

ORDINANCE NO. 2020-06

ORDINANCE NO. 2020-06 AMENDS THE ASHLAND TOWN CODE BY MODIFYING ARTICLE XIII, "LIMITED INDUSTRIAL DISTRICT M-1," SECTION 21-119, "PERMITTED USES," AND ADDING ARTICLE XV, "INDUSTRIAL DISTRICT M-2," SEC. 21-134, "STATEMENT OF INTENT," SEC. 21-135, "PERMITTED USES," SEC. 21-136, "REQUIREMENTS FOR PERMITTED USES," SEC. 21-137, "AREA REGULATIONS," SEC. 21-138, "FRONTAGE REGULATIONS," SEC. 21-139, "SETBACK REGULATIONS," SEC. 21-140, "YARD REGULATIONS," SEC. 21-140.1, "HEIGHT REGULATIONS," SEC. 21-140.2, "UTILITIES," SEC. 21-140.3, "SITE PLAN REQUIRED," SEC. 21-140.4, "LANDSCAPE PLAN: LANDSCAPING, TREES, BUFFERS AND SCREENING," AND SEC. 21-140.5, "PARKING LOT CONNECTIVITY." ORDINANCE NO. 2020-06 IS CONSIDERED PURSUANT TO THE GRANTS OF AUTHORITY CONTAINED IN VA. CODE §§ 15.2-2200, 15.2-2240, 15.2-2280, 15.2-2285, AND 15.2-2286.

WHEREAS the Ashland Planning Commission and the Ashland Town Council conducted a joint public hearing on June 10, 2020, which was properly advertised in the *Ashland-Hanover Local* once a week for two successive weeks as required by Virginia Code Section 15.2-2204; and

WHEREAS the Ashland Comprehensive Plan calls for the siting light industrial and heavy industrial uses in separate areas based upon the future land use map; and

WHEREAS modifying the uses allowed in M-1 removes or conditions some uses that would better fit in an industrial area as opposed to an office/industrial area in accordance with the Comprehensive Plan; and

WHEREAS the creation of an M-2 zoning district will designate an appropriate area for industrial uses that have a higher likelihood of adversely impacting surrounding properties and transportation infrastructure, especially residential uses; and

WHEREAS the Ashland Town Council has determined that the public necessity, convenience, general welfare, and good zoning practices require this amendment.

NOW THEREFORE BE IT ORDAINED by the Ashland Town Council that Chapter 21, "Zoning," of the Ashland Town Code be amended by modifying article XIII, "Limited Industrial District M-1," Section 21-119, "Permitted Uses," and adding Article XV, "Industrial District M-2," Sec. 21-134, "Statement of Intent," Sec. 21-135, "Permitted Uses," Sec. 21-136, "Requirements for Permitted Uses," Sec. 21-137, "Area Regulations," Sec. 21-138, "Frontage Regulations," Sec. 21-139, "Setback Regulations," Sec. 21-140, "Yard Regulations," Sec. 21-140.1, "Height Regulations," Sec. 21-140.2, "Utilities," Sec. 21-140.3, "Site Plan Required," Sec. 21-140.4, "Landscape Plan: Landscaping, Trees, Buffers and Screening," and Sec. 21-140.5, "Parking Lot Connectivity" to read as follows:

”Sec 21-119 Permitted Uses

Structures to be erected or land to be used shall be for the following uses:

1. Accessory uses as defined.
2. Adult day care with a conditional use permit.
3. Artist studio.
4. Auction house.
- ~~5. Automobile, truck, or motorcycle distribution only with accessory service, with a conditional use permit.~~
6. Bakery
7. Brewery, Distillery, or Winery
8. Building supplies and service.
9. Car wash with a conditional use permit.
10. Catering.
11. Contractor's office.
12. Day nursery or day care center with a conditional use permit.
13. Datacenter.
- ~~14. Distribution center. Distribution Centers in operation as of June 10, 2020, are grandfathered and shall be permitted to continue to operate so long as they continuously operate; any expansions or structural alterations to a grandfathered distribution center shall require a conditional use permit.~~
15. Drive-in theater with a conditional use permit.
16. Educational facility, as an accessory to a primary use.
17. Electric charging station, as an accessory to off-street parking.
18. Equipment and machinery, heavy (over 12,000 pounds) rental or sales with accessory service. If used products only, then a conditional use permit is required.
19. Equipment and machinery, light (under 12,000 pounds) rental or sales with accessory service.
20. Feed mill, **with conditional use permit**. See section 21-124 for height regulations.
21. Firework sales with a conditional use permit.
22. Financial institutions.
23. Funeral home with a conditional use permit.
24. Fuel station with a conditional use permit. **If for private use only no conditional use permit is required.**
25. Garage, public parking.
26. Hospital **and other medical facilities with a conditional use permit.**
27. Indoor recreational facilities.
28. Laboratory and research facility.
29. Laundry and cleaning.
30. Manufactured home and portable storage building sales **with a conditional use permit**.
31. Manufacturing, apparel, textiles, and fabric where raw materials are prepared off-site.
32. Manufacturing, basic chemicals or nonmetallic mineral production with a conditional use permit.
33. Manufacturing, food, beverage, tobacco, or agricultural products. If processing involves meat, fish, yeast, or the refining of fats, then a conditional use permit is required. Excludes brewery, distillery, or winery as they are defined separately.
34. Manufacturing, computer and electronic products, equipment, appliance and components.
35. Manufacturing, machinery or fabricated metal products. If operation includes the use of a punch press over twenty (20) tons rated capacity, then a condition use permit is required.
- ~~36. Manufacturing, paper and wood products. Outdoor paper mills are not permitted. **Outdoor sawmills, planing or wood cutting with a conditional use permit.**~~

37. Manufacturing, leather and allied products where raw materials are prepared off-site. If processing involves leather and hide tanning and finishing, then a conditional use permit is required.
38. Manufacturing, furniture, pottery, cabinets, and other related products where raw materials are prepared off-site. Pottery products using kilns fired by gas or electricity.
39. Manufacturing, plastics and rubber products.
40. Manufacturing, printing and related support activities.
41. Manufacturing, transportation equipment. If products are equipment, heavy (over 12,000 lbs), then a conditional use permit is required. Testing of jet engines or rockets is not permitted.
42. Media development or production studio.
43. Micro-Brewery/Distillery/Winery
- ~~44. Mini-storage with a conditional use permit.~~
45. Office trailers will be allowed while a permanent office is being constructed. Business may be conducted from this location for a period not to exceed twelve (12) months from the date of occupancy; an extension for a period not exceeding twelve (12) months may be approved by town council. If the building is completed before the twelve-month period expires, the occupants of this office trailer must move into the building within two (2) weeks of completion.
46. Offices.
47. Outdoor recreational facilities with a conditional use permit.
48. Park-and-ride lot.
49. Parks and playgrounds with a conditional use permit.
50. Public facilities.
51. Railroad spur, tracks and accessory facilities **with a conditional use permit.**
52. Repair services.
53. Restaurants.
54. Temporary uses with a conditional use permit.
- ~~55. Taxicab stand with a conditional use permit.~~
56. Towers and aerials with a conditional use permit. See standards for telecommunication towers, per Section 21-276.
- ~~57. Truck stop or terminal with a conditional use permit.~~ Truck terminals in operation as of June 10, 2020, are grandfathered and shall be permitted to continue to operate; any expansions to a grandfathered truck terminal shall require a conditional use permit.
58. Utilities, major with a conditional use permit.
59. Utilities, minor.
60. Veterinary hospital or clinic.
61. Wholesale business.

Article XV. Industrial District M-2

Sec 21-134 Statement of Intent

The intent of this district is to provide sufficient space in appropriate locations for moderate- to heavy-industrial uses, including manufacturing and assembly, warehousing and processing of raw materials within the Town of Ashland. M-2 permits, with some restrictions, uses that the less intensive M-1, Limited Industrial District either prohibits or requires a conditional use permit. Areas that are intended to be zoned M-2 should have sufficient access to water and sewer infrastructure and should be located near arterial and collector roads. The use of local roads should be planned to serve industrial traffic and should not serve residential neighborhoods. Transitional zoning districts, such as M-1 or B-2, should be used as buffers between the M-2 district and residential uses. Additional elements, such as screening, landscaping, and building orientation, should also be required to mitigate environmental impacts and nuisances.

Sec 21-135 Permitted Uses

Structures to be erected or land to be used shall be for the following uses:

1. Accessory uses as defined.
2. Artist studio.
3. Auction house.
4. Automobile, truck, or motorcycle distribution-only with accessory service, with a conditional use permit.
5. Brewery, Distillery, or Winery
6. Building supplies and service.
7. Catering.
8. Contractor's office.
9. Datacenter.
10. Distribution center, over 500,000 square feet with a conditional use permit.
11. Educational facility, as an accessory to a primary use.
12. Electric charging station, as an accessory to off-street parking.
13. Equipment and machinery, heavy (over 12,000 pounds) rental or sales with accessory service. If used products only, then a conditional use permit is required.
14. Equipment and machinery, light (under 12,000 pounds) rental or sales with accessory service.
15. Feed mill. See section 21-124 for height regulations.
16. Fuel station with a conditional use permit. If for private use only no conditional use permit is required.
17. Garage, public parking.
18. Hospital and medical facilities.
19. Laboratory and research facility.
20. Manufacturing, apparel, textiles, and fabric where raw materials are prepared off-site.
21. Manufacturing, basic chemicals or nonmetallic mineral production with conditional use permit. Pharmaceutical manufacturing does not require a conditional use permit.
22. Manufacturing, food, beverage, tobacco, or agricultural products. If processing involves meat, fish, yeast, or the refining of fats, then a conditional use permit is required. Excludes brewery, distillery, or winery as they are defined separately.
23. Manufacturing, computer and electronic products, equipment, appliance and components.
24. Manufacturing, machinery or fabricated metal products.
25. Manufacturing, paper and wood products. Outdoor paper mills are not permitted. Outdoor sawmills, planing or wood cutting with a conditional use permit.
26. Manufacturing, leather and allied products where raw materials are prepared off-site. If processing involves leather and hide tanning and finishing, then a conditional use permit is required.
27. Manufacturing, furniture, pottery, cabinets, and other related products where raw materials are prepared off-site. Pottery products using kilns fired by gas or electricity.
28. Manufacturing, plastics and rubber products.
29. Manufacturing, printing and related support activities.
30. Manufacturing, transportation equipment. Testing of jet engines or rockets is not permitted.
31. Media development or production studio.
32. Micro-Brewery/Distillery/Winery
33. Office trailers will be allowed while a permanent office is being constructed. Business may be conducted from this location for a period not to exceed twelve (12) months from the date of occupancy; an extension for a period not exceeding twelve (12) months may be approved by town council. If the building is completed before the twelve-month period expires, the occupants of this office trailer must move into the building within two (2) weeks of completion.
34. Offices.
35. Public facilities.
36. Railroad spur, tracks and accessory facilities.

37. Recycling center.
38. Repair services.
39. Restaurants.
40. Temporary uses with a conditional use permit.
41. Towers and aerials with a conditional use permit. See standards for telecommunication towers, per Section 21-276.
42. Truck stop or terminal with a conditional use permit.
43. Utilities, major with a conditional use permit.
44. Utilities, minor.
45. Veterinary hospital or clinic.
46. Wholesale business.

Sec 21-136 Requirements for Permitted Uses

1. Repair and servicing of all equipment, vehicles, or other items shall take place within an enclosed building or structure, unless specified in Section 21-119.
2. Outdoor storage of materials shall not be located in any front yard and must be fully screened from view of public right-of-way or adjacent residentially zoned property. Screening materials to be used shall be wood, vinyl, vegetation or other types of materials defined as screening in the Development Guidelines Handbook. No chain link fencing shall be installed from view of the public right-of-way or from adjacent residential property.
3. Outdoor display shall be for the sale and display of seasonal or temporary merchandise as an incidental part of retail activities regularly conducted from a permanent building, provided that such merchandise is displayed in an orderly manner within sidewalk or courtyard areas located immediately adjacent to or upon the same lot or parcel as the primary use. A clear path of no less than 5 feet shall be maintained to ensure pedestrian and/or safety personnel access along sidewalks and areas of ingress/egress from structures. Any fencing visible from the public right of way shall be wooden, vinyl, or have an appearance similar to iron ornamental fencing, but may be fabricated from non-iron materials and no chain link fencing shall be installed from view of the public right-of-way. See article XXV for further definition between outdoor storage and display.
4. No permanent exterior amplification devices or sound systems shall be used.

Sec 21-137 Area Regulations

The minimum lot area shall be one acre, provided there shall be no minimum lot area requirement for public utilities, public utility service yards, railroad spurs, towers and aerials, and parks and playgrounds.

For major and minor utilities, the minimum lot area shall be the area necessary to accommodate the use, any accessory use, and any required buffers, screening or access to the major and minor utility.

Sec 21-138 Frontage Regulations

The minimum width of any lot at the setback line shall be one hundred fifty (150) feet.

Road frontage requirements shall not apply to major and minor utilities.

Sec 21-139 Setback Regulations

The minimum front setback for structures shall be thirty-five (35) feet.

Sec 21-140 Yard Regulations

1. *Side.* The minimum width of each side yard shall be twenty (20) feet, except that when a use is abutting a residential district, there shall be a side yard of not less than fifty (50) feet with a vegetative buffer per Section 21-236. The minimum street side yard for all buildings and structures shall be twenty (20) feet.
2. *Rear.* The minimum rear yard for each main structure shall be twenty (20) feet, except that when a use is abutting a residential district, there shall be a rear yard of not less than one hundred (100) feet with a vegetative buffer per Section 21-236.

See ATC chapter 21, article XXV for supplemental yard regulations.

Sec 21-140.1 Height Regulations

1. No building or structure shall exceed a height of forty-five (45) feet from grade, unless specified elsewhere in this chapter.
2. Additional height for buildings or structures exceeding forty-five (45) feet may be permitted, with a conditional use permit, provided that:
 1. All portions of a building or structure over forty-five (45) feet in height are set back from properties designated for residential use by the Comprehensive Plan a minimum of three (3) feet for each one (1) foot of height.
 2. All portions of a building or structure over forty-five (45) feet in height are set back from all public rights-of-way a minimum of two (2) feet for each one (1) foot in height.
 3. All portions of a building or structure over forty-five (45) feet in height are set back from all other property lines a minimum of one (1) foot for each one (1) foot in height.
 4. These provisions shall not apply to communications towers.
3. No communications tower shall exceed a height of one hundred (100) feet from grade, unless otherwise specified in this chapter. Additional height for communications towers exceeding one hundred (100) feet may be permitted with a conditional use permit.

Sec 21-140.2 Utilities

All uses shall be constructed on properties served by public water and sewer systems.

Sec 21-140.3 Site Plan Required

A site plan shall be required as set forth in ATC article XVII of this chapter. If more than 200 truck trips expected per day, then a transportation impact analysis will be required.

Sec 21-140.4 Landscape Plan: Landscaping, Trees, Buffers And Screening

A landscape plan shall be required, and landscaping, trees, buffers and screening shall be provided in accordance with the applicable provisions of ATC article XXIII of this chapter.

Sec 21-140.5 Parking Lot Connectivity

Parking areas shall be designed to connect to similar adjoining parcel(s) via a stub-out to the property line(s) with the objective of providing internal vehicular and pedestrian access between neighboring commercial parcels. The Zoning Administrator may waive the connection requirement upon finding that such connection is found to be impractical due to the existence of security concerns of business operation, or sensitive environmental features such as wetlands, floodplain, or forested area, that would be encumbered by the required connection of parking areas.”


BE IT FINALLY ORDAINED that this Ordinance is effective on the date of adoption.

On motion of _____, seconded by _____, the Ashland Town Council voted to approve Ordinance 2020-06 as follows:

Vote:

Mayor Trivett
Vice Mayor Hodges
Councilmember Spagna
Councilmember Abbott
Councilmember McGraw

This is to certify that the above is a true copy of Ordinance No. 2020-06, adopted by the Ashland Town Council on June 10, 2020.



Matthew G. Reynal, Clerk of Council

Public Hearings:

Planning Commission: June 10, 2020

Town Council: June 10, 2020

Adopted: 6/10/2020