

ORDINANCE NO. 12-1700-917
CITY OF MANASSAS PARK

Motion: Councilmember Naddoni

Second: Councilmember Treuting

Date of Meeting: January 24, 2012

AN ORDINANCE TO AMEND CHAPTER 31, ZONING, OF THE CODE OF THE CITY OF
MANASSAS PARK, VIRGINIA, TO CREATE AND IMPLEMENT THE INCENTIVE
ZONING DISTRICTS REFERENCED IN AND REQUIRED BY ARTICLE XII,
INCENTIVES, OF CHAPTER 22, TAXATION, OF THE CODE OF THE CITY OF
MANASSAS PARK, VIRGINIA

WHEREAS, the Governing Body of the City of Manassas Park has by ordinance provided for certain incentives to encourage non-residential development within designated areas of the City, the boundaries of which are defined in the City's Comprehensive Plan, said incentives being codified in Article XII of Chapter 22 of the Code of the City of Manassas Park, Virginia; and

WHEREAS, in order to received the incentives described above, a business owner must rezone the subject property to one of three incentive zoning districts; and

WHEREAS, the Governing Body desires to implement the three incentive zoning districts to allow for businesses to qualify for the incentives described above by amending Section 31-6, Definitions and Section 31-17.A, MU Mixed-use district, and by creating two new zoning districts, as provided herein.

NOW THEREFORE 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 to add the following definitions:

Apartment: A single-family dwelling unit with a room or suite of rooms fitted especially with cooking and housekeeping facilities, which is used, leased and/or owned, and a which is one (1) of a group of not less than three (3) units in a series separated from one another by party walls without doors, windows or other provisions of human passage or visibility through such walls from the ground floor to the roof. An apartment shall not be construed to mean a townhouse dwelling.

Defense production business: A company or identifiable subdivision of a company that is engaged in, or performs functions ancillary to or in support of, the design, development, or production of materials, components, or equipment required to meet the needs of national defense. In no case shall a use be permitted by a defense production business that is likely to be dangerous or offensive because of odor, dust, fire, explosion, or other reasons, or that uses equipment and/or processes that are likely to produce objectionable noise, vibration, explosion, fire, smoke, or other effect.

Dwelling, apartment: See Apartment.

Inn; bed and breakfast establishment: a structure, either new or renovated, with fewer than 12 guestrooms or suites, for use by transients as overnight accommodation.

Office: Any room, studio, clinic, suite or building wherein the primary use is the conduct of a business such as accounting, correspondence, research, editing, administration or analysis; or the conduct of a business by salespersons, sales representatives, or manufacturer's representatives; or the conduct of a business by professionals such as engineers, architects, land surveyors, artists, musicians, lawyers, accountants, real estate brokers, insurance agents, dentists or physicians, urban planners and landscape architects. In no case shall an office involve manufacturing, fabrication, production, processing assembling, cleaning, testing, repair or storage of materials, goods and products; or the sale and/or delivery of any materials, goods or products that are physically located on the premises.

Public street: The streets of the city, as defined in section 1-2, plus any privately owned and/or maintained avenue, boulevard, highway, road, alley, lane, viaduct, bridge and the approaches thereto, including a sidewalk, trail or footpath, over which a public ingress/egress or access easement has been granted to the city.

Technology business: A company or identifiable subdivision of a company that has fifty percent (50%) or more of its gross receipts derived from research, development, manufacturing or rendering of advanced technological products or services and that expands or locates in a technology zone. In no case shall the use of computers or telecommunication services by a company or identifiable subdivision of a company in its administrative operations qualify such company or subdivision as a technology business.

2. Section 31-17.A, 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 to read as follows:

“Sec. 31-17.A. – MU-D Downtown mixed-use district.

- (a) *Purpose of the district:* The purpose of this district is to encourage the creation of a vibrant and economically dynamic downtown, with compatible development of office, commercial and multi-family residential land uses in a diverse manner that emphasize pedestrian circulation and a higher quality of life. Development within this district shall be based on well-designed master plans that integrate creativity, innovation, functionality, and flexibility. It is further the intent of this district to accommodate development that will benefit the city both with positive net revenues and through the creation of unique and attractive areas that serve to project a positive image of the city.
- (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 40% of the development's total floor area. A building or land shall be used only for the following uses:

- (1) Apartments and townhouses.
 - (2) All permitted uses in the B-2 General business district, except automobile and truck tire sales and service, boat and boat trailer sales and storage, greenhouses and funeral homes, plus inns and bed and breakfast establishments.
 - (3) All permitted uses in the PF Public facilities district, except fleet storage facilities.
 - (4) Technology businesses.
- (c) *Permitted accessory uses*: Accessory uses customarily incidental to a permitted use on the same lot.
- (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) Manufacturing or fabrication of goods to be sold through a storefront within the same building.
 - (2) Nightclubs and restaurants providing live entertainment, including dance halls.
 - (3) Boat and boat trailer sales.
 - (4) Motorcycle sales.
 - (5) Nursery schools.
- (e) *Area regulations*: The minimum site area required for all downtown mixed-use rezoning applications is four (4) contiguous acres, unless a parcel proposed for the downtown mixed-use district is adjacent to a parcel already zoned to the downtown mixed-use district, in which case no minimum acreage requirement would apply. For the purposes of meeting the minimum acreage requirement in this subsection, a parcel will be considered to be adjacent to an existing downtown mixed-use parcel if the two parcels are separated only by publicly-owned right-of-way.
- (f) *Density of development*: No minimum lot size or maximum density restrictions are placed on developments within the downtown mixed-use district. This flexibility is offered to encourage innovative site designs that are in accord with the district's intent of promoting efficient use of the land, pedestrian accessibility, variety in housing choices, higher level of amenities, and preservation of open space and natural features. However, the planning commission and the governing body reserve the right to reduce the proposed density on a particular parcel when it has been determined that such reduction is warranted by conditions specifically applicable to the parcel or the plan of development, such as topography, the character of the surrounding property, potential health or safety hazards, inconvenient or unsafe access to the parcel, traffic generation characteristics excessive for adjoining streets, the development's inconsistency with existing and proposed public

facilities, or any other adverse impact that can be alleviated through a reduction in density.

(g) *Coverage*: Maximum coverage permitted of all impervious surfaces, including buildings, structures, roads, streets, and parking areas, in any downtown mixed-use district shall not exceed seventy-five (75) percent of the total gross area of the development. Areas used for swimming pools, bathhouses, tennis courts, and other hard surface recreational uses shall not be counted as covered area.

(h) *Utilities*: All utilities shall be installed underground, except control instrumentation and substations, which must be effectively screened.

(i) *Yard requirements*:

Land Use (on ground floor)	Minimum Front Yard (feet)	Minimum Side Yard Each Side (feet)	Minimum Rear Yard (feet)
Multi-family Residential	0	10	25
Commercial & Office	0	0	0

(j) *Common areas*: If common areas are provided, including common open space, parking area, and screening, then they shall be maintained by and be the sole responsibility of the developer/owner of the development until such time as the developer/owner conveys such common area to a nonprofit corporation, organized and operated under the laws of Virginia. The developer/owner shall present, along with the site plan, copies of the articles of incorporation of such corporation, its bylaws and an adequately financed plan with effectuating agreements and covenants acceptable to the city assuring the development and continued maintenance of the nonpublic areas. The city may choose to accept ownership of any common area, if such area is offered by the owner, and thereby become responsible for maintenance of the area.

(k) *Height requirements*: With the exception of uses permitted in the PF Public facilities district, all construction must have a minimum height of forty feet (40').

(l) *Screening*: All private trash receptacles must be located and/or screened so they are not visible from a public street. Loading docks and garage doors for commercial businesses must be located so they are not visible from a public street.

(m) *Signage*: The signage regulations contained in section 31-29 apply to the uses in the downtown mixed-use district based on the type of use with the following exceptions:

(1) No pole type signs are permitted. All freestanding signs must be monument signs and incorporate a solid base.

(2) The maximum height of a freestanding sign is twelve (12) feet.

(3) The maximum size of a sign face is fifty (50) square feet.

(4) Only one (1) freestanding sign is permitted for each parcel or lot.

- (5) Wall signs shall be limited in size to one and one-half (1½) square feet of sign area per lineal front foot of building.
- (n) *Master planning*: Every development proposed within the downtown mixed-use district shall meet the requirements of the master planning section of this title.
- (1) The applicant shall be required to submit a master development plan which must be reviewed by the planning commission and approved by the governing body as part of the rezoning request. The master development plan shall consist of both a concept plan which shows the location and distribution of land uses and related facilities and a development plan which deals with site specific issues.
- (2) The purpose of the master development plan is to:
- a. Assure that the proposed development is considered as a whole and conforms to the comprehensive plan and the requirements of this title. The master plan may serve to allow flexibility of uses and development standards. Any other reviews needed for the development review process, such as conditional uses, plan amendments or zone changes may be considered at the same time as the master plan; and,
 - b. Assure that phased development is properly coordinated.
- (o) *Components of a master development plan*: The applicant must submit a master plan with the following components. The review body may modify the proposal, especially those portions dealing with development standards and review procedures. The greater the level of detail in the plan, the less need for extensive reviews of subsequent phases. Conversely, the more general the details, the greater the level of review that will be required for subsequent phases.
- (1) *Boundaries of the site*. The master plan must show the current and potential future boundaries of the site for the duration of the master plan.
- (2) *General statement*. The master plan must include a narrative that addresses a description in general terms of the use and site as well as expansion plans for the duration of the master plan.
- (3) *Uses and functions*. The master plan must include a description of present uses, affiliated uses, proposed uses and potential future uses. The description must include information about the general amount and type of functions of the use, the hours of operation and the approximate number of members, employees, visitors and special events. For projects which include residential units, proposed minimum and maximum floor areas and densities, number of units and building heights must be indicated. For office/commercial projects or mixed-use, minimum and maximum floor area ratios must be indicated.
- (4) *Site plan*. The master plan must include a site plan, showing, at the appropriate level of detail, buildings and other structures, existing mature trees and landscaping, the

pedestrian and vehicle circulation system, parking areas, open areas, and other required items. This information must cover the following:

- a. All existing improvements that will remain after development of the proposed use(s);
- b. All improvements planned in conjunction with the proposed use(s);
- c. Conceptual plans for potential future uses; and,
- d. General locations of usable open space, any land proposed to be dedicated for open space, pedestrian and transit connection between the site and public or private streets serving the development and connecting to off-site open space, internal circulation (both auto and pedestrian), and location of proposed gates and fencing.
- e. A summary table that lists all uses and their actual area coverage and their percentage of the site.

The site plan may either be submitted at the same time as the master plan or following approval of the rezoning to the downtown mixed-use district. No permits connected to the development of the subject land, including grading and building permits, will be issued until the site plan has been approved.

- (5) *Covenants*. The applicant may propose development standards in the form of covenants that will control development of the future uses that are in addition to the requirements of this title. These may be such things as height limits, setbacks, frontage, FAR limits, landscaping requirements, parking requirements, signage, view corridors or facade treatment. The city may require the recording of covenants for any project and must be a partner to all such covenants. The covenants, and any changes thereto, will require approval of the city. In addition, the covenants must include provisions for enforcement by the city. The covenants must be recorded by the developer.
- (6) *Phasing of development*. The master plan must include the proposed development phases, probable sequence of future phases, estimated dates and interim uses of the property awaiting development. In addition, the plan should address any proposed temporary uses or locations of uses during construction periods.
- (7) *Transportation and parking*. The master plan shall include information on the following items for each phase.
 - a. Projected transportation impacts. This includes the expected number of trips (peak and daily), an analysis of the impact of those trips on the adjacent street system, and the proposed mitigation measures to limit any projected negative impacts.
 - b. Proposed parking impacts. This information includes the projected peak-hour parking demand and an analysis of this demand compared to proposed on-site and

off-site parking supply. If off-site parking is proposed, evidence of a shared-parking agreement or easement must be presented. For new on-site parking, justification must be provided if a parking lot is proposed instead of a parking garage.

(8) *Procedures.*

- a. Master plan pre-application meetings are required with the planning director prior to commencing a conceptual master plan.
 - b. Site plan review pre-application conferences are required prior to submission of a site plan review request, in addition to the master plan pre-application meeting. Site plan review conferences are required for each phase of development, based on specific development/building plans.
 - c. Minor modifications, additions, or changes to an approved master plan shall be reviewed and a determination made by the planning director or his designee to permit the changes with no formal review.
 - d. Major modifications, additions, or changes to an approved master plan shall be subject to the original review procedures, including the fees in effect at the time of the change request application.
 - e. Projects approved as part of a master plan do not require an additional public hearing on a project-specific basis so long as the original master plan is followed.”
3. Article IV, District Regulations, of Chapter 31, Zoning, of the Code of the City of Manassas Park, Virginia, is hereby amended to add a new section 31-19.A as follows:

“Sec. 31-19.A. – B-3 Gateway business district.

- (a) *Purpose of the district:* The purpose of this district is to create a visually appealing, diversified gateway business area along the Route 28 corridor in the city, with compatible development of office and commercial land uses that emphasize pedestrian and vehicle friendly businesses that draw both local customers and those from the larger metropolitan area. Development within this district shall be geared toward diversifying the city’s tax base and creating a positive, welcoming image for the city.
- (b) *Permitted uses:* Development within this district may contain a mix of office and commercial land uses. A building or land shall be used only for the following uses:
 - (1) All permitted uses in the B-2 General business district, except automobile and truck tire sales and service, boat and boat trailer sales and storage, green houses and funeral homes.
 - (2) All permitted uses in the PF Public facilities district, except fleet storage facilities.

- (c) *Permitted accessory uses*: Accessory uses customarily incidental to a permitted use on the same lot.
- (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) A business or commercial building greater in height than forty-five (45) feet.
 - (2) New automobile sales.
 - (3) New boat and boat trailer sales.
 - (4) New motorcycle sales.
 - (5) Drive-in restaurant.
- (e) *Utilities*: All utilities shall be installed underground, except control instrumentation and substations, which must be effectively screened.
- (f) *Area regulations*: The minimum lot size for the district shall be five (5) acres.
- (g) *Yard requirements*:

	Minimum Front Yard (feet)	Minimum Side Yard Each Side (feet)*	Minimum Rear Yard (feet)*
Street width 50 feet or greater	35	10	25
Street width less than 50 feet	60	10	25

* Side and rear yards required only if adjacent to a residential district.

- (h) *Height requirements*: The maximum height without a conditional use permit shall be forty-five feet (45').
- (i) *Screening*: All private trash receptacles must be located and/or screened so they are not visible from a public street. Loading docks and garage doors for commercial businesses must be located so they are not visible from a public street.
- (j) *Signage*: The signage regulations contained in section 31-29 apply to the uses in the gateway business district based on the type of use with the following exceptions:
- (1) No pole type signs are permitted. All freestanding signs must be monument signs and incorporate a solid base.
 - (2) The maximum height of a freestanding sign is twelve (12) feet, except as otherwise provided in subparagraph 31-29(f)(4)c.
 - (3) The maximum size of a sign face is fifty (50) square feet.

(4) Only one (1) freestanding sign is permitted for each parcel or lot, except as otherwise provided in subparagraph 31-29(f)(4)c.

(5) Wall signs shall be limited in size to one (1) square foot of sign area per lineal front foot of building.”

4. Article IV, District Regulations, of Chapter 31, Zoning, of the Code of the City of Manassas Park, Virginia, is hereby amended to add a new section 31-20.A as follows:

“Sec. 31-20.A. – I-2 Light industrial district.

(a) *Purpose of the district:* The intent of this district is encourage the development of compatible industrial, commercial and office uses. Development within this district shall be geared toward diversifying the city’s tax base and creating a positive image for the city.

(b) *Permitted uses:* Development within this district may contain a mix of office, commercial and light industrial land uses. A building or land shall be used only for the following uses:

(1) All permitted uses in the PF Public facilities district, except fleet storage facilities.

(2) All permitted uses in the B-2 General business district, except amusement places or theaters, automobile and truck tire sales and service, boat and boat trailer sales and storage, and funeral homes.

(3) Defense production businesses.

(4) Technology businesses.

(5) Research and development, excluding laboratories where animals or livestock are used for research.

(6) The manufacturing, assembling, compounding, processing, packaging, treatment, storage or distribution of products from materials, where such use is not likely to be dangerous or offensive because of odor, dust, fire, explosion, or other reasons, or uses equipment and/or processes that are not likely to produce objectionable noise, vibration, explosion, fire, smoke, or other effect.

(c) *Permitted accessory uses:* Accessory uses customarily incidental to a permitted use on the same lot, for which the combined area may constitute up to twenty-five percent (25%) of the total gross floor area of the principal use, including:

(1) Specialized retail supply and equipment repair related to or compatible with the uses permitted by right in this district.

(2) Retail activities and refreshment areas as a part of any of the uses permitted by right in this district, provided that any such activities are by their nature accessory to the permitted uses in this district.

(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) A business or commercial building greater in height than sixty (60) feet.

(2) New automobile sales.

(3) New boat and boat trailer sales.

(4) New motorcycle sales.

(5) 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.

(e) *Utilities*: All utilities shall be installed underground, except control instrumentation and substations, which must be effectively screened.

(f) *Area regulations*: The minimum lot size for the district shall be two (2) acres.

(g) *Yard requirements*:

Minimum Front Yard (feet)	Minimum Side Yard Each Side (feet)*	Minimum Rear Yard (feet)*
15	10	20

* Side and rear yards required only if adjacent to a residential use.

(h) *Height requirements*: The maximum height without a conditional use permit shall be sixty (60').

(i) *Screening*: All private trash receptacles must be located and/or screened so they are not visible from a public street. Loading docks and garage doors for commercial businesses must be located so they are not visible from a public street.”

5. 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.

6. 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.

7. This Ordinance shall be effective upon its adoption.