

ORDINANCE 23-1700-1118

CITY OF MANASSAS PARK

Motion: Councilmember Carrera

Second: Vice Mayor Mensing

Date: July 18, 2023

AN ORDINANCE TO DELETE, ADD, AND AMEND CERTAIN DEFINED TERMS IN SECTION 31-6, DEFINITIONS, OF ARTICLE II, RULES OF CONSTRUCTION AND DEFINITIONS; AND TO DELETE, ADD, AND AMEND THE PERMITTED, ACCESSORY, AND CONDITIONAL USES IN SECTIONS 31-17, PUD PLANNED UNIT DEVELOPMENT, 31-17.A, MU-D DOWNTOWN MIXED USE DISTRICT, 31-18, B-1 NEIGHBORHOOD BUSINESS DISTRICT, 31-19, B-2 GENERAL BUSINESS DISTRICT, 31-19.A, B-3 GATEWAY BUSINESS DISTRICT, 31-20 I-1 INDUSTRIAL DISTRICT, AND 31-20.A LIGHT INDUSTRIAL DISTRICT, OF ARTICLE IV, DISTRICT REGULATIONS, OF CHAPTER 31, ZONING, OF THE CODE OF THE CITY OF MANASSAS PARK, VIRGINIA.

BE IT ORDAINED by the Governing Body of the City of Manassas Park, Virginia, that:

1. Section 31-6, Definitions, of Article II, Rules of Construction and Definitions, of Chapter 31, Zoning, of the Code of the City of Manassas Park, Virginia, is hereby amended by (i) deleting the definitions for a duplex, a multifamily dwelling, and a commercial recreation facility, and (ii) adding definitions for an amusement center, an arena, an indoor recreation facility, an outdoor recreation facility, and a two-family dwelling and add new definitions for a multiple-family dwelling and a private club, to read as follows:

Amusement center: An indoor facility that specializes in electronic or mechanized games and amusement devices to include arcades (video, pinball, or other), bowling alley, indoor playground, or similar use.

Arena: An indoor or outdoor entertainment venue having more than 2,000 fixed seats, such as an amphitheater, an auditorium, a concert venue, a stadium, or similar use.

Club, private: An association or organization of a fraternal or social character not operated or maintained for profit, but the term shall not include night clubs or other institutions operated as a business; provided, however, that no association or organization that denies membership to individuals who are members of a federal protected class or a class protected by the Virginia Human Rights Act shall be permitted to operate a private club, and entry to a private club shall not be denied because an individual is a member of a federal protected class or a class protected by the Virginia Human Rights Act.

Dwelling, multiple-family: A structure arranged or designed to be occupied by two (2) or more families, with one dwelling unit for each family where the dwelling units are stacked or have one or more common entrances.

Dwelling, two-family: A structure arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units with separate entrances and no stacking of dwelling units.

Recreation facility, indoor: A fully enclosed facility that includes exercise and weightlifting equipment, such as a health spa or club, a swimming pool, sports courts, a skating rink, or similar use.

Recreation facility, outdoor: A stand-alone or outdoor sports or activity facility, that includes an outdoor swimming pool, golf course, a hard or soft racquetball, squash, or tennis court, a roller or ice skating rink, a go-kart track, miniature golf, or similar use.”

2. Section 31-17, PUD Planned Unit Development, of Article IV, District Regulations, of Chapter 31, Zoning, of the Code of the City of Manassas Park, Virginia, is hereby amended by deleting “Commercial recreation facilities” from, and adding “Recreation facility, indoor” to, the list of conditional uses in subsection (d).
3. Section 31-17.A, MU-D Downtown mixed-use district, of Article IV, District Regulations, of Chapter 31, Zoning, of the Code of the City of Manassas Park, Virginia, is hereby amended by deleting subsections (b), (c), and (d) in their entirety and adding new subsections (b), (c), and (d), to read as follows:

“(b) *Permitted uses:* Development within this district may contain a mix of multi-family residential, office, and commercial land uses; provided, however, that the residential component of any development cannot comprise more than seventy-five (75) percent of the development's total floor area unless a waiver has been approved in accordance with section 31-33.2. A building or land shall be used only for the following uses:

- (1) Amusement centers.
- (2) Bakery or catering businesses.
- (3) Banks, drive-in or otherwise, so long as driveway space shall be provided off the street for all vehicles waiting for drive-in service.
- (4) Barbershops or beauty parlors.
- (5) Dry-cleaning or pressing pickup stations or shops occupying not more than three thousand (3,000) square feet of floor area.
- (6) Governmental structures, including but not limited to government offices, maintenance facilities, and public safety facilities.
- (7) Hospitals; specialized medical care facilities.
- (8) Hotels.
- (9) Libraries and museums.
- (10) Movie theaters, excluding drive-in theaters.
- (11) Multiple-family dwellings.
- (12) Offices, general business or professional.
- (13) Printing and photostatting offices.
- (14) Public parks and open space.
- (15) Recreation facilities, indoor.
- (16) Restaurants without a drive-through.

- (17) Stores or shops for the conduct of retail business, including the sale of accessories, antiques, appliances, beverages, carpets, clothing, drugs, fabrics, food, furniture, garden supplies, groceries, hardware, hobby supplies, office supplies, paint, pet shops, sporting goods, stationery, and similar stores such as florist shops; but not including adult book stores, adult mini motion picture theatres, or massage parlors.
 - (18) Studios for artists, photographers, teachers, sculptors, or musicians.
 - (19) Technology businesses.
 - (20) Transportation facilities, including but not limited to parking garages and parking lots.
- (c) *Permitted accessory uses:*
- (1) Accessory uses customarily incidental to a permitted use on the same lot, including permitted vehicles, as limited by subsection 31-32(b).
 - (2) Live entertainment, either indoor or outdoor, that is ancillary to a restaurant and comprises no more than twenty percent (20%) of the seating area.
 - (3) Outdoor seating that is ancillary to a restaurant.
- (d) *Conditional uses:* The following uses may be permitted as conditional uses if approved by the governing body in accordance with the procedures, guides, and standards of section 31-54.1:
- (1) Arenas.
 - (2) Banquet halls.
 - (3) Live entertainment as a principal use or that comprises more than twenty percent (20%) of a restaurant's seating area.
 - (4) Night clubs and dance halls.
 - (5) Nursery schools, childcare centers, and kindergartens.
 - (6) Private clubs.
 - (7) Religious institutions.
 - (8) Satellite wagering facilities.”

4. Section 31-18, B-1 Neighborhood business district, of Article IV, District Regulations, of Chapter 31, Zoning, of the Code of the City of Manassas Park, Virginia, is hereby amended by (i) changing paragraph (b)(14), to read “Restaurants, without drive-through windows, dancing, or entertainment, except as provided for in subsection 31-18(d), and (ii) changing subsection (c) to read as follows:

“(c) *Permitted accessory uses:*

- (1) Accessory uses customarily incidental to a permitted use on the same lot.
- (2) Outdoor seating that is ancillary to a restaurant.”

5. Section 31-19, B-2 general business district, of Article IV, District Regulations, of Chapter 31, Zoning, of the Code of the City of Manassas Park, Virginia, is hereby amended by (i) replacing “Amusement places or theaters, except open-air drive-in theaters. Amusement places include bowling alleys, skating rinks, swimming pools, miniature golf, indoor model racing tracks, movie theaters, and similar activities” with “Amusement centers” in paragraph (b)(2), (ii) changing paragraph (b)(11) to read “Restaurants without drive-through windows, dancing, or entertainment, except as provided for in subsection 31-19(d)”, and (iii) changing subsection (c) to read as follows:

“(c) *Permitted accessory uses*:

- (1) Storage of office supplies or merchandise normally carried in stock in connection with a permitted office, business, or commercial use subject to applicable district regulations.
- (2) Outdoor seating that is ancillary to a restaurant.”

6. Subsection (c), Permitted accessory uses, of Section 31-19.A, B-3 Gateway business district, of Article IV, District Regulations, of Chapter 31, Zoning, of the Code of the City of Manassas Park, Virginia, is hereby amended to read as follows:

“(c) *Permitted accessory uses*:

- (1) Accessory uses customarily incidental to a permitted use on the same lot.
- (2) Outdoor seating that is ancillary to a restaurant.”

7. Subsection (d), Conditional uses, of Section 31-20, I-1 Industrial district, of Article IV, District Regulations, of Chapter 31, Zoning, of the Code of the City of Manassas Park, Virginia, is hereby amended by (i) changing paragraph (3) to read “Arena”, and (ii) adding “Recreation facility, indoor” and “Recreation facility, outdoor” to the list of conditional uses.

8. Subsection (d), Conditional uses, of Section 31-20.A, I-2 Light industrial district, of Article IV, District Regulations, of Chapter 31, Zoning, of the Code of the City of Manassas Park, Virginia, is hereby amended by (i) deleting “Commercial recreational and related ancillary uses including, but not limited to, ice skating and roller skating rinks, gymnastic centers, swim facilities, tennis barns and bowling alleys”, and (ii) adding “Arena”, “Recreation facility, indoor”, and “Recreation facility, outdoor” to the list of conditional uses.

9. All sections of the Code of the City of Manassas Park, Virginia that are inconsistent with and/or in conflict with this Ordinance are hereby repealed.

10. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

11. This Ordinance shall be effective upon its adoption.
Approved July 18, 2023

Jeanette Rishell

Lana A Conner, City Clerk