

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.

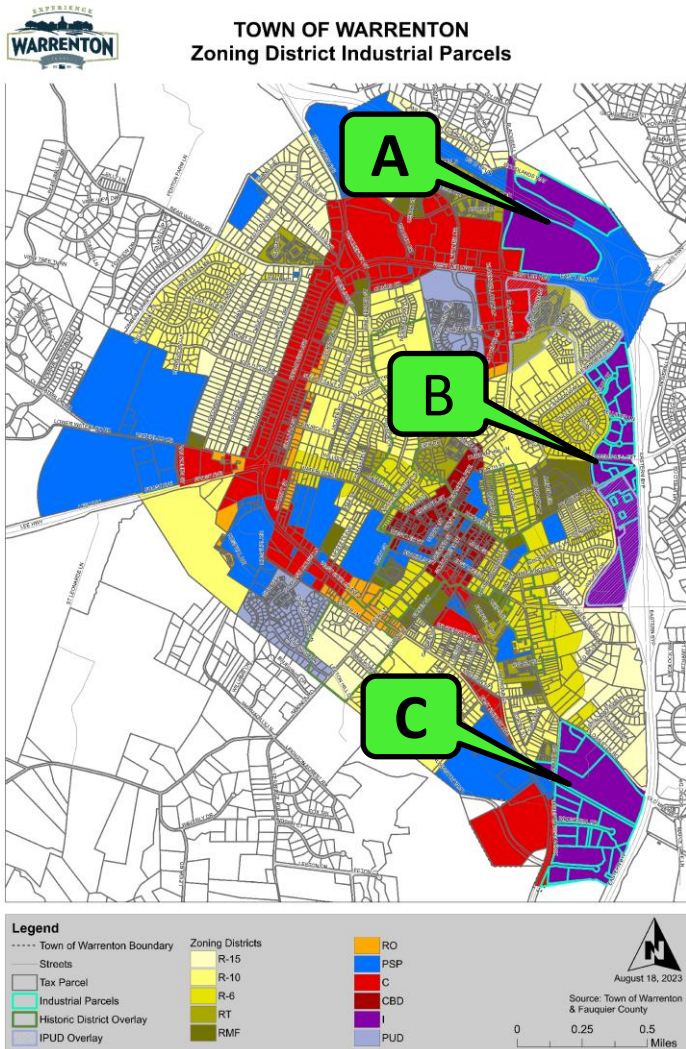
Prohibits any government from imposing a substantial burden on the religious exercise of a person residing in or confined to an institution, as defined in the Civil Rights of Institutionalized Persons Act, even if the burden results from a rule of general applicability, unless the government demonstrates 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

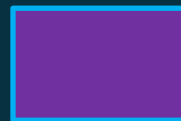
- Locality cannot treat a Church different than other, *similar uses*.
 - The Building Code defines a Church as an Assembly use.
 - The Zoning Ordinance allows Nine (9) other Assembly uses in the Industrial District.
 - Cannot have more strict regulations for Churches than other Assembly uses.
- Can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



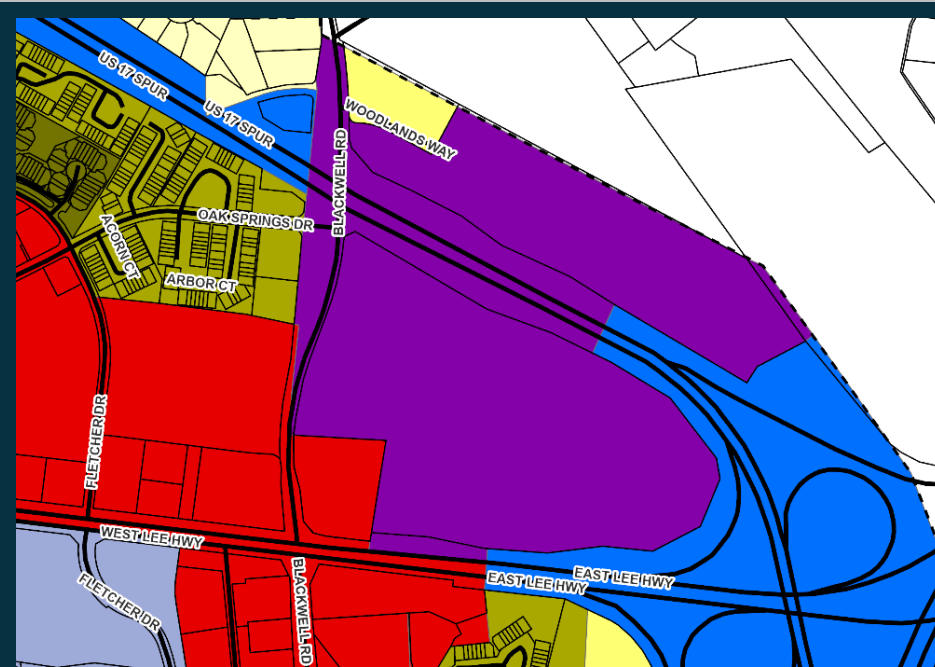
Section 3-4.12 Industrial District Purpose:

- *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)

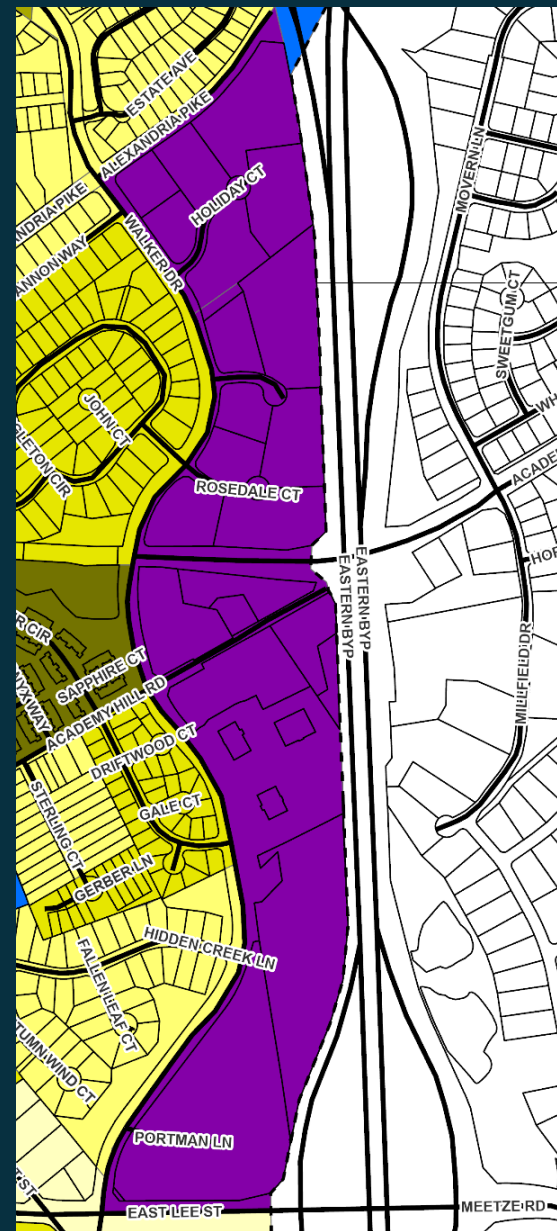
Assembly Uses in the Industrial District

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*



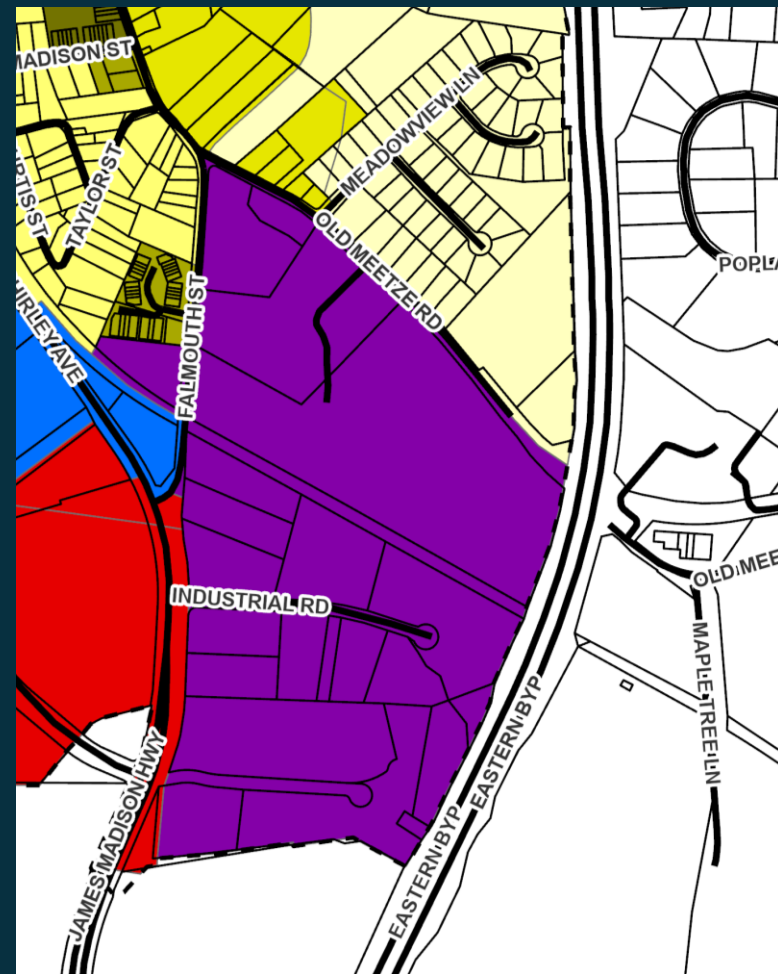
Assembly Uses in the Industrial District

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