



Town of Ashland

Center of the Universe

STAFF REPORT

To: Town Council
From: Nora Amos
Date: July 18, 2017
Case Type: Text Amendment
Case No.: ORD2017-04
Case Name: Automobile Distribution Use

REQUEST

Mr. Tom Evans has filed a text amendment to add “Automobile distribution” as a use in M-1, Limited Industrial, zoning to allow for the relocation of an automobile repossession business to Hill Carter Parkway.

Definitions for automobile manufacturing, sales, rental, and service business exist, but not for distribution-only. This text amendment will allow for an automobile distribution-only business, such as a towing company or automobile repossession, to operate in M-1 zoning.

The text amendment would define automobile distribution as a use with standards, add it as a use in M-1 with a conditional use permit (CUP), and remove automobile sales from M-1.

RECOMMENDATION

Staff is recommending approval of ORD2017-04 as it is compatible with the M-1 zoning intent, similar to other permitted uses, and compatible with the Comprehensive Plan goals for permitting a mix of businesses uses in Industrial and Industrial/Office future land use areas.

Planning Commission voted (5-0) to recommend approval with the defined standards and CUP requirement for M-1.

MOTION

Approve – I move to recommend approval of ORD2017-04.

Approve with amendments – I move to recommend approval of ORD2017-04 with the following changes____.

Deny – I move to recommend denial of ORD2017-04.

Defer – I move to defer action on ORD2017-04 until the ____ Town Council meeting.

PLANNING COMMISSION

On May 10, 2017, the Planning Commission received a staff presentation and held a public hearing. No one from the public spoke and the public hearing was closed. The Commissioners discussed existing repossession businesses, M-1 zoning locations, and standards that should be required outside of the CUP. Staff was directed to investigate the following questions and proposed standards for the use. The Commissioners voted (5-0) to defer action.

How many similar businesses (automobile repossession) exist in Ashland?

K&M Auto (703 North Washington Highway) B-2 zoning

Field's Automobile (102 South Washington Highway) B-2 zoning

Commonwealth Boat Brokers (423 South Washington Highway) B-2 zoning with CUP

How many automobile sales operate in M-1 zoning today?

None today. On March 21, 2017, Town Council approved CUP17-0203 Maumentum, which allowed used vehicle sales with 12 conditions. Mr. Mau stated that sales could be a future business option in addition to his service garage.

On June 14, 2017, the Planning Commission continued the public hearing and received an update from staff. Mark Kronenthal, representative for the Hanover Business Center, spoke about the comments he raised in the letter to the Planning Commission (see attached). He proposed to add the following to the zoning requirements for property in the Technology Zone or adjacent to B-2 zoned property:

- Limit the types of vehicles to those under 12,000 pounds
- No RVs, tractor trailers, shipping containers, etc.
- Duration of storage, set time limitation
- Larger setback of a 75' buffer to B-2 or lower-use zoned property

The Commissioners discussed use of the Technology Zone as an overlay, number of existing vehicle sales in M-1, impact to B-2 zoned properties, and what could be accomplished through district-wide requirements vs. a conditional use permit. After this discussion, the Commissioners voted (5-0) to recommend approval.

ANALYSIS AND RECOMMENDATION:

Automobile distribution is different than most distribution centers, as other types usually store goods entirely indoors (RNDC, The Vitamin Shoppe, etc.). This use is similar to a large equipment sales or towing company that needs large areas of outdoor storage.

The M-1 intent and future land use classifications of Industrial and Industrial/Office describe similar types of automobile service/manufacturing and distribution as desirable. Currently, there are two automobile repossession/towing businesses (Field's and K&M) located in B-2

zoning. There is a boat/airplane sales businesses (Commonwealth Boat Brokers) that has repossession as an accessory business use. They obtained a CUP in 2010 to permit this use.

The text amendment would accomplish the following:

1. Define *Automobile, Distribution* in the zoning code:

Automobile, Distribution. The distribution and temporary storage of items defined as *Automobile*, and not classified as either heavy or recreational equipment. As an accessory use, this may include a facility for the general repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, or providing collision services, including body, frame, or fender repair, and overall painting. All work and repairs must be performed on-site and in a fully enclosed building. Business examples in this definition include, but are not limited to, automobile repossession and towing companies.

2. Require the following standards in addition to a CUP:

- a) Outdoor storage areas must be a minimum 50' setback from the public right-of-way; and
- b) No repossessed automobiles or any other automobiles inside the outdoor storage area should be visible from any public right-of-way; and
- c) Outdoor storage excludes storage of vehicle parts, such as tires or engines; and
- d) A record system, whether it be paper or electronic, shall be made available for review by the Town of Ashland at any time for make, model, and serial number for all automobiles as well as for repair work performed.

3. Remove *Automobile, truck, or motorcycle rental or sales* as a permitted use in M-1 zoning.

Staff is recommending that automobile sales be removed from M-1 zoning as there is ample space in B-2 zoning, only one possible business exists, and this would meet goals for M-1 zoning intent.

“In order to preserve the land for industry and to avoid future conflicts between industry and residence, future residential and commercial uses, which could result in higher number of pedestrians, are prohibited.” – *M-1 Intent Statement*

Staff is recommending approval of adding automobile distribution as a use to M-1 zoning as it is compatible with M-1 zoning intent and similar to other permitted uses. With the CUP and district-wide requirements in the definition, this use can be compatible with the Comprehensive Plan goals.

Staff and Planning Commission are recommending approval of ORD2017-04 with the standards defined in the definition and CUP in M-1 zoning.

REQUEST

Mr. Tom Evans has filed a text amendment to add "Automobile distribution with accessory service" as a use with a conditional use permit in M-1, Limited Industrial zoning. Definitions for automobile manufacturing, sales, rental, and service business exist, but not for distribution-only. This text amendment will allow for an automobile distribution-only business, with accessory service, to operate in M-1 zoning.

This application was submitted with CUP17-0413 Ficarra to permit Select Recovery to be relocated and establish a new location on Hill Carter Parkway.

ZONING

M-1, Limited Industrial

The intent of M-1 zoning is to provide sufficient space in appropriate locations for certain types of manufacturing uses, relatively free from offense, in modern landscaped buildings, to make available more attractive locations for these industries, and to provide opportunities for employment closer to places of residence with corresponding reduction of travel time from home to work.

Typical development in the district would be that which is commonly known as an "industrial park." In order to preserve the land for industry and to avoid future conflicts between industry and residence, future residential and commercial uses, which could result in higher number of pedestrians, are prohibited. Being located along Route 1, this district serves as an important gateway to the community, thus improving its function through elements such as lighting, landscaping, signage, building design and layout, is an important economic goal for the Town.

Pertinent zoning definitions:

Automobile. All on-road vehicles and trailers, including motorcycles to be licensed from the Virginia Department of Motor Vehicles (DMV), and not classified as either heavy or recreational equipment. As an accessory use, this may include a facility for the general repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, or providing collision services, including body, frame, or fender repair, and overall painting. All work and repairs must be performed on-site and in a fully enclosed building.

Junkyard or automobile graveyard. The use of any area of land lying within three hundred (300) feet of a state highway or the use of more than fifty (50) square feet of land area in any location for the storage, keeping or abandonment of junk, including scrap metals or other scrap materials. The term "junkyard" shall include the term "automobile graveyard" as defined in Chapter 304, Acts of 1939, Code of Virginia, as any lot or place which is exposed to the weather upon which more than five (5) motor vehicles of any kind, incapable of being operated, are placed.

Manufacturing. The mechanical or chemical transformation of materials or substances into new products, including the production, processing, manufacturing, assembly, compounding, cleaning, servicing, storage, testing, repair and **distribution of materials, goods or products** including but not limited to oils, plastics, resins, etc.

Wholesale business. Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. Such uses include, but are not limited to, storage buildings and warehouses, and office warehouses.

COMPREHENSIVE PLAN:

The Comprehensive Plan for where this use will be located should inform the regulation. There is no specific reference to distribution businesses in the Comprehensive Plan. The following future land use classifications would be most appropriate for distribution uses:

Industrial

Industrial uses including manufacturing, truck terminals, warehousing and processing of raw materials are appropriate in this area. These uses should be designed to ensure compatibility with less intense uses. Outside storage may be appropriate, provided that it is fully screened from adjacent properties by architecturally compatible walls or evergreen screening. If it is necessary to conduct significant portions of these operations outside, then the uses should be located and designed to minimize noise, dust, or other environmental impacts on existing and anticipated areas of development.

Industrial/Office

A mixture of professional offices, research facilities, light manufacturing, and warehouses are appropriate in this land use designation. These facilities should be fully enclosed, with no outside activities, and should be highly attractive from the public right-of-way. Building heights of one to two stories would be appropriate.

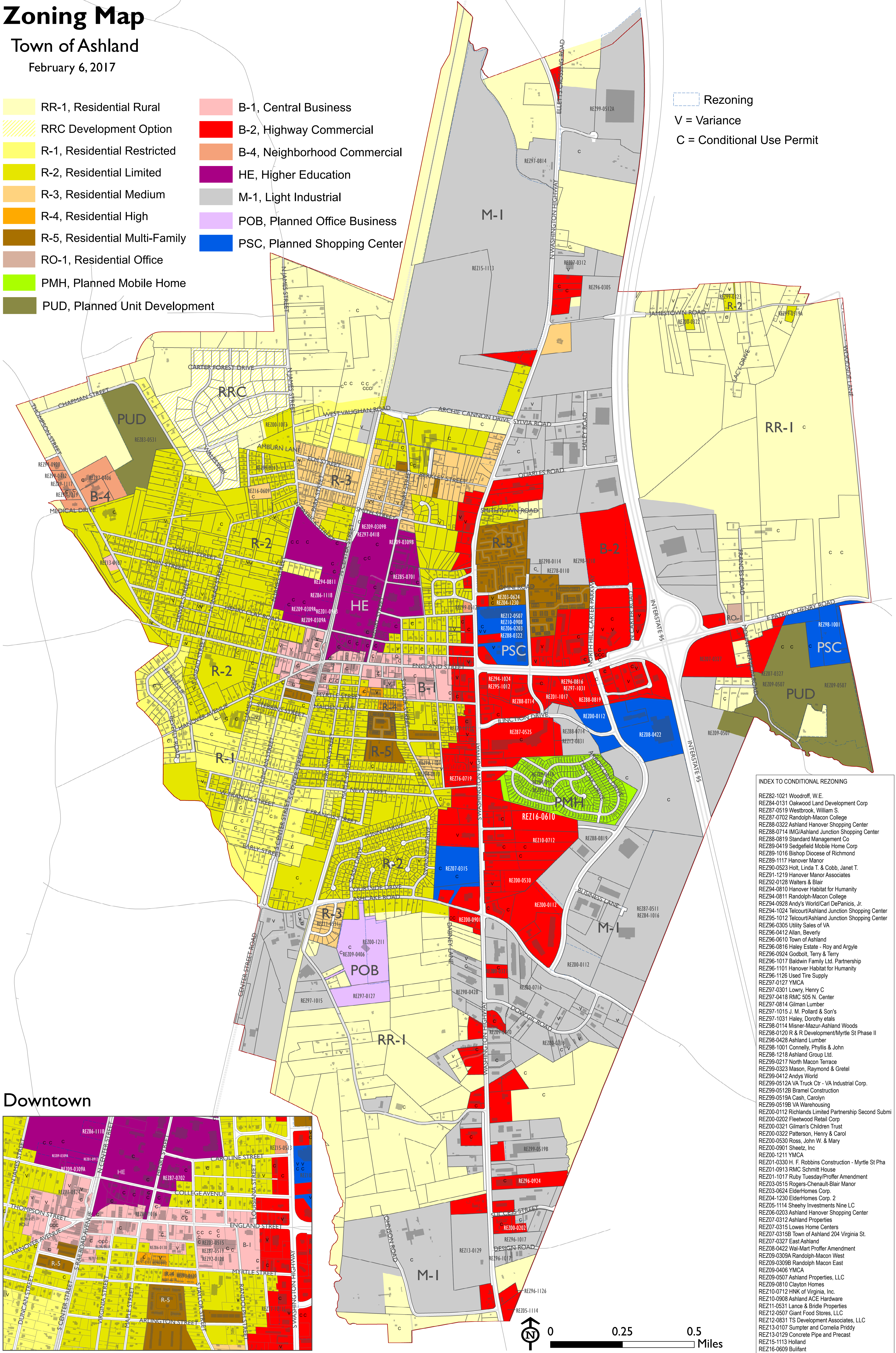
Zoning Map

Town of Ashland

February 6, 2017

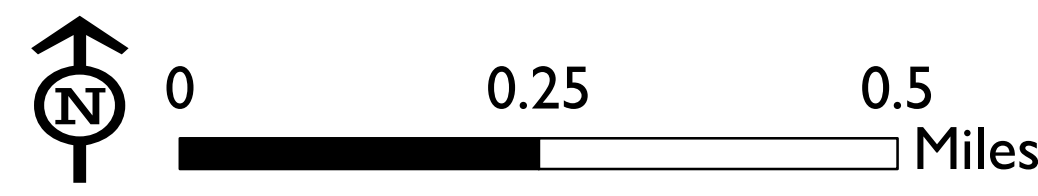
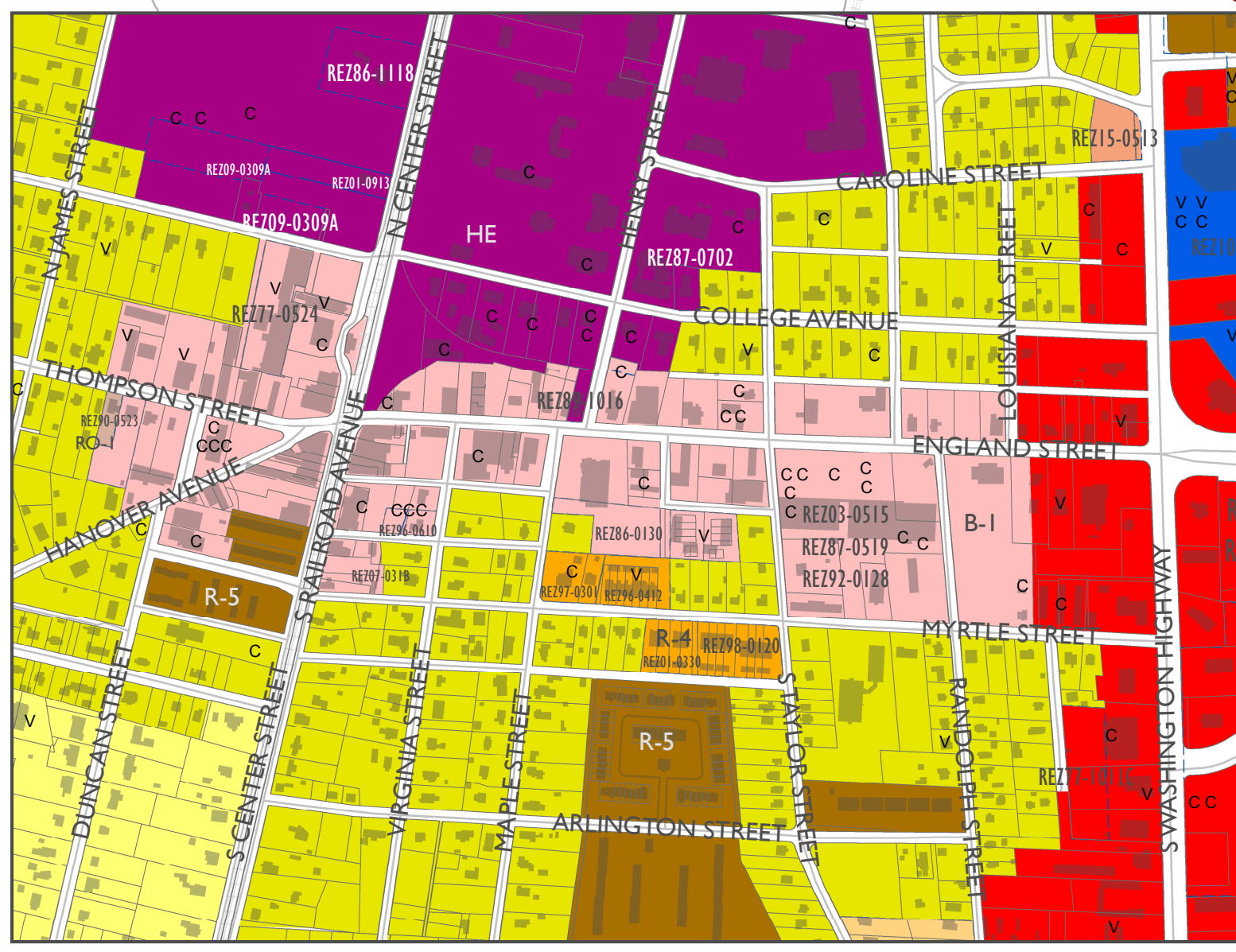
- RR-1, Residential Rural
- RRC Development Option
- R-1, Residential Restricted
- R-2, Residential Limited
- R-3, Residential Medium
- R-4, Residential High
- R-5, Residential Multi-Family
- RO-1, Residential Office
- PMH, Planned Mobile Home
- PUD, Planned Unit Development
- B-1, Central Business
- B-2, Highway Commercial
- B-4, Neighborhood Commercial
- HE, Higher Education
- M-1, Light Industrial
- POB, Planned Office Business
- PSC, Planned Shopping Center

- Rezoning
- V = Variance
- C = Conditional Use Permit

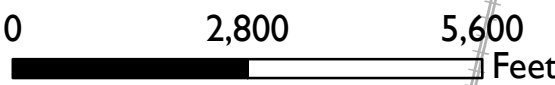
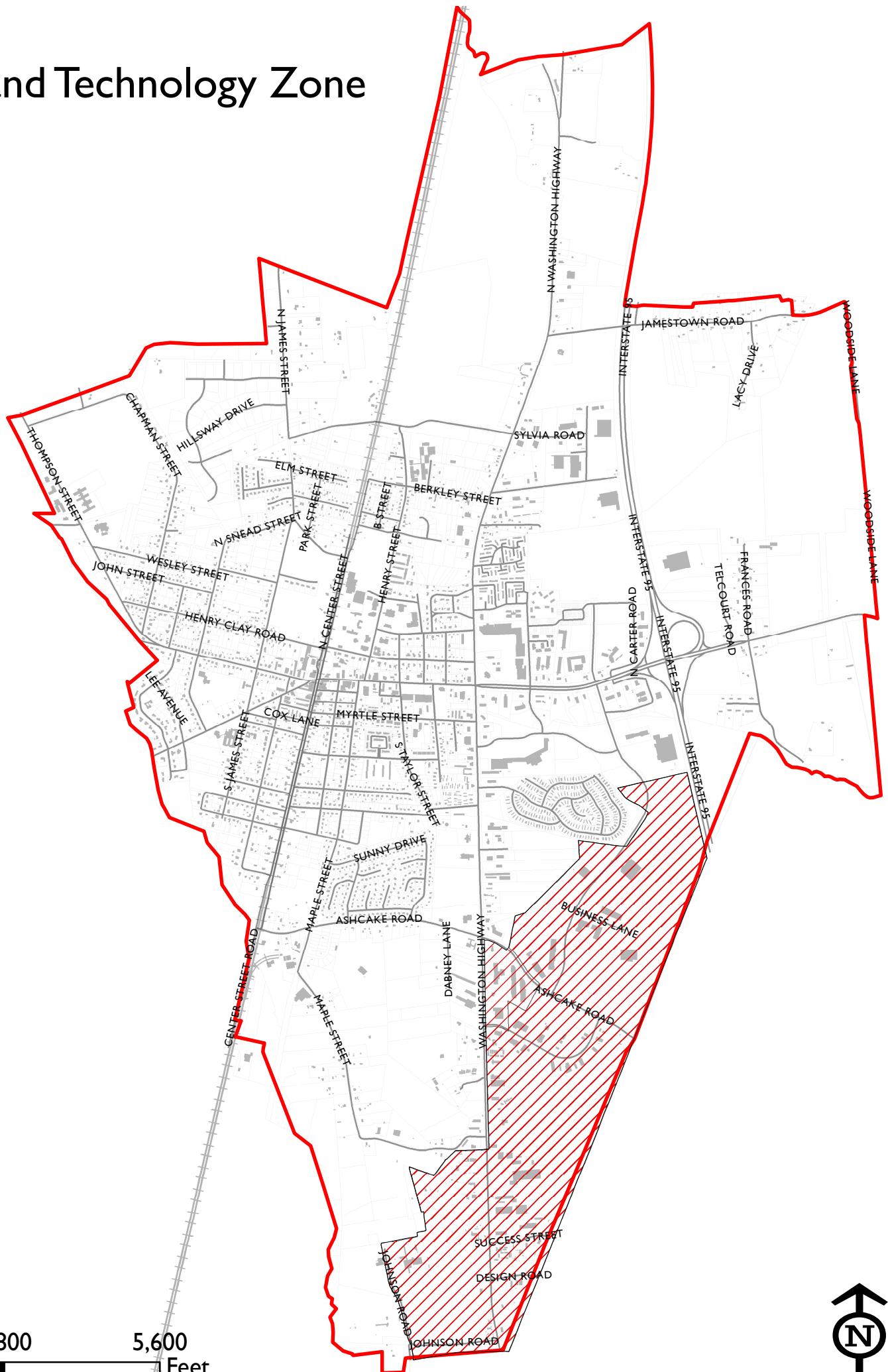


- INDEX TO CONDITIONAL REZONING**
- RE282-1021 Woodroff, W.E.
 - RE284-0131 Oakwood Land Development Corp
 - RE287-0519 Westbrook, William S.
 - RE287-0702 Randolph-Macon College
 - RE288-0322 Ashland Hanover Shopping Center
 - RE288-0714 IMG/Ashland Junction Shopping Center
 - RE288-0819 Standard Management Co
 - RE289-0419 Sedgefield Mobile Home Corp
 - RE289-1016 Bishop Diocese of Richmond
 - RE289-1117 Hanover Manor
 - RE290-0523 Holt, Linda T. & Cobb, Janet T.
 - RE291-1219 Hanover Manor Associates
 - RE292-0128 Walters & Blair
 - RE294-0810 Hanover Habitat for Humanity
 - RE294-0811 Randolph-Macon College
 - RE294-0928 Andy's World/Carl DePanico, Jr.
 - RE294-1024 Telcourt/Ashland Junction Shopping Center
 - RE295-1012 Telcourt/Ashland Junction Shopping Center
 - RE296-0305 Utility Sales of VA
 - RE296-0410 Town of Ashland
 - RE296-0610 Haley Estate - Roy and Argyle
 - RE296-0816 Haley Estate - Roy and Argyle
 - RE296-0924 Godbolt, Terry & Terry
 - RE296-1017 Baldwin Family Ltd. Partnership
 - RE296-1101 Hanover Habitat for Humanity
 - RE296-1126 Used Tire Supply
 - RE297-0127 YMCA
 - RE297-0301 Lowry, Henry C
 - RE297-0418 RMC 505 N. Center
 - RE297-0814 Gilman Lumber
 - RE297-1015 J. M. Pollard & Son's
 - RE297-1031 Haley, Dorothy etals
 - RE298-0114 Misner-Mazur-Ashland Woods
 - RE298-0120 R & R Development/Myrtle St Phase II
 - RE298-0428 Ashland Lumber
 - RE298-1001 Connelly, Phyllis & John
 - RE298-1218 Ashland Group Ltd.
 - RE299-0217 North Macon Terrace
 - RE299-0323 Mason, Raymond & Gretel
 - RE299-0412 Andys World
 - RE299-0512A VA Truck Ctr - VA Industrial Corp.
 - RE299-0512B Bramel Construction
 - RE299-0519A Cash, Carolyn
 - RE299-0519B VA Warehousing
 - RE200-0112 Richlands Limited Partnership Second Submi
 - RE200-0202 Fleetwood Retail Corp
 - RE200-0321 Gilman's Children Trust
 - RE200-0322 Patterson, Henry & Carol
 - RE200-0530 Ross, John W. & Mary
 - RE200-0901 Sheetz, Inc
 - RE200-1211 YMCA
 - RE201-0330 H. F. Robbins Construction - Myrtle St Pha
 - RE201-0913 RMC Schmitt House
 - RE201-1017 Ruby Tuesday/Proffer Amendment
 - RE203-0515 Rogers-Chenault-Blair Manor
 - RE203-0624 ElderHomes Corp. 2
 - RE204-1230 ElderHomes Corp. 2
 - RE205-1114 Sheehy Investments Nine LC
 - RE206-0203 Ashland Hanover Shopping Center
 - RE207-0312 Ashland Properties
 - RE207-0315 Lowes Home Centers
 - RE207-0315B Town of Ashland 204 Virginia St.
 - RE207-0327 East Ashland
 - RE208-0422 Wal-Mart Proffer Amendment
 - RE209-0309A Randolph-Macon West
 - RE209-0309B Randolph Macon East
 - RE209-0406 YMCA
 - RE209-0507 Ashland Properties, LLC
 - RE209-0810 Clayton Homes
 - RE210-0712 HNK of Virginia, Inc.
 - RE210-0908 Ashland ACE Hardware
 - RE211-0531 Lance & Bridle Properties
 - RE212-0507 Giant Food Stores, LLC
 - RE212-0831 TS Development Associates, LLC
 - RE213-0107 Sumpter and Cornelia Priddy
 - RE213-0129 Concrete Pipe and Precast
 - RE215-1113 Holland
 - RE216-0609 Bullfant
 - RE216-0610 Green Chimney

Downtown



Ashland Technology Zone



ORD2017-04 Automobile Distribution Use

AN ORDINANCE WHICH AMENDS THE CODE OF THE TOWN OF ASHLAND ARTICLE I, "IN GENERAL," SEC. 21-3 "DEFINITIONS" TO DEFINE AUTOMOBILE DISTRIBUTION-ONLY USE (E.G. VEHICLE REPOSSESSION BUSINESS) AND ARTICLE XIII, "LIMITED INDUSTRIAL DISTRICT M-1," TO ALLOW FOR AN AUTOMOBILE DISTRIBUTION-ONLY USE (E.G. VEHICLE REPOSSESSION BUSINESS) TO BE PERMITTED WITH A CONDITION USE PERMIT.

BE IT ORDAINED by the Ashland Town Council that the Ashland Town Code, Chapter 21, "Zoning," Article I, "In General," Sec. 21-3 "Definitions," be amended to read as follows:

Automobile. All on-road vehicles and trailers, including motorcycles to be licensed from the Virginia Department of Motor Vehicles (DMV), and not classified as either heavy or recreational equipment. As an accessory use, this may include a facility for the general repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, or providing collision services, including body, frame, or fender repair, and overall painting. All work and repairs must be performed on-site and in a fully enclosed building.

Automobile, Distribution. The distribution and temporary storage of items defined as *Automobile*, and not classified as either heavy or recreational equipment. As an accessory use, this may include a facility for the general repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, or providing collision services, including body, frame, or fender repair, and overall painting. All work and repairs must be performed on-site and in a fully enclosed building. Business examples in this definition include, but are not limited to, automobile repossession and towing companies. Due to the ability to negatively impact the health, safety, and welfare of neighboring properties and the Town, the following are requirements that must be met:

- a) Outdoor storage areas must be a minimum 50' setback from the public right-of-way; and
- b) No repossessed automobiles or any other automobiles inside the gated area should be visible from any public right-of-way; and
- c) Outdoor storage excludes storage of vehicle parts, such as tires or engines; and
- d) A record system, whether it be paper or electronic, shall be made available for review by the Town of Ashland at any time for make, model, and serial number for all parts purchased or sold as well as for repair work performed.

Awning. A shelter extending from the exterior wall of a building and composed of non-rigid materials except for the supporting framework.

BE IT ORDAINED by the Ashland Town Council that the Ashland Town Code, Chapter 21, "Zoning," Article XIII, "Limited Industrial M-1," be amended to read as follows:

"ARTICLE XIII LIMITED INDUSTRIAL DISTRICT M-1

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 rental or sales with accessory service, with a conditional use permit is required.~~
6. Automobile, truck, or motorcycle repair service station with a conditional use permit.
- ~~7. Automobile, truck, or motorcycle distribution-only with accessory service, with a conditional use permit.~~
8. Bakery
9. Brewery, Distillery, or Winery
10. Building supplies and service.
11. Car wash with a conditional use permit.
12. Catering.
13. Day nursery or day care center with a conditional use permit.
14. Distribution center.
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. 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.
25. Garage, public parking.
26. Hospital 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.
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 conditional 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.
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.
- 58. Utilities, major with a conditional use permit.
- 59. Utilities, minor.
- 60. Veterinary hospital or clinic.
- 61. Wholesale business.”

This Ordinance shall take effect upon adoption.

Introduced:

Town Council referred to Planning Commission: May 2, 2017

Advertised:

Planning Commission:

Herald Progress: April 24, 2017 and May 4, 2017

Town Council:

Herald Progress:

Public Hearing:

Planning Commission: May 10, 2017

Town Council:

Adopted:

Effective:



SOUTHWOOD BUILDING SYSTEMS, INC.

P.O. Box 1016 • Ashland, Virginia 23005
804-798-1390 • FAX 804-798-8702

April 4, 2017

Ms. Nora Amos
Zoning Administration
Town of Ashland
101 Thompson Street
Ashland, VA 23005

Re: Proposed Select Recovery Agents Facility
Hill Carter Parkway

Dear Ms. Amos:

This is our request for the Text Amendment to use this property as a distribution of Automobiles with accessory service.

Enclosed is a check in the amount of \$500.00 for this fee.

Thank you,

SOUTHWOOD BUILDING SYSTEMS, INC.

A handwritten signature in blue ink, appearing to read 'F. T. Evans', is written over a horizontal line.

F. T. Evans



Town of Ashland

Center of the Universe

101 THOMPSON STREET
P.O. BOX 1600
ASHLAND, VIRGINIA 23005-4600

TELEPHONE (804) 798-9219
FAX (804) 798-4892

April 17, 2017

RE: ORD2017-04 Automobile Distribution Use

JAMES R.
FOLEY
MAYOR

To Whom It May Concern,

JAMES D.
MURRAY
VICE MAYOR

Mr. Tom Evans has filed a text amendment (ORD2017-04 Automobile Distribution Use) to add "Automobile distribution with accessory service" as a use with a Condition Use Permit in M-1, Limited Industrial zoning.

GEORGE F.
SPAGNA, Jr.
COUNCIL MEMBER

Definitions for automobile manufacturing, sales, rental, and service business exist, but not for distribution-only. This text amendment will allow for an automobile distribution-only business, with accessory service, to operate in M-1 zoning. Attached to this letter are the M-1 zoning regulations.

STEVEN P.
TRIVETT
COUNCIL MEMBER

Please let me know if you have any comments or questions about this request by contacting me at (804) 798-1073 or gprior@ashlandva.gov. This text amendment is scheduled for a public hearing at the May 10th Planning Commission meeting.

KATHLEEN K.
ABBOTT
COUNCIL MEMBER

Sincerely,

JOSHUA S.
FARRAR
TOWN MANAGER

Garet Prior
Senior Planner

ANDREA E.
ERARD
TOWN ATTORNEY

JOSEPH A.
COLLINS
CLERK OF COUNCIL

ARTICLE XIII LIMITED INDUSTRIAL DISTRICT M-1

Sec 21-118 Statement Of Intent

Sec 21-119 Permitted Uses

Sec 21-120 Requirements For Permitted Uses

Sec 21-121 Area Regulations

Sec 21-121.1 Frontage Regulations

Sec 21-122 Setback Regulations

Sec 21-123 Yard Regulations

Sec 21-124 Height Regulations

Sec 21-125 Utilities

Sec 21-125.1 Site Plan Required

Sec 21-125.2 Landscape Plan: Landscaping, Trees, Buffers And Screening

Sec 21-125.3 Parking Lot Connectivity

Sec 21-126 Reserved

Sec 21-118 Statement Of Intent

The intent of this district is to provide sufficient space in appropriate locations for certain types of manufacturing uses, relatively free from offense, in modern landscaped buildings, to make available more attractive locations for these industries, and to provide opportunities for employment closer to places of residence with corresponding reduction of travel time from home to work. Typical development in the district would be that which is commonly known as an "industrial park." In order to preserve the land for industry and to avoid future conflicts between industry and residence, future residential and commercial uses, which could result in higher number of pedestrians, are prohibited. Being located along Route 1, this district serves as an important gateway to the community, thus improving its function through elements such as lighting, landscaping, signage, building design and layout, is an important economic goal for the Town.

Amended by Ord. 2015-01 on 4/21/2015

Sec 21-119 Permitted Uses

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

- (a) Accessory uses as defined.
- (b) Adult day care with a conditional use permit.
- (c) Artist studio.
- (d) Auction house.
- (e) Automobile, truck, or motorcycle rental or sales with accessory service, with a conditional use permit is required.
- (f) Automobile, truck, or motorcycle repair service station with a conditional use permit.
- (g) Bakery
- (h) Brewery, Distillery, or Winery
- (i) Building supplies and service.
- (j) Car wash with a conditional use permit.
- (k) Catering.

- (l) Day nursery or day care center with a conditional use permit.
- (m) Distribution center.
- (n) Drive-in theater with a conditional use permit.
- (o) Educational facility, as an accessory to a primary use.
- (p) Electric charging station, as an accessory to off-street parking.
- (q) 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.
- (r) Equipment and machinery, light (under 12,000 pounds) rental or sales with accessory service.
- (s) Feed mill. See section 21-124 for height regulations.
- (t) Firework sales with a conditional use permit.
- (u) Financial institutions.
- (v) Funeral home with a conditional use permit.
- (w) Fuel station with a conditional use permit.
- (x) Garage, public parking.
- (y) Hospital with a conditional use permit.
- (z) Indoor recreational facilities.
- (aa) Laboratory and research facility.
- (ab) Laundry and cleaning.
- (ac) Manufactured home and portable storage building sales.
- (ad) Manufacturing, apparel, textiles, and fabric where raw materials are prepared off-site.
- (ae) Manufacturing, basic chemicals or nonmetallic mineral production with a conditional use permit.
- (af) 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.
- (ag) Manufacturing, computer and electronic products, equipment, appliance and components.
- (ah) 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.
- (ai) Manufacturing, paper and wood products. Outdoor paper mills are not permitted. Outdoor sawmills, planing or wood cutting with a conditional use permit.
- (aj) 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.
- (ak) Manufacturing, furniture, pottery, cabinets, and other related products where raw materials are prepared off-site. Pottery products using kilns fired by gas or electricity.
- (al) Manufacturing, plastics and rubber products.
- (am) Manufacturing, printing and related support activities.
- (an) 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.
- (ao) Media development or production studio.
- (ap) Micro-Brewery/Distillery/Winery
- (aq) Mini-storage with a conditional use permit.

- (ar) 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.
- (as) Offices.
- (at) Outdoor recreational facilities with a conditional use permit.
- (au) Park-and-ride lot.
- (av) Parks and playgrounds with a conditional use permit.
- (aw) Public facilities.
- (ax) Railroad spur, tracks and accessory facilities.
- (ay) Repair services.
- (az) Restaurants.
- (ba) Temporary uses with a conditional use permit.
- (bb) Taxicab stand with a conditional use permit.
- (bc) Towers and aerials with a conditional use permit. See standards for telecommunication towers, per Section 21-276.
- (bd) Truck stop or terminal with a conditional use permit.
- (be) Utilities, major with a conditional use permit.
- (bf) Utilities, minor.
- (bg) Veterinary hospital or clinic.
- (bh) Wholesale business.

Adopted by Ord. 2-11-84 Paper Archive on 2/11/1984

Amended by Ord. 6-10-86 Paper Archive § 1 on 6/10/1986

Amended by Ord. 95-04 § 10 on 4/25/1995

Amended by Ord. 96-14 § 2 on 6/25/1996

Amended by Ord. 96-32 § 11 on 12/10/1996

Amended by Ord. 2003-16 § A1 on 2/17/2004

Amended by Ord. 2005-04 on 3/15/2005

Amended by Ord. 2005-16 on 1/17/2006

Amended by Ord. 2005-18 on 2/21/2006

Amended by Ord. 2007-04 on 3/20/2007

Amended by Ord. 2007-14 on 10/18/2007

Amended by Ord. 2009-12 on 12/15/2009

Amended by Ord. 2015-01 on 4/21/2015

Sec 21-120 Requirements For Permitted Uses

- (a) 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.
- (b) 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.
- (c) 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.

(d) No permanent exterior amplification devices or sound systems shall be used.

Adopted by Ord. 98-8 § 1 on 6/23/1998

Amended by Ord. 2015-01 on 4/21/2015

Sec 21-121 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.

Adopted by Ord. 1-26-93 Paper Archive § 3 on 1/26/1993

Amended by Ord. 99-4 § 1 on 4/27/1999

Amended by Ord. 2015-01 on 4/21/2015

Amended by Ord. 2016-03 on 6/21/2016

Sec 21-121.1 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.

Adopted by Ord. 1-26-93 Paper Archive § 4 on 1/26/1993

Amended by Ord. 2016-03 on 6/21/2016

Sec 21-122 Setback Regulations

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

Adopted by Ord. 1-26-93 Paper Archive § 3 on 1/26/1993

Amended by Ord. 98-23 § 1 on 12/15/1998

Amended by Ord. 2003-16 § A11 on 2/17/2004

Amended by Ord. 2015-01 on 4/21/2015

Sec 21-123 Yard Regulations

(a) *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.

- (b) *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.

Adopted by Ord. 10-8-85 Paper Archive § 1 on 10/8/1985

Amended by Ord. 1-26-93 Paper Archive § 3 on 1/26/1993

Amended by Ord. 98-8 § 1 on 6/23/1998

Amended by Ord. 98-23 § 1 on 12/15/1998

Amended by Ord. 2015-01 on 4/21/2015

Sec 21-124 Height Regulations

- (a) No building or structure shall exceed a height of forty-five (45) feet from grade, unless specified elsewhere in this chapter.
- (b) 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.
- (c) 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.

Adopted by Ord. 12-11-84 Paper Archive on 12/11/1984

Amended by Ord. 98-8 § 1 on 6/23/1998

Amended by Ord. 2007-04 on 3/20/2007

Amended by Ord. 2007-14 on 10/18/2007

Amended by Ord. 2012-08 on 6/19/2012

Amended by Ord. 2015-01 on 4/21/2015

Sec 21-125 Utilities

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

Sec 21-125.1 Site Plan Required

A site plan shall be required as set forth in ATC article XVII of this chapter.

Adopted by Ord. 2003-16 § A5 on 2/17/2004

Sec 21-125.2 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.

Adopted by Ord. 2003-16 § A3 on 2/17/2004

Sec 21-125.3 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.

Editors Note: An ordinance adopted February 17, 2004, § A6, repealed § 21-125.2 which pertained to buffer and screening adjacent to residential district and derived from ordinances dated November 24, 1987, § 4 and December 15, 1998, § 1.

Amended by Ord. 2015-01 on 4/21/2015

Sec 21-126 Reserved