



Office of the Town Manager  
Frank Cassidy

Warrenton Town Council  
Carter Nevill, Mayor  
Heather Sutphin, Ward 1  
William Semple, Ward 2  
Brett Hamby, Ward 3  
James Hartman, Ward 4 Vice Mayor  
Jay Heroux, Ward 5  
Sean Polster, At Large  
Renard Carlos, At Large

# STAFF REPORT

<b>Council Meeting Date:</b>	May 9, 2023
<b>Agenda Title:</b>	Zoning Ordinance Text Amendment - Assembly Uses in the Industrial District
<b>Requested Action:</b>	Hold a Work Session
<b>Department / Agency Lead:</b>	Community Development
<b>Staff Lead:</b>	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.

Staff is requesting that the Council consider a text amendment to Section 3-4.12 Industrial District to include Churches as either a Permitted Use (by-right) or a Permissible Use (by special use permit upon approval of the Town Council). Alternatively, Council may consider a text amendment to remove all other assembly uses from the list of Permitted Uses and Permissible 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
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.

Initiation of a text amendment to Article 3 by Town Council is the first step in the process to revise the Ordinance as prescribed in Article 11, Section 11-3.9 Zoning Amendments. Should Council move to approve the requested initiation, staff will then prepare a text amendment for review by the Planning Commission as a part of the public hearing agenda for that body. 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 Council initiate a text amendment to Article 3, to add Churches to the list of Permitted Uses (by-right), as listed in Ordinance Section 3-4.12.2. Draft Ordinance language has been provided for reference, as well as a Resolution to initiate the requested text amendment.

### **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. Draft Ordinance Language - Article 3, Section 3-4.12 Industrial District
2. Resolution to Initiate a Text Amendment to Article 3