

ORDINANCE NUMBER 2023-

**AN ORDINANCE AMENDING CHAPTER 98, ARTICLE 2,
GENERAL ZONING DISTRICTS, SECTION 98-2.4.4,
ARTICLE 4, USE CATEGORIES, SECTION 98-4.4.11; AND
ARTICLE 10, DEFINITIONS, SECTION 98-10.2.9
OF THE CITY CODE OF THE CITY OF WAYNESBORO, VIRGINIA**

WHEREAS, Dana Mares submitted an application to initiate a zoning text amendment to amend the City Code to add a new commercial use, Temporary Special Events;

WHEREAS, a public hearing was held on December 20, 2022 by the Planning Commission pursuant to notice thereof as required by Section 98-7.4 of the Waynesboro City Code and Sections 15.2-2204 and 15.2-2205 of the Code of Virginia, as amended, with the Planning Commission voting to recommend approval of the zoning text amendment;

WHEREAS, a public hearing was held on January 9, 2023 by the City Council pursuant to notice thereof as required by Section 98-7.4 of the Waynesboro City Code and Sections 15.2-2204 and 15.2-2205 of the Code of Virginia, as amended; and

WHEREAS, it appears that the proposed rezoning is consistent with good zoning practice, is justified by the public necessity, convenience, and general welfare, and is in accord with the Comprehensive Plan of the City;

NOW, THEREFORE BE IT ORDAINED by the Council of the City of Waynesboro, Virginia, that:

1. Chapter 98, Article 2, General Zoning Districts, Section 98-2.4.4, Use Categories, of the City Code is amended and readopted as follows:

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
Residential Uses (See § 98-10.2.7)															
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				

Day care (See § 98-10.2.8.B)	All day care			C	C	C	C	C	P	P	C	C	C	§ 98-4.3.2
Education al 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		
Governme nt facilities (See § 98-10.2.8.D)	Government offices			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	
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	§ 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								P	P		P	P	

	residents (NAICS ¹ 62221, 6232)														
	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 ¹ 624, 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	
Utilities, major (See § 98-10.2.8.J)	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	§ 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	C	P	P
Commercial Uses (See § 98-10.2.9)															
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	Adult uses									C			P	P	§ 98-4.4.1
	Bars or nightclubs								C	P	C	P	C		
	Bowling alleys								P	P	P	P			

(See § 98-10.2.9.B)	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	
	Temporary Special Events	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Entertainment, outdoor (See § 98-10.2.9.B)	Arenas or stadiums									P		P	P		
	Driving ranges									P					
	Riding academy or boarding stable	C											P		
	Temporary Special Events	C	C	C	C	C	C	C	C	C	C	C	C	C	§ 98-4.4.11
Offices (See § 98-10.2.9.C)	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 (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	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

(See § 98-10.2.9.F)	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 service-oriented (See § 98-10.2.9.F)	Animal care facilities and services								P	P	P	P	P		§ 98-4.4.2
	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,	All retail sales and service, repair-oriented								P	P	P	P	P		

repair-oriented (See § 98-10.2.9.F)															
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	
Industrial Uses (See § 98-10.2.10)															
Light industrial service (See § 98-10.2.10.A)	All light industrial service uses not listed below									P			P	P	§ 98-4.5.4
	Crematorium												P		
	Manufacture or assembly of equipment, instruments (including musical instruments), appliances, precision items, and other electrical items										P		P	P	§ 98-4.5.4
	Micro-brewery								C	P	P	C	P	P	§ 98-4.5.3
	Vehicle or equipment storage yards												P	P	§ 98-4.5.1

	Contractor's office										C		P	P	§ 98-4.5.4
Warehouse and freight movement (See § 98-10.2.10.B)	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 (See § 98-10.2.10.C)	Recycling centers												P	P	
	Solid waste transfer or composting												P	P	
	Waste service													P	
	Wrecking or salvage yards												C	P	§ 98-4.5.2
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										C		P	P	

	construction equipment														
Heavy industrial (See § 98-10.2.10.E)	Animal processing, packing, treating and storage														C
	All other heavy industrial														P
Other Uses (See § 98-10.2.11)															
Agriculture (See § 98-10.2.11.A)	Agricultural crops, community gardens	P	P	P	P	P	P	P	P	P	P	P	P	P	
	All other agriculture	C													

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

2. Chapter 98, Article 4, Commercial Use Standards, Section 98-4.4.11, Temporary Special Events, of the City Code is enacted and adopted as follows:

Sec. 98-4.4.11. Temporary special events.

Temporary special events may be permitted through a Conditional Use Permit pursuant to Sec. 98-7.6., in all districts, subject to the following requirements.

- A. *Purpose.* The purpose of this Section is to address temporary small-scale special events that may occur at more frequent intervals and be of a smaller size than temporary outdoor events regulated by Sec. 98-4.7.6. Temporary special events are short term events that may be held by non-profit organizations or for-profit businesses multiple times a year. Events typically last one (1) day or up to three (3) days. Temporary special events can include, but are not limited to, workshops, conferences, seminars, weddings, dinners, banquets, private parties, and other similar activities. This Section establishes criteria for the approval or disapproval of such temporary special events and provides the requirements for the conduct of such uses. For large scale temporary outdoor events, including, but not limited to, carnivals, circuses, festivals, and fairs, refer to Sec. 98-4.7.6.
- B. *General.*
 - 1. Temporary special events are subject to the approval of a Conditional Use Permit pursuant to Sec. 98-7.6 and the requirements found in this Section.
 - 2. In addition to the information required as part of the Conditional Use Permit application, all Conditional Use Permit applications for temporary special events shall include the following as applicable:
 - (a) Concept plan;

- (b) Information about parking and access;
- (c) Description of the types of events to be held, the number per year, and the approximate timespan;
- (d) Estimated number of participants;
- (e) Estimated hours of operation;
- (f) Address how adequate water and sanitation facilities will be provided;
- (g) Description of the use of any temporary or permanent structures or facilities, including information about size;
- (h) A safety plan containing details regarding emergency preparedness and emergency response plans, emergency services, medical services, law enforcement and security services, and similar details necessary for ensuring the safety of attendees and the general public. The plan shall be reviewed and approved against all applicable regulations including all current regulations of the International Building Code, International Fire Code, Virginia Statewide Fire Prevention Code, NFPA, Federal, State and Local laws, ordinances, codes, standards and rules;
- (i) A lighting plan which provides for safe lighting without excessive glare into residential areas or streets; and
- (j) Description and planned use of sound including, but not limited to, amplified music, disc jockeys, and bands.

3. Permanent structures in which the primary use is for events, including, but not limited to, pavilions and barns, are permitted subject to the following requirements.

- (a) No new, permanent structures shall be installed or constructed unless all required zoning, building, and Fire Department approvals and/or permits are obtained, as applicable.
- (b) Permanent structures existing on the date of adoption of this Section, to be used in conjunction with any temporary special event shall be required to obtain approval and/or any necessary permits and/or certificates of occupancy from the building, zoning and fire departments, as applicable.
- (c) New, permanent structures shall conform to the regulations of the underlying zoning district.

C. *Operations.*

In addition to any conditions required as part of the Conditional Use Permit, the following shall apply:

- 1. Any temporary or permanent signage advertising any temporary special event shall be a maximum of 22 square feet and a maximum height of 8 feet; and

2. The installation of temporary structures, such as tents and stages, is permissible in connection with an approved Temporary Special Events Conditional Use Permit, subject to all applicable laws and regulations and the following:
 - (a) Temporary structures are those that are erected for 180 days or less;
 - (b) Temporary structures are prohibited in front yards and must be 20-feet from any rear or side property lines; and
 - (c) No temporary structures shall be installed or constructed unless all required zoning, building, and/or fire department approvals and/or permits are obtained, as applicable.

3. The installation of temporary facilities, such as portable toilets and trash receptacles, may be permitted on site in connection with an approved Temporary Special Events Conditional Use Permit, subject to all applicable laws and regulations and the following:
 - (a) Temporary facilities shall be screened from view from adjacent parcels and any street by topography, structures, or landscaping;
 - (b) Temporary facilities are prohibited in front yards and must be 20-feet from any rear or side property lines;
 - (c) Temporary facilities shall be lawfully removed within three (3) days of the end of each event; and
 - (d) No temporary facilities shall be installed or constructed unless all required zoning, building, and/or Fire Department approvals and/or permits are obtained, as applicable.

4. Additional conditions may be determined to be required depending on the type and number of temporary special events proposed and the number of participants.

3. Chapter 98, Article 10, Definitions, Section 98-10.2.9.B, Use Categories, Entertainment, of the City Code is amended and readopted as follows:

B. Entertainment.

Characteristics:

Generally commercial uses, varying in size, providing daily or regularly scheduled recreation or entertainment-oriented activities. Such activities may take place outdoors or within a number of structures.

Principal Uses	Accessory Uses	Uses not Included
<p>Indoor: Bars and nightclubs Indoor entertainment activities such as bowling alleys, game arcades, pool halls, dance halls, indoor firing ranges and movie or other theaters Membership clubs and lodges Temporary Special Events Outdoor: Batting cages Commercial golf driving ranges, miniature amusement parks, miniature golf facilities and water parks Dog or horse track Drive-in theaters Fairgrounds Flea markets Golf driving ranges Mini amusement parks Miniature golf facilities Riding academy or boarding stable Stadiums and arenas Temporary Special Events Theaters Water parks</p>	<p>Associated offices Concessions Food preparation and dining areas Maintenance facilities Parking Restaurants</p>	<p>Botanical gardens and nature preserves (See Parks and Open Areas) Golf courses or country clubs (See Parks and Open Areas) Adult Entertainment</p>

2. The City Manager is hereby authorized to take all actions reasonably necessary, including executing such documents as are reasonably necessary, to effectuate and carry out the purposes of this Ordinance.

3. This Ordinance shall take effect immediately upon adoption by the City Council.

CERTIFICATE

The undersigned Mayor and Clerk of the City Council of City of Waynesboro, Virginia hereby certify that the foregoing constitutes a true and correct copy of an ordinance entitled An Ordinance Amending Chapter 98, Article 2, General Zoning Districts, Section 98-2.4.4, Article 4, Use Standards, Section 98-4.4.11, and Article 10, Definitions, Section 98-10.2.9 of the City Code of the City Of Waynesboro, Virginia, adopted by the City Council at a meeting held on January ____, 2023.

Introduced: January 9, 2023
Adopted: January __, 2023
Effective: January __, 2023

[SEAL]

ATTEST: _____
Clerk, City Council
City of Waynesboro, Virginia

Mayor, City Council
City of Waynesboro, Virginia