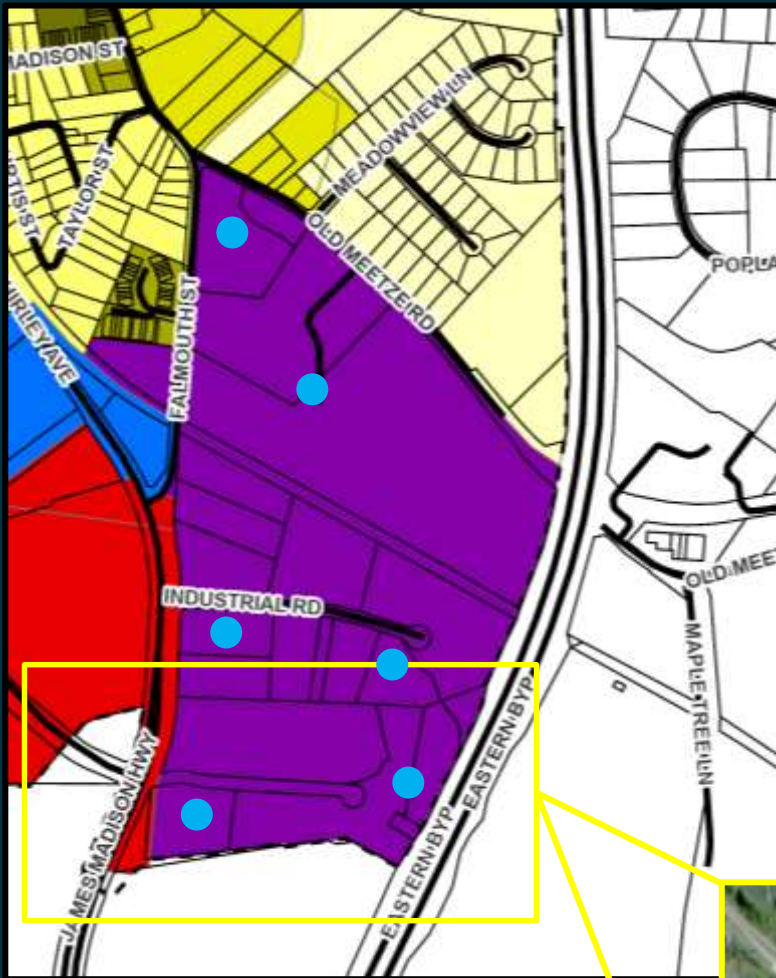
- Incorporate previous uses envisioned for **Light Industrial**.

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

Planning Commission 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.

Planning Commission Public Hearing November 28, 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.

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
 - 2nd Work Session – September 19, 2023
 - Public Hearing – November 28, 2023

- Town Council
 - 1st Public Hearing – January 9, 2024
 - One Year Action Deadline – May 9, 2024

Ordinance – Attachment D

- Adopt as recommended by Planning Commission
- OR**
- Defer Action to Revise



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