

Ordinance ORD2012-07

AN ORDINANCE to amend The Code of the Town of Ashland, Chapter 21, "Zoning", Article XVI, "Planned Developments," Division 4 "Planned Shopping Center District PSC," Sec. 21-173, "Use regulations."

The purpose of this ordinance is to add fuel sales as an accessory use to grocery stores or retail warehouses with a conditional use permit. Additionally, the ordinance would also permit an additional monument-type freestanding sign per Sec. 21-208(e) with the issuance of a conditional use permit for fuel sales as an accessory use to a grocery store or retail warehouse, not to exceed thirty (30) square feet in area and eight (8) feet in height.

WHEREAS, the Town Council has held a public hearing on the 21st day of August 2012, advertised as required by Virginia Code Section 15.2 – 2204.

NOW THEREFORE BE IT ORDAINED by the Council of the Town of Ashland, Virginia that Section 21-173 "Use regulations" shall be amended to read, as follows:

Sec. 21-173. Use regulations.

Structures to be erected or land to be used shall be for the following uses permitted with a shopping center of two hundred thousand (200,000) square feet or less. Shopping centers of greater than two hundred thousand (200,000) square feet require a conditional use permit.

- (a) Accessory uses as defined.
- (b) Banks and financial institutions.
- (c) Bowling alleys.
- (d) Convenience and service establishments such as, but not limited to, barbershops, beauty parlors, tailors and automatic self-service laundries.
- (e) Libraries.
- (f) Painting, plastering, paperhanging, plumbing or electrical contractors, where business is conducted entirely within a completely enclosed building and where there is no storage of supplies or equipment outside the building.
- (g) Pet shops, but excluding boarding kennels on the premises.
- (h) Office buildings.
- (i) Major utilities such as plant expansions, tanks, pump stations, or other buildings require a conditional use permit. See article XXII of this chapter for underground utility requirements.
- (j) Repair services or businesses, including repair of bicycles, guns, radios, television sets, electrical appliances, locks, refrigerators, other home appliances, shoes, toys, typewriters, watches and clocks.
- (k) Restaurants.
- (l) Retail stores and businesses with a gross first floor area of twenty-five thousand (25,000) square feet and not to exceed a total of fifty thousand (50,000) square feet. Retail stores and businesses with a gross floor area of more than fifty thousand (50,000) square feet are permitted with a conditional use permit.
- (m) Storage of materials and supplies incidental to the conduct of any use listed above, provided such storage is entirely enclosed (with the exception of growing plants).

- (n) Theatres, motion picture theatres and assembly halls, but excluding drive-in theatres.
- (o) Wholesale businesses.
- (p) Off-street parking in accordance with article XIX.
- (q) Signs in accordance with article XX.
- (r) Temporary uses, with a conditional use permit subject to the following standards:
 - a. A conceptual plan and elevations shall be reviewed by staff as part of the application. Temporary trailers, such as construction trailers, shall not be permitted to conduct business or for storage. A trailer may be used for shelter purposes only.
 - b. The length of time a use shall be permitted shall be determined for each use. However, no permit shall exceed four (4) months in any twelve-month period.
 - c. Permit shall be subject to a three-year review.
 - d. Any bona fide civic, charitable, fraternal, or welfare organization shall be exempt from obtaining a conditional use permit for a temporary use.
- (s) Dwellings located above, and accessory to, a commercial, retail, or office use, where such commercial, retail or office use is the primary use of the building.
- (t) Townhouses, with a conditional use permit, and only in areas designated for mixed use by the Comprehensive Plan, so long as the total area of a townhouse development does not exceed fifty (50) percent of the total area of a planned shopping center development.
- (u) Fuel sales, as an accessory use to a grocery store or retail warehouse with a conditional use permit. In addition to a freestanding sign permitted by Section 21-208(e), a conditional use permit authorizing the use described in this subsection may permit one (1) monument-type freestanding sign, not exceeding thirty (30) square feet in area and not exceeding eight (8) feet in height.

(12-10-96, § 15; 2-22-00, § 4; 5-13-03; 2-17-04, § A1; 3-20-07)

BE IT FURTHER ORDAINED by the Town Council that the amendments herein of the Code of the Town of Ashland shall be effective immediately upon adoption.

Introduced: May 15, 2012

Advertised: Planning Commission:
Herald Progress: June 21, 2012 & June 28, 2012
Town Council:
Herald Progress: August 2, 2012 & August 9, 2012

Public Hearing: Planning Commission: July 11, 2012
Town Council: August 21, 2012

Adopted: August 21, 2012
Effective: August 21, 2012