



**CITY OF WAYNESBORO, VIRGINIA**  
**STAFF REPORT**  
**ZONING TEXT AMENDMENTS**  
**ZTA 21-009, 010**  
**December 7, 2021**

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**SUMMARY SHEET**

**1. Background**

City staff are requesting that Planning Commission introduce several text amendments to the zoning ordinance prompted largely by errors in previous applications. Good zoning practice seeks to harmonize various uses so that they co-exist adjacent to each other with little conflict or negative impacts. It also promotes the health, safety and general welfare of the community, often by placing complementary uses together to create a district or neighborhood that is more than the sum of its parts.

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 italics 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.*

Three text amendments are proposed. Each has been advertised as a separate ordinance and any amendment may be voted on separately.

**2. Recommendations**

The City staff recommends that these ordinance amendments be approved as shown on the attached sheets.

cc: Todd Wood, Assistant City Manager, Operations  
Laura Martin, Zoning Administrator

<b>ZTA Number</b>	21-009
<b>Applicant:</b>	Michael G. Hamp II, City Manager on behalf of the City of Waynesboro
<b>Affected Properties</b>	These provisions shall apply to all properties within the City.
<b>Action Requested:</b>	<ul style="list-style-type: none"> <li>Amend Section 2.4 Use Table to allow certain uses in the MX-B (mixed business) district unintentionally excluded during creation of the district.</li> </ul>
<b>Authorizing City Code Section(s):</b>	Section 7.3.2.B (Initiation of a Zoning Text Amendment)
<b>Attachments:</b>	A. Proposed text amendment
<b>Summary Recommendations:</b>	The City staff recommends that this ordinance amendment be approved as shown on the attached sheet

**3. Allow certain uses in the MX-B (Mixed Business) district.**

This amendment would add the following uses to the MX-B district:

	Permitted By-Right (P) or Conditional Use (C)
Brew Pubs	P
Micro-Breweries	P
Solar Farm	C
All light industrial service use not listed	P

The first three uses were unintentionally excluded during the creation and implementation of the MX-B district because the table used in the MX-B rezoning was an outdated version. This amendment will rectify this.

The fourth adjustment, allowing all other light industrial service uses not listed in the table currently, will clarify the intent of the MX-B zone, which was meant to allow all non-polluting manufacturing uses. Unfortunately, the text amendment as passed only technically allowed manufacture of precision instruments and excluded other light industrial uses like printing shops and manufacture of household goods. The discussion of the MX-B ordinance made clear that allowing these uses was an explicit goal of the Planning Commission. Additional provisions of the MX-B district ensure that the list of other light industrial service uses will not include any uses not contemplated by the Planning Commission.

<b>ZTA Number</b>	21-010
<b>Applicant:</b>	Michael G. Hamp II, City Manager on behalf of the City of Waynesboro
<b>Affected Properties</b>	These provisions shall apply to all properties within the City.
<b>Action Requested:</b>	<ul style="list-style-type: none"> <li>Amend the second sentence of Section 4.4.10.A. Vehicle Sales and Service to “All service bay doors (openings) shall face away from residential uses and from corridors designated in Section 3.3.2.B.”</li> </ul>
<b>Authorizing City Code Section(s):</b>	Section 7.3.2.B (Initiation of a Zoning Text Amendment)
<b>Attachments:</b>	B. Proposed text amendment
<b>Summary Recommendations:</b>	The City staff recommends that this ordinance amendment be approved as shown on the attached sheet

**4. Amend language referring to “service bay doors” to ensure consistency throughout zoning ordinance**

Prompted by the construction of the Valvoline oil change facility, Council amended the ordinance referring to service bay doors. Previously, the ordinance banned them from facing any rights of way or residential uses, which essentially made it impossible to locate a drive-thru facility in the City. The updated ordinance only prohibited them from facing residential areas and major corridors.

However, this language exists in two places in the ordinance: addressing vehicle sales and service and car washes. The requirements for one of these sections was accidentally reverted to the previous, more restrictive ordinance in 2020 during the creation of the MX-B District. This change impacted Section 4.4.10.A. Vehicle Sales and Service. The current ZTA will make the language consistent with Section 4.6.7: Car Washes by restricting the placement of service bay door openings away from residential uses and from major corridors. Staff believes this change will prevent any potential confusion about the requirements for the placement of service bay doors and allow more flexibility in the placement of the doors.

## Attachments

### Attachment A – ZTA 21-009

#### Sec. 98-2.4.4. Use categories.

- A. All of the use categories listed in the table below are described in Sec. 98-10.2. The second column of the Use Table lists some of the specific use types included within respective use categories.
- B. Uses not listed may be allowed pursuant to the similar use determination procedure of Sec. 98-10.2.1.C.

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-1	H-1	Use Standard
<b>Residential Uses (See § 98-10.2.7)</b>															
Household living (See § 98-10.2.7.A)	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	C	P				
	Corner lot duplexes			P	P	P	P	P	P		P				§ 98-4.2.1
	Multiplexes				P	P	P	P	C	C	P	C			§ 98-4.2.2
	Multifamily building					P	P		C	C	C	C			§ 98-4.2.3
	Zero lot line houses				P	P	P	P	C	C	P	C			[§ 98-4.2.4]
	Townhouses				P	P	P	C	C	C	P	C			§ 98-4.2.5
	Upper-story residential						P	P	P	P	P	P	C		§ 98-4.2.6
	Manufactured homes				C	C	C		C		C				§ 98-4.2.7
	Manufactured home parks or subdivisions				C				C						§ 98-4.2.8

	Homestays and Short-term rental (of otherwise permitted dwelling units)	P	P	P	P	P	P	P	P	P	P	P			§ 98-4.2.12
Group living (See § 98-10.2.7.B)	Boarding or rooming houses				P	P	P	P		P	P				§ 98-4.2.9
	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				§ 98-4.2.10
	Group homes/seniors					P	P	P		P	P	C			§ 98-4.2.11
	Nursing or convalescent home					P	P	C	C	P	P	C			
<b>Public and Civic Uses (See § 98-10.2.8)</b>															
Community service (See § 98-10.2.8.A)	Civic clubs or community centers	C	C	C	C	C	C		P	P	P	P	C		§ 98-4.3.1
	Libraries or museums	C	C	C	C	C	C		P	P	P	P	C		§ 98-4.3.4
Day care (See § 98-10.2.8.B)	All day care			C	C	C	C	C	P	P	C	C	C	C	§ 98-4.3.2
Educational facilities (See § 98-10.2.8.C)	Schools, elementary or secondary	P	P	P	P	P	P	P	P	P	P	P			§ 98-4.3.7
	Military academies				P	P	P			P	P	P			
Government facilities (See § 98-10.2.8.D)	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 (See § 98-10.2.8.E)	Hospitals								C	P	P		P		
	Medical or dental clinics								P	P	P	P	P	P	

Parks and Open space (See § 98-10.2.8.F)	Cemeteries and mausoleums	C	C			C	C								
	Golf courses or clubs	P	P	P	P										§ 98-4.3.3
	Parks or playgrounds	P	P	P	P	P	P	P	P	P	P	P	P	P	§ 98-4.3.5
Passenger terminals and services (See § 98-10.2.8.G)	Airports												P		
	Heliports									P			P		
	All other passenger terminals and services									P		C	P		
Religious institution (See § 98-10.2.8.H)	All religious institutions	P	P	P	P	P	P	C	P	P	P	P	P	§ 98-4.3.6	
Social service institutions (See § 98-10.2.8.I)	Alternative- or post-incarceration facility								P	P		P	P		
	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		C		
	All other social service institutions								P	P	C	P	P		
Utilities, minor (See § 98-10.2.8.J)	All minor utilities	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Electric substations	C	C	C	C	C	C	C	C	C	C	C	C	C	

Utilities, major (See § 98-10.2.8.J)	Telecommunications towers and facilities	C	C	C	C	C	C	C	C	C	C	C	C	C	§ 98-4.3.8
	Utility offices, shops or yards					C	C				C		C	C	§ 98-4.3.9
	Water/wastewater treatment plants												C	C	
	Solar Farms	C	C	C	C	C	C	C	C	C	C	C	P	P	
<b>Commercial Uses (See § 98-10.2.9)</b>															
Eating establishments (See § 98-10.2.9.A)	Coffee shops					P	P		P	P	P	P	P		§ 98-4.4.5
	Fast food								P	P	P	P	P		§ 98-4.4.9
	Restaurants, limited					C	C	C	P	P	P	P	P		§ 98-4.4.8
	Restaurant and bar								P	P	P	P			
	Brewpub								P	P	P	P			
Entertainment, indoor (See § 98-10.2.9.B)	Adult uses									C			P	P	§ 98-4.4.1
	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 (See § 98-10.2.9.B)	Arenas or stadiums									P		P	P		
	Driving ranges									P					
	Riding academy or boarding stable	C											P		
	Bank or financial institution								P	P	P	P	P		

Offices (See § 98-10.2.9.C)	Business and professional offices					P	P	P	P	P	P	P	P		
	Radio or television studio									P	P	P	P		
Overnight accommodations (See § 98-10.2.9.D)	Bed and breakfasts		C	C	P	P	P	P	P	P	P	P			§ 98-4.4.4
	Hotels and motels									P	C	P			
	Inns						P	P	P	P	P	P			§ 98-4.4.6
Parking, commercial (See § 98-10.2.9.E)	All commercial parking								P	P	P	P	P		
Retail sales and service, sales-oriented (See § 98-10.2.9.F)	Alcoholic beverage or liquor								C	P	C	P			
	Artist studios or galleries						P	P	P	P	P	P			§ 98-4.4.3
	Building supply and lumber									P	P		P	P	
	Convenience stores with fuel service								C	P	C	C	P		
	Convenience stores without fuel service					P	P		P	P	P	P	P		
	Drug store with drive-through								C	P	C				
	Drug store without drive-through					P	P		P	P	P	P			
	Farmers market or farm stand								P	P	P				
	Flea market or auction								P	P	C				
	Florists, retail								P	P	P	P			
	Greenhouse or nursery									P	P		P		
	Grocery stores								P	P	P	P			
	Manufactured home sales									C			P		
Retail sales and service, personal	Animal care facilities and services								P	P	P	P	P		§ 98-4.4.2



service-oriented (See § 98-10.2.9.F)	Art studio or gallery							P	P	P	P	P				
	Body art studios								C	P	P	P				
	Hair, nail, tanning or personal care services							C	P	P	P	P				
	Hardware stores								P	P	P	P	P			
	Headstone, monument or vault sales								P	P	P		P			
	Laundry or dry cleaning pickup stations								P	P	P		P	P		
	Mortuaries or funeral homes								P	P	P					
	Schools of special instruction								C	P	P	P	P			
Retail sales and service, repair-oriented (See § 98-10.2.9.F)	All retail sales and service, repair-oriented								P	P	P	P	P			
Self-service storage (See § 98-10.2.9.G)	All self-service storage									P			P	P	§ 98-4.4.7	
Vehicle sales and service (See § 98-10.2.9.H)	Body shops and upholstery shops										C		P	P		
	Fuel stations, including full-service, mini-service and self-service								C	P	C	C	P	P	§ 98-4.4.10	
	Towing services												P	P		
	Vehicle service, full										C		P	P	§ 98-4.4.10	
	Vehicle services, limited								C	P	P	C	P	P	§ 98-4.4.10	
	Vehicle sales, rental, or leasing facilities								C	P	C	C	P	P		
<b>Industrial Uses (See § 98-10.2.10)</b>																



Wholesale trade (See § 98-10.2.10.D)	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 (See § 98-10.2.10.E)	Animal processing, packing, treating and storage														C	
	All other heavy industrial													P		
<b>Other Uses (See § 98-10.2.11)</b>																
Agriculture (See § 98-10.2.11.A)	Agricultural crops, community gardens	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	All other agriculture	C														

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

(Ord. No. 2012-31, 6-8-12; Ord. No. 2012-60, 8-2-12; Ord. No. 2015-81, 12-28-15; Ord. No. 2017-43, 10-5-17; Ord. No. 2018-45, 7-5-18; Ord. No. 2018-47, 7-5-18; Ord. No. 2018-48, 7-5-18; Ord. No. 2019-49, 6-24-19; Ord. No. 2020-28, § 2, 5-7-20; Ord. No. 2020-77, 11-23-20)

**Sec. 98-4.4.10. Vehicles sales and service.**

- A. ~~All service bay doors (openings) shall face away from adjacent thoroughfares, right of way and residential uses.~~ **All service bay doors (openings) shall face away from adjacent residential uses and from corridors designated in Sec. 98-3.3.2.B.**
- B. In the MX-B (Mixed Business) zone, vehicle sales and service uses must meet the following standards:
  - 1. Vehicle sales and service uses may not operate between the hours of 8:00 p.m. and 8:00 a.m.
  - 2. 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.

(Ord. No. 2017-43, 10-5-17; Ord. No. 2020-77, 11-23-20)

