



## Waynesboro City Council Agenda Briefing

<b>Meeting Date:</b>	November 9, 2020	<b>Staff/Council Member(s):</b> Luke J. Juday, Planning Director
<b>Agenda Item #</b>	6	
<b>Ordinance#</b>	2020-	
<b>Department:</b>	Planning	
<b>Subject:</b>	A zoning text amendment to create a new zone, designated the MX-B (Mixed Business) zone. This zone will allow a range of residential and commercial uses comparable to the L-B zone, along with some industrial uses allowed in the L-I zone with additional use standards. Its use mix reflects the character and current mix of uses in the Commerce Avenue and Ohio Street areas.	
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Planning Commission recommendation</li> <li>2. Staff report</li> <li>3. Draft ordinance amendment to chapter 98</li> </ol>	
<b>Planning Commission Recommendation</b>	Planning Commission recommends approval of the attached ordinances on a 6-0 vote with one amendment.	

### Background:

Beginning in January of 2019, the Planning Commission began seeking input and considering solutions to deficiencies in the current zoning of the Basic City neighborhood, particularly the Commerce Avenue corridor. The scope of this project later expanded to include Ohio Street and parts of 8<sup>th</sup> Street west of Charlotte Avenue.

The Planning Commission determined that there was no zone in the current system that adequately reflected the character of these neighborhoods, which include a mix of small commercial and industrial parcels in close proximity to single- and multi-family housing. Most properties are currently zoned either L-B (Local Business), which does not allow a range of more intensive business uses and is more appropriate in areas with small neighborhood retail, or L-I (Light Industrial), which does not allow residences and permits uses that are not appropriate near residential areas. Additionally, the zoning code's parking requirements, which are geared towards new suburban areas with no shared parking, were burdensome for legacy properties in the city center and forced businesses to tear down adjacent structures. The only other option is the C-B (Central Business) district, which does not require any parking and is meant for downtown properties with shared public parking lots.

The Commission initiated a text amendment to add a new zone: the MX-B (Mixed Business) zone. This zone will allow a more flexible range of residential and business uses consistent with what is present in these neighborhoods already, including small-scale manufacturing uses that do not generate noise or pollution. It will still prohibit uses that interfere with the quiet enjoyment of residential property and do not add activity to these areas, such as warehousing, vehicle storage yards, and heavier manufacturing.

The new zone will also include a reduced parking requirement, reflecting the abundance of on-street parking in this area. Uses that require 3 or fewer off-street spaces will not have to provide off-street parking. Uses requiring more than this number will have their parking requirement reduced by 50%.

If the Zoning Text Amendment is approved, the Planning Commission plans to propose a general rezoning of properties in these areas that are currently zoned L-I or L-B.

**Planning Commission Recommendation:**

The Planning Commission recommends approval of this ordinance on a 6-0 vote.

**City Manager's Recommendation:**

The City Manager recommends approving the rezoning request.

**Suggested Motion(s):**

Introduce the draft ordinances as provided in the attachment.



**RESOLUTION AND RECOMMENDATION TO THE CITY COUNCIL  
FROM THE WAYNESBORO PLANNING COMMISSION  
REGULAR MEETING OF OCTOBER 20, 2020 PER  
ZONING TEXT AMENDMENT 20-002**

WHEREAS, upon a zoning text amendment (20-002) application by the Planning Commission of Waynesboro to create a new zone, designated the MX-B (Mixed Business) zone, the Waynesboro Planning Commission finds that the change requested is consistent with good planning and zoning practice; is justified by the public necessity, convenience, and general welfare; and is in accord with the comprehensive plan of this City;

NOW, THEREFORE, BE IT RESOLVED by the Waynesboro Planning Commission, by a vote of 6-0, that a recommendation be forwarded to City Council that the request of the City Council of Waynesboro (ZTA 20-002) for a zoning text amendment be approved, in accordance with the application and staff report dated October 20, 2020.

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Luke J. Juday  
Clerk of Planning Commission



**CITY OF WAYNESBORO, VIRGINIA  
STAFF REPORT  
ZONING TEXT AMENDMENT  
ZTA 20-002  
October 20, 2020**

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**SUMMARY SHEET**

<b><i>Applicant:</i></b>	Staff requests Planning Commission initiate this text amendment
<b><i>Affected Properties</i></b>	These provisions create a new zone, but do not assign any properties to it. These changes will not affect any properties until properties are rezoned to the new designation.
<b><i>Action Requested:</i></b>	Amend Chapter 98, Article 4, Zoning Ordinance of the City of Waynesboro
<b><i>Authorizing City Code Section(s):</i></b>	Section 7.3.2.B (Initiation of a Zoning Text Amendment)
<b><i>Attachments:</i></b>	1. Proposed Ordinance
<b><i>Summary Recommendations:</i></b>	City staff recommends Planning Commission initiate the attached text amendment.

**1. Nature of Request**

The proposed ordinance would create a new zone in the City’s zoning classification system. This zone has been tentatively termed the “MX-B Mixed Business” zone, but the name can be altered to one that Planning Commission feels better reflects its character.

The new zone’s purpose is spelled out in the zone description, proposed as an addition to Section 98.2.6.2:

“The MX-B district is established to provide greater flexibility in areas of the City with 1) housing in close proximity to legacy industrial and commercial structures, and 2) a historic urban subdivision pattern with gridded infrastructure, small lots, and abundant on-street shared parking. It allows for a range of residential and commercial uses, as well as industrial uses with additional use standards. The MX-B zone’s permitted uses and use standards are meant to encourage business activity and redevelopment while ensuring reasonably quiet enjoyment of residential property. The zone provides only moderate protection from aesthetic concerns or intense daytime activity. As such, the MX-B zone should be used in areas where the existing mix of structures and uses suggest an expectation of vibrancy and activity levels similar to a commercial or industrial area. The MX-B zone is not intended for use in new subdivisions.”

## 2. Background

This change was prompted by discussions with property owners and residents in the Commerce Avenue corridor. Currently, the City's Land Use Map designates this area as "Mixed Use D," a vague designation calling for a range of residential, civic, and low-intensity commercial uses. Most of the area is zoned L-B, with a smattering of Light Industrial and other zones. However, the area is underdeveloped and struggles with high vacancy rates. The market for small retail uses is limited to begin with and there is significant competition from other nearby corridors, especially East Main Street. Additionally, the widening of Delphine Avenue has drawn traffic away from Commerce Avenue, making it less useful for commercial retail. Commerce Avenue is also a "single-loaded" street, with frontage on only one side and a railroad track on the other. This was an attractive situation for business when rail passengers were disembarking, but in the modern era, this makes it difficult for pedestrian-oriented retail areas to build up a sufficient density of activity.

Several public input meetings were held throughout 2019 and a survey was sent to property owners in the blocks between Commerce Avenue and Delphine Avenue.

### Meetings:

In January 2019 a "Lower Basic Neighborhood Meeting" was held to discuss identity and boundaries of the Basic City area, as well as a discussion on what neighbors would like to see from the City. In July 2019, the Planning Commission received public input on future neighborhood infrastructure projects for the west Basic City area that CDBG funding could be used for. The Planning Commission decided to pursue a land use amendment in the area, and from October 2019 to August 2020 various Planning Commission meetings were held discussing different rezoning options. In an earlier meeting, several citizens voiced a desire to have the Commerce Avenue area have nice restaurants and unique shops. The current zoning is not preventing those from coming in; instead, zoning is restricting the "bottom tier" requests such as landscaping yard, self-storage units, garage for vehicles, and manufacturing production for items such as artisanal blacksmithing. After several meetings, it was decided that the best option for the area would be to create a new zone.

### Property Owner Survey:

The Planning Department sent out 71 surveys, yielding 17 responses. The majority of respondents owned commercial or rental property in the area, or owned their own home. Most had lived or owned property in the area for more than 5 years. Some concerns expressed by respondents about the neighborhood were: noise from Delphine and trains, crime and drugs, low maintenance of properties, lack of business, safety, etc. Most respondents were split between saying they would like there to be more business in the neighborhood so that there are more jobs and places to shop, and saying they would like property owners to be able to build either residences or business freely depending on what the market demands. Most respondents support a business wanting to fix up and move into a vacant building on the block, agreeing that something is better than nothing. In general, respondents were more receptive to a new house, a small service business, or an artisan studio being built/started on the same block as them, and were not receptive of a used car dealership, an equipment yard, or self-storage units.

In subsequent discussions, the Planning Commission opted for a balanced approach, with a new zone that would better reflect the priorities of residents in this area and provide a more realistic path for redevelopment.

### 3. Approval Criteria

In evaluating any proposed zoning text amendment, Section 7.3.8 of the Zoning Ordinance requires the Planning Commission and the City Council to consider the following six criteria (provided in *italic* below).

- A. Whether such amendment is consistent with good zoning practice;*
- B. Public necessity, convenience, and general welfare to the extent such factors are pertinent to the subject matter of the amendment;*
- C. The extent to which the proposed text amendment is consistent with the Comprehensive Plan and the remainder of this Chapter, including, specifically, the purpose and intent statements of Section 1.5;*
- D. The extent to which the proposed text amendment represents a new idea not considered in the existing ordinance, or represents a revision necessitated by changing circumstances over time;*
- E. Whether or not the proposed text amendment corrects an error in the chapter; and*
- F. Whether or not the proposed text amendment revises the chapter to comply with State or Federal statutes or case law.*

### 4. Analysis

The dominant catch-all zones in areas that would benefit from the MX-B zone are L-B (Local Business) and L-I (Light Industrial). Rezoning requests from L-B to L-I and vice versa are common. Unfortunately, neither of these zones adequately addresses the needs of certain areas.

The physical conditions and existing structures in the Commerce Avenue and Ohio Street areas suggest that other uses not allowed in the L-B district might be appropriate. Situated between a large railroad right of way and a 5-lane arterial road, these blocks do not seem ideal for development of only low-density residences and small shops. Several prospects desirable to property owners and the City have considered moving to the area but have been limited by the L-B zoning, including low-impact manufacturing uses.

Conversely, a number of properties remain that are zoned L-I Light Industrial. This zone does not allow housing, even though there are often houses immediately adjacent to the L-I properties, and does allow many uses incompatible with a residential area. The mix of uses has existed for a long time, suggesting that the market has already built in the assumption of adjacent industrial activity. But it may be a limiting factor on these properties improving. Additionally, when Light Industrial parcels are abandoned and reused, it is possible that new uses will be even more incompatible with neighboring residences.

For all these reasons, staff and Planning Commission developed a new zoning designation that would be appropriate for these areas. This zone has three major objectives:

1. Bring into conformance the many nonconforming homes and businesses so that zoning is not a barrier to future financing and redevelopment.
2. Open up the use table to allow numerous residential, commercial, and industrial uses that could bring value to the neighborhood, recognizing that residents in this area already expect to have a mix of uses nearby.

3. Restrict noxious industrial and commercial uses that might interfere with the quiet enjoyment of the abundant residential property in the area. Also restrict uses that do not bring additional activity to this area.

An additional barrier to redevelopment in this area is the parking requirement. The MX-B zone is intended for use in areas with a historic gridded subdivision pattern. This pattern creates abundant opportunities for on-street and shared parking, while prioritizing pedestrian accessibility and density. The historic structures in the area are all built in ways that preclude the easy provision of private parking.

Recognizing that the parking standards of the City's ordinance are based on a suburban situation where there is no shared parking and all customers and residents are driving, the MX-B zone reduces this requirement to allow for easy redevelopment of small buildings. It reduces the likelihood that more historic structures will be torn down to provide the required parking for businesses that do locate in these areas.

Lastly, the new zone significantly loosens site standards to reflect the urban subdivision pattern in these areas. A smaller minimum site size and setbacks means that buildings can be developed on small sites that are pedestrian-oriented.

All these changes should make it easier for property owners to be flexible in making use of properties in areas that utilize this zone, bringing activity back to areas targeted for redevelopment.

## **5. Recommendations**

The City staff recommends approval of the ordinance as attached.

Cc: D. James Shaw II, Deputy City Manager  
Laura Martin, Zoning Administrator  
Tony Smith, Infrastructure Engineer  
George Fitzgerald, Deputy Fire Marshal

ORDINANCE NUMBER 2020-



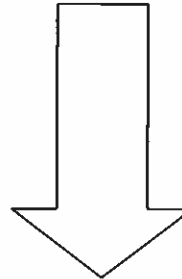
AN ORDINANCE TO AMEND ZONING TEXT TO CREATE A NEW ZONE, DESIGNATED THE MX-B (MIXED BUSINESS) ZONE, IN THE CITY CODE OF THE CITY OF WAYNESBORO, VIRGINIA

**2.1 GENERAL DISTRICTS ESTABLISHED**

A. The following general zoning districts are hereby established:

Residential Districts	
RS-12	Single-family Residential-12
RS-7	Single-family Residential-7
RS-5	Traditional Residential-5
RG-5	General Residential-5
R-MX	Mixed Residential
R-MF	Multifamily Residential
Nonresidential Districts	
R-O	Residential Office
L-B	Local Business
H-B	Highway Business
MX-B	Mixed Business
C-B	Central Business
L-I	Light Industrial
H-I	Heavy Industrial

**DISTRICT HIERARCHY (MOST RESTRICTIVE TO LEAST RESTRICTIVE)**



**2.6.3 Nonresidential Development Standards (In Nonresidential Districts)**

Nonresidential Development in Nonresidential Districts							
Area and Dimensional Standards	R-O	L-B	H-B	MX-B	C-B	L-I	H-I
<b>Site Area, Minimum</b>							
Site area (square feet)	6,000	6,000	8,000	3,000	N/A	20,000	20,000
Site width (feet)	50	50	60	25	N/A	100	100
<b>Yards</b>							
Front, minimum (feet)	20	10	20	0	0	20	25
Front, maximum (feet)	55	55	N/A	10	0	N/A	N/A
Side, minimum street (feet)	10	20	25	0	0	25	25
Side, minimum interior (feet)	5	5	0	0	0	5	0
<i>abutting residential district</i>	20	9	25	5	30	30	30
Rear (feet)	10	10	25	0	0	10	10
<i>abutting residential district</i>	20	20	30	20	20	40	40
Build-to line, mandatory (percent)	N/A	N/A	N/A	N/A	70%	N/A	N/A
<b>Bulk</b>							
Height, minimum (feet)	N/A	N/A	N/A	N/A	25 <sup>[1]</sup>	N/A	N/A
Height, maximum (feet)	35	35	50 <sup>[2]</sup>	35	100 <sup>[2]</sup>	100	100
Impervious area, maximum (percent)	50%	75%	85%	85%	100%	85%	85%

Use Table (2.4):



USE CATEGORIES	USE TYPES	RS-12	RS-7	RS-5	RG-5	R-MX	R-MF	R-O	L-B	H-B	MX-B	C-B	L-I	H-I	USE STANDARD
<b>RESIDENTIAL USES (SEE §10.2.7)</b>															
Household living	Single-family detached	P	P	P	P	P	P	P	P		P				
	Single-family attached				P	C	P	P	P		P				
	Two-family houses (duplex)				P	C	P	P	P		P				
	Corner lot duplexes			P	P	P	P	P	P		P				§4.2.1
	Multiplexes				P	P	P	P	C	C	P	C			§4.2.2
	Multifamily building					P	P		C	C	C	C			
	Zero lot line houses				P	P	P	P	C	C	P	C			§4.2.3
	Townhouses				P	P	P	C	C	C	P	C			§4.2.5
	Upper-story residential				P	P	P	P	P	P	P	P	C		§4.2.6
	Manufactured homes	C	C	C	C	C	C		C		C				§4.2.7
Manufactured home parks or subdivisions				C				C						§4.2.8	
Group living	Boarding or rooming houses				P	P	P	P		P	P				§4.2.9
	Assisted or congregate living					P	P	C	C	P	P				
	Dormitories					P	P								
	Group homes/other (8 persons or fewer)	P	P	P	P	P	P	P		P	P				§4.2.10
	Group homes/seniors					P	P	P		P	P	C			§4.2.11
	Nursing or convalescent home					P	P	C	C	P	P	C			
<b>PUBLIC AND CIVIC USES (SEE §10.2.8)</b>															
Community service	Civic clubs or community centers	C	C	C	C	C	C		P	P	P	P	C		§4.3.1
	Libraries or museums	C	C	C	C	C	C		P	P	P	P	C		§4.3.4
Day care	All day care			C	C	C	C	C	P	P	C	C	C		§4.3.2
Educational facilities	Schools, elementary or secondary	P	P	P	P	P	P				P				§4.3.7
	Military academies				P	P	P			P	P	P			
Government facilities	Government offices			P	P	P	P	P	P	P	P	P	P	P	
	Post offices					C	C		P	P	P	P	P		
	Public safety facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	
Medical facilities	Hospitals								C	P	P		P		
	Medical or dental clinics							P	P	P	P	P	P		
Parks and open space	Cemeteries and mausoleums	C	C			C	C								
	Golf courses or clubs	P	P	P	P										§4.3.3
	Parks or playgrounds	P	P	P	P	P	P	P	P	P	P	P	P	P	§4.3.5
Passenger terminals and services	Airports												P		
	Heliports									P			P		
	All other passenger terminals and services									P		C	P		
Religious institution	All religious institutions	P	P	P	P	P	P	C	P	P	P	P	P		§4.3.6
	Alternative- or post-incarceration facility								P	P		P	P		

USE CATEGORIES	USE TYPES	RS-12	RS-7	RS-5	RG-5	R-MX	R-MF	R-O	L-B	H-B	MX-B	C-B	L-I	H-I	USE STANDARD
Social service institutions	Exclusive care and treatment for psychiatric, alcohol, or drug problems, where patients are residents (NAICS <sup>1</sup> 62221, 6232)								P	P		P	P		
	Neighborhood resource center						C		P	P	C	P	P		
	Rehabilitative clinic								P	P		P	P		
	Social service facility, soup kitchen, transient lodging or shelter for the homeless (NAICS <sup>1</sup> 624, 6242)				C	C	C				C		C		
	All other social service institutions								P	P	C	P	P		
Utilities, minor	All minor utilities	P	P	P	P	P	P	P	P	P	P	P	P	P	
Utilities, major	Electric substations	C	C	C	C	C	C	C	C	C	C	C	C	C	
	Telecommunications towers and facilities	C	C	C	C	C	C	C	C	C	C	C	C	C	§4.3.8
	Utility offices, shops or yards					C	C				C		C	C	§4.3.9
	Water/wastewater treatment plants												C	C	
<b>COMMERCIAL USES (SEE §10.2.9)</b>															
Eating establishments	Coffee shops					P	P		P	P	P	P	P		§4.4.5
	Fast food								P	P	P	P	P		§4.4.9
	Restaurants, limited					C	C	C	P	P	P	P	P		§4.4.8
	Restaurant and bar								P	P	P	P			
Entertainment, indoor	Adult uses									C			P	P	§4.4.1
	Bars or nightclubs								C	P	C	P	C		
	Bowling alleys								P	P	P	P			
	Firing ranges, indoor									P			P		
	Pool halls								C	P	C	P	P		
	Theaters, auditoriums or exhibition hall									P	P	P	P		
	Membership clubs or lodges								P	P	P	P	P		
Entertainment, outdoor	Arenas or stadiums									P		P	P		
	Driving ranges									P					
	Riding academy or boarding stable	C											P		
Offices	Bank or financial institution								P	P	P	P	P		
	Business and professional offices					P	P	P	P	P	P	P	P		
	Radio or television studio									P	P	P	P		
Overnight accommodations	Bed and breakfasts		C	C	P	P	P	P	P	P	P	P			§4.4.4
	Hotels and motels									P	C	P			
	Inns						P	P	P	P	P	P			§4.4.6
Parking, commercial	All commercial parking								P	P	P	P	P		

<sup>1</sup> North American Industry Classification System (see <http://www.naics.com> for more information)



USE CATEGORIES	USE TYPES	RS-12	RS-7	RS-5	RG-5	R-MX	R-MF	R-O	L-B	H-B	MX-B	C-B	L-I	H-I	USE STANDARD
Warehouse and freight movement	Cold storage plants, including frozen food lockers												P	P	
	Household moving and general freight storage												P	P	
	Parcel services									P	P		P	P	
	Separate warehouses used by retail stores such as furniture and appliance stores									C			P	P	
	Stockpiling of sand, gravel or other aggregate materials												P	P	
Waste-related service	Recycling centers												P	P	
	Solid waste transfer or composting												P	P	
	Waste service													P	
	Wrecking or salvage yards												C	P	§4.5.2
Wholesale trade	Sale or rental of machinery, equipment, heavy trucks										C		P	P	
	Lumber yard										C	C	P	P	
	Mail order house								P	P	P	P	P	P	
	Railroads and appurtenances, right-of-way and tracks	C	C	C	C	C	C	C	C	C	C	C	P	P	
	Retail sales of farm equipment and machinery and earth moving and heavy construction equipment										C			P	P
Heavy industrial	Animal concentrations; animal processing, packing, treating and storage													P	
	All other heavy industrial													P	
<b>OTHER USES (SEE §10.2.11)</b>															
Agriculture	Agricultural crops, community gardens	P	P	P	P	P	P	P	P	P	P	P	P	P	
	All other agriculture	C													

## Zone Description (2.6.2):

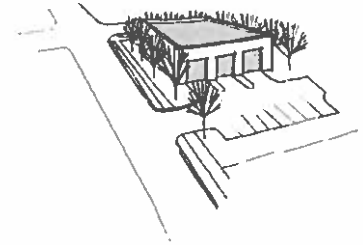
### B. Mixed Business (MX-B)

The MX-B district is established to provide greater flexibility in areas of the City with 1) housing in close proximity to legacy industrial and commercial structures, and 2) a historic urban subdivision pattern with gridded infrastructure, small lots, and abundant on-street shared parking. It allows for a range of residential and commercial uses, as well as industrial uses with additional use standards. The MX-B zone's permitted uses and use standards are meant to encourage business activity and redevelopment while ensuring reasonably quiet enjoyment of residential property. The zone provides only moderate protection from aesthetic concerns or intense daytime activity. As such, the MX-B zone should be used in areas where the existing mix of structures and uses suggest an expectation of vibrancy and activity levels similar to a commercial or industrial area.

## Use Standards

### 4.4.10 Vehicles Sales and Service

All service bay doors (openings) shall face away from adjacent thoroughfares, right-of-way and residential uses.



In the MX-B (Mixed Business) zone, vehicle sales and service uses must meet the following standards:

- C. Vehicle sales and service uses may not operate between the hours of 8:00 PM and 8:00 AM.
- D. All vehicle service must be contained in a constructed building. All outdoor storage or display must be fully screened by a solid fence. Outdoor vehicle sales must be screened by a solid fence or class A landscape buffer.

### 4.5.4 Industrial Development in the MX-B Industrial Redevelopment Zone

Manufacturing and other industrial uses in the MX-B zone must meet the following additional standards:

- E. Industrial uses may not operate or receive deliveries between the hours of 8:00 PM and 7:00 AM.
- F. Industrial uses which generate noxious discharges (e.g. smoke or noxious smells) are prohibited.
- G. Industrial uses involving manufacture of hazardous chemicals or discharge of hazardous byproducts into the soil or air are prohibited.
- H. All industrial activity and equipment storage must be contained in a constructed building. The Zoning Administrator may permit limited outdoor storage if fully screened from neighboring properties and public rights of way.

## Parking:

### 5.1.3

#### E. Exception for MX-B District

The requirements of 5.1.3 shall not apply to:

1. Properties in the MX-B district if the number of off-street spaces required is less than 4.
2. If the number of off-street spaces required is 4 or more, the requirements of this §98-5.1.3 shall be reduced by 50%.

3. Properties in the C-B district, except for the maximum requirements as established in 5-3.B.

### 5.6.6 Signs Requiring Permits

#### I. Maximum Aggregate Sign Area

Unless otherwise specified, the maximum allowable aggregate sign area per licensed business or nonresidential use in the respective districts, shall be as follows:

Maximum Aggregate Sign Area (SF)											
RS-12	RS-7	RS-5	R-MX	R-MF	R-O	L-B	H-B	MX-B	C-B	L-I	H-I
1	1	6	6	6	6	32	120	32	32	120	120

**INTRODUCED:**

**ADOPTED:**

**EFFECTIVE:**

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CLERK

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MAYOR