**Chapter 84 – ZONING ORDINANCE**

**ARTICLE VI. – INDUSTRIAL DISTRICTS**

**PART 600. – GENERAL**

**Sec. 84-600.01. - Application**

The regulations of this part shall apply to all industrial districts. They shall supplemental the general regulations provided in Article III.

**Sec. 84-600.02. - Accessory Structures**

1. Accessory structures shall be permitted in all industrial districts in accordance with the provisions of this section. Such structures shall be located and designed so as to minimize any adverse impact on adjacent properties and roadways.
2. No accessory structure, including any portion of a retaining wall greater than six feet in height, shall be located in any required front setback area or set back from public right-of-way, unless specifically authorized elsewhere in this chapter.
3. No accessory structure shall exceed the height of the principal structure on the lot. Chimneys, flues, cooling towers, flagpoles, radio or communication towers or other accessory structures not normally occupied by workers are excluded from this limitation, may be subject to a special use permit and shall be located no closer to the property line than the height of the structure.

**Sec. 84-600.03. – Secondary uses**

1. When permitted, secondary uses shall meet the requirements of this section as well as any particular standards imposed on such use.
2. Except when specifically exempted, the square footage or area occupied by secondary uses cumulatively shall not exceed 25 percent of the gross floor area of the related principal use.

**Sec. 84-600.04. - General height regulations**

1. Height limitations shall be as specified in each industrial and shall be determined as provided in this section.
2. The Town Council may, by approval of a proffered rezoning or a Special Use Permit application, approve a structure with a height greater than any specific limitation, subject to the following standards:
	1. For a rezoning application, the maximum height shall be specifically proffered by the applicant and accepted by the Town Council; for a Special Use Permit application, the maximum height shall be made a condition of approval of the application; and
	2. The Town Council shall be satisfied that approval of a proffer or Special Use Permit is a more appropriate course than a rezoning to a classification permitting the height requested; and
	3. The Town Council shall be satisfied that the proposed height shall not have a substantial adverse impact on the light and air of adjacent and nearby properties; and
	4. The Shenandoah County Fire Marshal has certified in writing that the proposed building or other structure can be properly protected, and will not endanger improvements on adjacent properties, in case of fire; and
	5. All other requirements of this chapter for a conditional rezoning or Special Use Permit have been met; and
3. Roof structures:
	1. The height limitations set forth in industrial districts for both public and private buildings shall not apply to flagpoles, chimneys, cupolas and domes not used for human occupancy, sky lights, solar energy devices, spires and belfries, ventilators, elevators, and other necessary mechanical equipment usually located on a roof. Height limitations for antennas and other telecommunications facilities as defined herein are contained in Part 308 of this chapter.
	2. Mechanical equipment (not including any non-mechanical portions of solar devices) located on a roof shall be hidden by a wall or other similar enclosure extending not more than one foot above the height of such equipment and designed in harmony with the building.
	3. Parapet walls may extend up to five feet above the height limit for any industrial district.
	4. All such structures or features exceeding the normally permitted building height shall require approval by the Zoning Administrator.
4. Unless the provisions of this chapter operate to impose a greater standard, any structure above 45 feet in height, excluding telecommunications facilities as defined by this chapter, shall be set back a minimum of 20 feet plus two feet for each foot in height above 45 feet from any property line that abuts a residential or agricultural district, and shall be set back a minimum of 20 feet plus one foot for every foot in height above 45 feet from all other property lines. The Town Council may modify this setback provision as a part of the approval of the rezoning or Special Use Permit, provided any minimum setbacks and yards required elsewhere in the chapter shall be met. Setback requirements for telecommunications facilities as defined herein are contained in Part 308 of this chapter.

**Sec. 84-600.05. - General floor area ratio (FAR) regulations**

1. The floor area ratio (FAR) shall be determined by dividing the gross floor area of all the buildings on a lot by the total area of the lot. The gross floor area shall not include outside balconies, parking structures below or above ground, or open rooftop areas, provided these areas are not converted to usable and/or finished spaces. Gross floor area shall include interior balconies or mezzanine spaces, usable attic and penthouse spaces.
2. In calculating the permitted FAR for the site, the total area of the lot shall not be reduced by the area to be dedicated for public street or other public purposes.
3. The Town Council may approve a FAR higher than that permitted by right by specifically proffered rezoning or Special Use Permit. In those districts where minimum FARs are specified, the board may approve a FAR lower than that permitted by-right by proffered rezoning or Special Use Permit. When approved as part of a rezoning, the maximum (or minimum) FAR shall be specifically proffered; when approved by Special Use Permit, the maximum (or minimum) FAR shall be made a condition of the permit. Matters to be considered by the Town Council in evaluating such application shall include, but not be limited to, increased buffering and landscaping, unique design features that improve visual impact or minimize shadow (such as stepped building design); general compatibility with surrounding uses; compatibility with surrounding structures (architecturally, materials used, etc.); environmental protection or enhancement on-site; public amenities on-site; off-site transportation improvements; fire and health safety design features (beyond those required by law), or any other design improvement which promotes the health, safety, and general welfare of the workers at the site and the citizens of the Town.

**Sec. 84-600.06. - Yard and setback areas**

1. Required yard and setback areas in industrial districts shall be unoccupied and open to the sky except for accessory structures and uses permitted by this chapter, provided that architectural features including fire escapes may project up to three feet into any required yard or setback area.
2. The location of signs shall be governed by Part 303 of this chapter.
3. On all corner lots in industrial districts any use, structure, vehicle or planting of such a nature and size that obstructs sight distance at the intersection shall be prohibited. See sight distance standards in the Technical Design Manual.
4. Setbacks imposed by any provision of the district regulations imposed in this Article V shall be applied to every building or structure erected within such district except where another section of this chapter specifically provides otherwise.
5. Parking lots shall be set back in accordance with the Technical Design Manual.

**Sec. 84-600.07. - Site plan requirements, certificate of occupancy, change of use.**

1. All construction, reconstruction, alteration, and change of use within all industrial districts shall require a site plan in accordance with Article X of this chapter.
2. Every application for a certificate of occupancy for the initial occupancy of finished space and for any change in use group shall include a zoning application for the proposed use.
3. No land within an industrial district shall be used for any business, activity, establishment or purpose other than that for which it was used on the effective date of this chapter until an updated certificate of occupancy has been issued.

**Sec. 84-600.08. – Buffers, screening and landscaping required**

In all industrial districts, unless otherwise specifically indicated by this chapter, landscaping or screening, or both, shall be required for all off-street parking, outside storage, storm water management facilities, loading areas, and refuse removal areas, and in all required setback and buffer areas as provided in Part 311 of the Article and Chapter 6 of the Technical Design Manual. All outside storage (where permitted under other provisions of this chapter), loading areas, and refuse removal areas shall be screened from the view of any public street in accordance with the requirements of the Technical Design Manual.

**Sec. 84-600.09. – Lighting.**

Use of flashing, revolving, or intermittent outdoor lighting shall be prohibited. All outdoor lighting shall conform to the requirements of Part 313 of this Chapter.

**Sec. 84-600.10. – Litter control.**

1. Notwithstanding any other provision of this chapter, it shall be unlawful for the owner or occupant of any property zoned for any industrial use and actually used for such purposes to cause or permit the accumulation on such property of any trash, refuse, garbage or litter, as those terms are defined in Article I of this Code, except in appropriate containers as set forth herein.
2. The owner or occupant of any properties described in subsection (1) hereof shall place on his property or properties a sufficient number of receptacles acceptable to the health department, suitable, and to be used, for holding all trash, litter; refuse and garbage generated on the property or properties until such time as it may be properly disposed of in a lawful manner and place.
3. Keeping or maintaining a dump heap, as defined herein, shall be prohibited on property in all industrial districts.

**Sec. 84-600.11. – Outdoor storage.**

Outside storage of material and equipment shall be permitted within any industrial district provided the following standards are met:

1. The outside storage area shall be designated on an approved site plan;
2. The outside storage area will not encroach onto any required off-street parking space or aisleway, required open space, or emergency access travelway;
3. The outside storage area will be screened in accordance with Section 310 of the Technical Design Manual;
4. The outside storage area will not be utilized for merchandise display or "sidewalk sales".

**Sec. 84-600.12. – Storage of trucks prohibited in industrial districts**

1. Except as permitted by Chapter 82 the Town Code and unless essential to the nature of the use, such as industrial parking, or otherwise permitted in this chapter, the storage of the following industrial vehicles shall be prohibited in all industrial districts, except when actively engaged in loading or unloading operations:
2. Box trucks.
3. Cement trucks.
4. Construction equipment.
5. Dump trucks.
6. Flatbed trucks.
7. Garbage, refuse or recycling trucks.
8. Passenger buses (excluding school buses).
9. Stake bed trucks.
10. Step vans.
11. Tow trucks.
12. Tractors or trailers of a tractor-trailer truck.

**Sec. 84-600.13. - General provisions for equipment storage accessory to a contractor or tradesman's shop.**

Where permitted, equipment storage facilities accessory only to a contractor or tradesman's shop shall meet the following standards:

1. Outdoor storage of motorized vehicles shall be limited to company vehicles. When equipment other than or in addition to company vehicles is stored, the storage area shall be located at the rear or side of the principal structure.
2. Outside storage shall be limited to 20 percent of the lot area.
3. Storage of refuse, waste, junk or inoperative motor vehicles or the accumulation of inoperative equipment shall be prohibited.
4. The storage area shall meet all setback requirements applicable to principal buildings and shall be screened in accordance with the Technical Design Manual.

**Sec. 84-600.14. – Parking areas.**

Off-site parking, as defined in Part 100 of this Chapter, may be located on adjacent or abutting lots within any industrial district or public or institutional facilities in accordance with the following standards:

1. The parking area shall be constructed in accordance with all applicable sections of the zoning ordinance and the Technical Design Manual. A site plan pursuant to Article X of this chapter shall be required.
2. Adequate outdoor lighting shall be provided in all parking areas and travelways, including any pedestrian travelway(s) accessing the parking area, pursuant to section 84-600.09.
3. When the parking is located on a contiguous lot under the same ownership, a subdivision plat shall be approved and recorded eliminating the common, internal lot line(s).
4. Where the adjacent or abutting lot used for the parking is under separate ownership, permanent easements and/or agreements shall be required which provide for joint use and maintenance of parking areas and travelways by all owners, occupants and patrons of the properties. Such easements or agreements shall be noted on approved subdivision and site plans. The easements or agreements shall be approved by the Zoning Administrator and the Town Attorney's office and shall not be changed without such prior approval.
5. The parking spaces must be in addition to the minimum number of parking spaces required for any existing or proposed use on the parcel on which the parking is located.

**Sec. 84-600.15. – Site design when adjacent to residential districts or uses.**

Structures shall be oriented in a manner to buffer any adjacent residential district or use from outdoor activities related. Such as loading docks, outdoor storage, exterior equipment, bay doors, and similar. Employee parking shall be permitted on the building side facing any residential district or use.

**PART 601. - M-1 INDUSTRIAL HEAVY (currently BP/LI inside business park)**

**Sec. 84-601.01. - Uses permitted by right**

The following uses are by-right within the M-1 zoning district.

1. Brewery and bottling facility.
2. Business school.
3. Business Support services.
4. Catering, commercial.
5. Cold storage facility.
6. Computer and network services.
7. Contractor or tradesman office.
8. Contractor or tradesman's shop (limited).
9. Crematory, crematorium.
10. Distillery.
11. Distribution and fulfillment center.
12. Donated materials collection center.
13. Dry Cleaning, processing.
14. Industry, light.
15. Janitorial service.
16. Laboratory.
17. Medical or dental laboratory.
18. Motor vehicle repair shop (limited).
19. Pharmaceutical product manufacturing.
20. Research and development.
21. Trade, technical, and vocational school.
22. Veterinary hospital/clinic.
23. Warehousing.
24. Wholesaling.

**Sec. 84-601.02. - Secondary uses**

The following uses shall be permitted by right in the M-1 district only in conjunction with a permitted principal use, as specifically identified below, existing or proposed:

1. Amateur radio tower
2. Retail sales.

**Sec. 84-601.03. - Special uses**

The following uses shall be permitted in the M-1 district on existing lots of any size with a Special Use Permit:

1. Asphalt plant.
2. Construction sales and service.
3. Contractor or tradesman's shop (unlimited).
4. Contractor yard.
5. Data center.
6. Equipment and material storage.
7. Equipment sales and rental, light.
8. Equipment sales and rental, heavy.
9. Industry, heavy.
10. Industry, medium.
11. Kennel, commercial.
12. Landscaping service.
13. Meat packing and related industries.
14. Motor vehicle, company vehicle service facility.
15. Motor vehicle impound yard.
16. Motor vehicle repair shop (unlimited).
17. Motor vehicle sales (recreational).
18. Office.
19. Propane fuel sales.
20. Range, shooting – indoor.
21. Recreation facility, commercial (indoor only).
22. Sawmill.
23. School of special instruction.
24. School of special instruction.
25. Self-storage center.
26. Small wind-driven energy system.
27. Solar energy facility.
28. Taxi or limousine dispatching service.
29. Taxi or limousine operations.
30. Testing and experimental laboratories (HAZMAT).
31. Trailer sales (retail), lease, storage, repair and maintenance.
32. Truck terminal.
33. Utility service, major.
34. Utility service, minor.

**Sec. 84-601.04. - M-1 Development Standards**

* 1. The minimum lot size shall be 1 acre.
	2. The minimum road frontage shall be 100 feet. Frontage shall be maintained to the minimum required front yard setback.
	3. The maximum lot coverage shall be 70%
	4. The maximum building height for all structures shall be 45 feet.

**Sec. 84-601.05. - M-1 Setbacks**

* 1. The minimum front yard and right-of-way setback is 50 feet.
	2. The minimum side yard setback is 20 feet.
	3. The minimum rear yard setback shall be 25 feet.
	4. The minimum setback of accessory structures to the side and rear property line shall be 5 feet.

**PART 602. - M-2 LIGHT (currently BP/LI outside business park)**

**Sec. 84-602.01. – M-2 Uses permitted by right**

The following uses are by-right within the M-BP zoning district.

1. Business school.
2. Business Support services.
3. Carpet or flooring retail sales.
4. Catering, commercial.
5. Computer and network services.
6. Construction sales and service.
7. Crematory, crematorium.
8. Donated materials collection center.
9. Event center.
10. Funeral services.
11. Gunsmith.
12. Medical or dental laboratory.
13. Office.
14. Research and development.
15. School of special instruction.
16. Taxi or limousine dispatching service.
17. Trade, technical, and vocational school.
18. Veterinary hospital/clinic.

**Sec. 84-602.02. - M-2 Secondary uses**

The following uses shall be permitted by right in the M-BP district only in conjunction with a permitted principal use, as specifically identified below, existing or proposed:

1. Retail sales

**Sec. 84-602.03. - M-2 Special uses**

The following uses shall be permitted in the M-BP district on existing lots of any size with a Special Use Permit:

1. Contractor or tradesman office.
2. Contractor or tradesman's shop (limited).
3. Dry Cleaning, processing.
4. Equipment sales and rental, light.
5. Garden Center
6. Home improvement center.
7. Industry, light.
8. Janitorial service.
9. Kennel, commercial.
10. Landscaping service.
11. Motor vehicle service (light).
12. Taxi or limousine operations.
13. Trade, technical, and vocational school.

**Sec. 84-602.04. - M-2 Development Standards**

1. The minimum lot size shall be 1 acre.
2. The minimum road frontage shall be 100 feet. Frontage shall be maintained to the minimum required front yard setback.
3. The maximum lot coverage shall be 70%
4. The maximum building height for all structures shall be 45 feet.

**Sec. 84-602.05. - M-2 Setbacks**

1. The minimum front yard and right-of-way setback is 50 feet.
2. The minimum side yard setback is 20 feet.
3. The minimum rear yard setback shall be 25 feet.
4. The minimum setback of accessory structures to the side and rear property line shall be 5 feet.

**Sec. 84-602.06. - M-2 Alternative Uses**

The following alternative uses shall be permitted by-right within the M-2 with modified development standards.

1. Mixed use commercial on the ground floor with apartments on the floors above. The following commercial uses shall be permitted.
	1. Antique shop
	2. Art gallery (private)
	3. Business support service
	4. Commercial artist or photographer's studio
	5. Consumer repair service
	6. Dry Cleaning, pick-up
	7. Medical or dental office or clinic
	8. Office
	9. Personal services
	10. Pet grooming service
	11. Pet store
	12. Print shop.
	13. Restaurant, small
	14. Retail sales
	15. Retail sales, custom
	16. Studio, fine arts
2. Standards for commercial development shall comply with Part 502, light commercial district standards.
3. Apartments per Part 406 of this Chapter for R-16 districts and Part 409 for multi-family dwelling standards.
4. The zoning administrator shall have the flexibility with the mixed used design to identify the proper commercial and residential standards. These determinations shall be on a case-by-case basis on the development location and adjacent established uses.