



# Town of Vinton Planning and Zoning

## *Proposed New and Revised Use Regulations*



### INTRODUCTION TO USE CLASSIFICATIONS

The following proposed new and revised use classifications include entirely new uses that were previously not in the Zoning Ordinance, or revisions of the organization or supplemental regulations associated with pre-existing uses. Each of the sections below will cover the new, revised, or reorganized use classifications and its supplemental regulations, if applicable. In many cases, a use will be permitted by right only in the case that all the supplemental regulations are able to be met. These supplemental regulation ensure that particular uses do not impede the promotion of the health, safety, and general welfare of the public and other objectives set out in the Code of Virginia, § 15.2-2200.

### ALTERNATIVE FINANCIAL INSTITUTIONS

#### Definitions

- *Alternative Financial Institution.* Check cashing establishment (as a primary use), motor vehicle title lender, pawnbroker, payday lender, or precious metals dealer, as defined in this Article.
  - *Check cashing primary use.* Person or establishment engaged in the business of cashing checks, drafts or money orders for compensation, and registered with the state corporation commission pursuant to Code of Virginia.
  - *Motor vehicle title lender.* Establishment engaged in the business of lending money secured by a non-purchase interest in a motor vehicle.
  - *Pawnbroker.* Person or establishment that lends or advances money or other things on the pledge and possession of personal property or other valuable things, other than securities or written or printed evidence of indebtedness, or who deals in the purchasing of personal property or other valuable things on condition of selling the same back to the seller at a stipulated price.
  - *Payday Lender.* Establishment, other than a bank, credit union, or savings and loan, engaged in the business of making short-maturity loans on the security of a check, any form of assignment of an interest in the account of an individual at a depository institution, or any form of assignment of income payable to an individual, other than loans based on income tax refunds.
  - *Precious metals dealer.* Any person or establishment defined as a dealer in the Vinton Town Code Sec. 74-30 that is not accessory to a jewelry or coin store.

**Permitted zoning districts include:**

- General-Business (GB): By-right
- Central-Business (CB): Special Use Permit

**Supplemental Regulations:**

- None

## RESEARCH AND DEVELOPMENT FACILITY

**Definition**

- *Research and Development Facility.* An establishment which engages in research, or research and development, of innovative ideas in technology-intensive fields. Examples include research and development of communication systems, alternative energy sources, transportation, geographic information systems, multi-media and video technology. Development and construction of prototypes may be associated with this use. Excluded from this use are any facilities which mass produce one (1) or more products directly for the consumer market.

**Permitted zoning districts include:**

- General-Business (GB): By-right
- Central-Business (CB): By-right

**Supplemental Regulations:**

Standards in the GB and CB Districts.

- (1) No exterior odor, dust, noise, or other objectionable impacts shall be produced as a result of the use;
- (2) Where appropriate to protect adjacent uses, hours of operation may be restricted.

## PET DAYCARE FACILITY AND ANIMAL-RELATED FACILITIES WITH OUTDOOR COMPONENTS

**Definition**

- *Pet daycare facility.* A facility where animals may be groomed, trained, exercised, and/or socialized.

**Permitted zoning districts include:**

- Animal hospital or veterinary clinic, with outside runs, play yards, pens, or training areas.
  - General-Business (GB): Special Use Permit
- Pet shops, pet grooming, and pet daycare facility, completely enclosed
  - General-Business (GB): By-right

- Central-Business (CB): By-right
- Pet shops, pet grooming, and pet daycare facility, **with** outside runs, play yards, pens, or training areas.
  - General-Business (GB): Special Use Permit
  - M-1 and M-2 Industrial: By-right

**Supplemental Regulations for completed enclosed facilities:**

- (a) Applicability. The supplemental regulations of this section shall apply to any animal hospital, veterinary clinic, pet shop, pet grooming service, and/or pet day care facility that is completely enclosed permitted by this appendix, by right or by special use permit.
- (b) *Standards in the GB and CB Districts:*
  - (1) All facilities shall be located within completely enclosed and air conditioned buildings which are soundproof to the extent that sound produced by animals kept or treated therein are not audible outside of the building.
  - (2) These supplemental regulations shall not prohibit the occasional use of outdoors areas for supervised animal relief.

**Supplemental Regulations for those with outdoor components:**

- (a) Applicability. The supplemental regulations of this section shall apply to any animal hospital, veterinary clinic, pet shop, pet grooming service, and/or pet day care facility with outdoor play yards, runs, pens, or training areas permitted by this appendix, by right or by special use permit.
- (b) *Standards in the GB and CB Districts:*
  - (1) No more than fifteen (15) animals shall be outside at any given time.
  - (2) No facility may be established within 300 feet of a residentially zoned district (R-LD, R-1, R-2, R-3, R-B).
  - (3) Outdoor play yards shall be screened from view so as not to be visible from any public street or adjacent property.
  - (4) Any outdoor play yard shall only be used between dawn and dusk for supervised exercise and training use. This shall not prohibit the occasional use of outdoor areas for supervised animal relief outside of these hours.
  - (5) Overnight boarding shall not exceed twenty-five (25) percent of the gross floor area of the structures associated with the animal-related facility. Overnight boarding shall be enclosed within a soundproof building.
- (c) Measure of distance
  - (1) All distances specified in this division shall be measured from the property line of one use to another. The distance between a property containing this type of facility and a residentially zoned district shall be measured from the property line of the use to the nearest point of the boundary line of the residentially zoned district.

## MOTOR VEHICLE OR TRAILER PAINTING AND BODY REPAIR

### Purpose of these revisions:

- The previous ordinance definition required that certain auto or truck general repair services to attain a special use permit in the GB district due the definition including the following activities:
  - Installation or removal of engines
  - Transmissions or other major body or mechanical parts
  - Body repair
  - Painting or storage of wrecked vehicles
- After further research, it has been found that many of these activities, except body repair, painting, and storage, pose no more risk or potential danger to public health and safety than many of the common functions of a typical auto service center. With this, a new use category will be added that specifically includes the main functions of motor vehicle or trailer painting and body repair. The provisions surrounding wrecked vehicles still stands as this use is only permitted in an automobile graveyard or junkyard.

### Definition

- *Motor vehicle or trailer painting and body repair.* Any facility, or portion thereof, used for the repair, replacement, or straightening of a motor vehicle body or frame or painting of motor vehicles. Mechanical service and engine repair may be performed as an ancillary function of the body work.

### Permitted zoning districts include:

- General-Business (GB): Special Use Permit
- M-1 and M-2 Industrial: By-right

## BREWERIES, MICROBREWERIES, DISTILLERIES, AND MICRODISTILLERIES

### Definitions

- *Brewery.* An establishment primarily engaged in brewing ale, beer, malt liquors, and nonalcoholic beer, with a capacity of greater than 315,000 gallons per year. A brewery may include a restaurant or public tasting room as an accessory use.
- *Micro-brewery.* An establishment primarily engaged in brewing ale, beer, malt liquors, and nonalcoholic beer, with a capacity of not more than 315,000 gallons per year. A micro-brewery may include a restaurant or public tasting room as an accessory use.
- *Distillery.* An establishment primarily engaged in distilling and blending potable liquors, including mixing them with other ingredients, with a capacity greater than 5,000 gallons of finished product per year. A distillery may include a restaurant or public tasting room as an accessory use.

- *Micro-distillery.* An establishment primarily engaged in distilling and blending potable liquors, including mixing them with other ingredients, with a capacity of not more than 5,000 gallons of finished product per year. A micro-distillery may include a restaurant or public tasting room as an accessory use.

**Permitted zoning districts include:**

- **Brewery**
  - M-1 and M-2 Industrial: By-Right
- **Microbrewery**
  - General-Business (GB): By-Right
  - Central-Business (CB): By-Right
- **Distillery**
  - M-1 and M-2 Industrial: By-Right
- **Microdistillery**
  - General-Business (GB): By-Right
  - Central-Business (CB): By-Right

**Supplemental regulations (equivalent to that of an eating and drinking establishment):**

- No deck, patio, terrace or other outside area for the service or accommodation of patrons shall be situated within 100 feet of any property in any residential or R-B district;
- Covered trash containers shall be provided in service areas, and screening shall be provided around service areas in accordance with the requirements for screening set forth in Article V, except at entrances and exits, to prevent refuse from blowing onto adjacent properties or streets;
- No music or public address system shall be operated in a manner that sound produced is audible beyond the boundaries of the premises.

**RETAIL STORES AND SHOPS, LARGE FORMAT**

**Purpose**

This was initially proposed by Town staff in 2008 and is a good general practice to require legislative review and approval of very large and complex development projects in certain zoning districts in a locality.

**Definition**

*Retail store or shop, large format.* Retail sales uses, including those uses classified more specifically by these use type classifications, located in any newly constructed or enlarged building containing greater than 30,000 square feet of floor area devoted to retail and related accessory use, whether on a single lot or contiguous lots owned or operated as associated, integrated, or cooperative business enterprises

**Permitted zoning districts include:**

- General-Business (GB): Special Use Permit
- Central-Business (CB): Special Use Permit

## MIXED-USE BUILDING

**Purpose**

Mixed-use buildings have been permitted by right in the GB and CB districts for some time now, however the floor area requirements disallowed the extent to which the residential component could be utilized. The new supplemental regulations remove the provisions concerning the floor area requirements to incentivize more mixed-use developments or redevelopments in the Town’s commercial districts.

**Revised supplemental regulations:**

- (a) *Applicability.* The supplemental regulations of this section shall apply to any mixed-use building permitted by this appendix, by right or by special use permit.
- (b) *Standards in the GB and CB Districts.*
  - (1) Dwelling units shall be located above the first floor of the building or to the rear of other permitted uses;
  - (2) Dwelling units shall be designed as an integral part of a building or group of buildings, containing other permitted uses within the applicable zoning district.

## DRIVE-UP FACILITIES

**Purpose**

The addition of supplemental regulations to drive-up facilities gives greater clarity to the standards to meet which were previously housed in other sections of the zoning ordinance. The following standards for drive-up facilities are intended to allow for such facilities in a manner that promotes public safety and efficient operation by addressing their unique challenges, such as the siting of the building, high volumes of traffic, vehicular access, and on-site circulation. A special use permit is still required for drive-up facilities in conjunction with any use permitted in the Central-Business (CB) district.

**Supplemental Regulations:**

- (a) *Purpose.* The following standards for drive-up facilities are intended to allow for such facilities in a manner that promotes public safety and efficient operation by addressing their unique challenges, such as the siting of the building, high volumes of traffic, vehicular access, and on-site circulation. The specific purposes of this section are to:
  - (1) Minimize the negative impact of drive-through facilities created by additional traffic hazards from motor vehicles entering and existing the site;
  - (2) Promote safer and more efficient on-site vehicular and pedestrian circulation;
  - (3) Reduce conflicts between queued motor vehicles and traffic on adjacent streets; and

- (4) Minimize the negative impacts drive-through facilities create on abutting residential properties.
- (b) Applicability. The supplemental regulations of this section shall apply to any drive-up facilities permitted by this appendix, by right or by special use permit.
- (c) Definitions. For the purposes of this section, the following words and terms are defined as set forth below:
  - (1) *Access*: A way or means of approach to provide motor vehicle or pedestrian entrance to or exit from a property.
  - (2) *Access connection*: Any driveway, street, curb cut, turnout, or other means of providing for the movement of motor vehicles to or from the street network.
  - (3) *Stacking lane*: An area of stacking spaces and driving lane provided for motor vehicles waiting for drive-through service that is physically separated from other motor vehicle and pedestrian circulation on the site.
  - (4) *Stacking space*: An area within a stacking lane for a motor vehicle waiting to order or finish a drive-through transaction.
- (d) Standards.
  - (1) Drive-up facilities shall provide a minimum number of stacking spaces on site in accordance with the standards below:

Use with Which Drive-up Facility is Associated	Minimum Number of Stacking Spaces Required per Stacking Lane
Eating establishment	5
Financial institution	3
Car wash, self-service	1
Car wash, automated	5
Drive-through kiosk	2
Others not specifically listed	2

- (2) Each stacking space shall be a minimum of twenty (20) feet in length and ten (10) feet in width along straight portions. Stacking spaces and stacking lanes shall be a minimum of twelve (12) feet in width along curved segments.
- (3) The minimum distance to any access connection for the site from the centerline of the final transaction window shall be forty (40) feet.

- (4) Stacking lanes shall be clearly identified and delineated from traffic aisles and parking areas by means of striping, curbing, landscaping, or the use of alternative paving materials or raised medians.
- (5) Entrances to stacking lanes shall be clearly marked and shall be located at a minimum of forty (40) feet from the intersection with the street. The distance shall be measured from the property line along the street to the beginning of the entrance. The entrance into the drive-through lanes shall not conflict with general access to the site.
- (6) Stacking lanes shall be designed so that they do not interfere with circulation both on site and on adjacent streets. Toward that purpose, stacking lanes shall be designed so they:
  - (A) Do not impede or impair access into or out of parking spaces;
  - (B) Do not impede or impair motor vehicle or pedestrian traffic movement;
  - (C) Minimize conflicts between pedestrian and motor vehicular traffic with physical and visual separation between the two; and
  - (D) Do not interfere with required loading and trash storage areas, and loading or trash operations shall not impede or impair motor vehicle movement. If separate stacking is curbed, an emergency by-pass or exit shall be provided.
- (7) Stacking lanes shall not enter or exit directly from or into a public right-of-way; however, the Zoning Administrator may eliminate and/or allow the use of a public alley standard based on specific conditions of the site.
- (8) The intersection of stacking lanes and walk-in customer access shall be a minimum of twenty (20) feet from any access connections and transaction windows. Such intersections shall be provided with a crosswalk that uses alternative paving and striping and includes warning signage aimed at both the pedestrian and motor vehicle.
- (9) Speakers shall be located at least fifty (50) feet from the property line of any residentially zoned property.
- (10) Menu boards, which shall not count toward freestanding sign allocations set forth in Article V, shall be a maximum of fifty (50) square feet, with a maximum height of eight (8) feet.

## CONSOLIDATION OF USE CATEGORIES

The consolidation of numerous specific use categories under a single heading assists with organization and allows uses that share the same foundational characteristics and classification to share the same permissions in each respective zoning district. Below are examples of new use categories that encompass numerous existing use classifications that are further expanded and defined in the Article X, Definitions section.

## USE CATEGORIZATION

### Revisions

#### Use: Eating and drinking establishment

- **Definition:** *Eating and Drinking Establishment.* An establishment engaged in the preparation and selling of food to the customer in a ready-to-consume state, and where the customer consumes these foods on or off the premises, including the function of selling beer, wine, or other alcoholic beverages for consumption on the premises. Such establishment may provide, as an accessory function, live performances with only non-electronic musical instruments or recorded background music and a dance floor not to exceed ten (10) percent of the seating area of the establishment.

#### Use: Amusement, commercial, indoor

- **Definition:** *Amusement, commercial, indoor.* An establishment primarily engaged in the provision of four (4) or more amusement or entertainment devices or machines or games of skill, chance, or scoring to the general public for a fee, where all such activity occurs enclosed in a building. Such games include billiards, pool, table tennis, dartboards, foosball, pinball, video games, and other similar amusement or entertainment devices, whether or not they are coin-operated. Typical uses include billiard and pool halls, video arcades, and game rooms. "Indoor commercial amusement" establishments may include accessory uses, such as snack bars, which are designed and intended primarily for the use of patrons of the amusement use. "Indoor commercial amusement" establishments do not include gun-firing ranges or any use which is otherwise specifically listed in the Use Tables in Article IV of this chapter.

#### Use: Amusement, commercial, outdoor

- **Definition:** *Amusement, commercial, outdoor.* An establishment primarily engaged in the provision of four (4) or more amusement or entertainment devices or games of skill or scoring to the general public for a fee where any portion of the activity takes place outside of a building, including miniature golf course, golf driving ranges, batting cages, or similar facility. "Outdoor commercial amusement" establishments do not include go-cart or motorcycle courses, raceways, drag strips, overnight camping, or gun-firing ranges, or any use which is otherwise specifically listed in the Use Tables in Article IV of this chapter.

#### Use: Recreation, commercial, outdoor

- **Definition:** *Recreation, commercial, outdoor.* The provision of recreation facilities which are predominantly participatory uses, and which are conducted in open or partially enclosed or screened facilities. Typical uses include swimming pools, tennis or other outdoor racquet courts, basketball courts, athletic fields, sports complexes, skateboarding courses, or similar recreation uses. "Outdoor recreation" facilities may include any accessory uses, such as snack bars, pro shops and clubhouses, which are designed and

intended primarily for the use of patrons of the principal recreational use. "Outdoor recreation" facilities shall not include paintball fields or areas, go-cart or motorcycle courses, raceways, drag strips, overnight camping, or gun-firing ranges, or any use which is otherwise specifically listed in the Use Tables in Article IV of this chapter.

**Use: Recreation, commercial, indoor**

- **Definition:** *Recreation, commercial, indoor:* The provision of recreation facilities which are predominantly participatory uses, and which are located and conducted entirely within a building. Typical uses include bingo halls, tennis or other racquet courts, swimming pools, bowling alleys, ice skating or roller skating rinks, batting cages, paintball facilities, climbing walls, or similar recreation uses. "Indoor commercial recreation" establishments may include accessory uses, such as snack bars, pro shops, and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use. "Indoor recreation" establishments shall not include any use which is otherwise specifically listed in the Use Tables in Article IV of this chapter.