

**AN ORDINANCE TO AMEND CHAPTER 42 – ZONING, ARTICLE I. – IN
GENERAL SECTION 42-1 DEFINITIONS AND ARTICLE XIV. – GENERAL
INDUSTRIAL DISTRICT I-2 SECTION 42-397 PERMITTED USES**

WHEREAS, notice of a public hearing before the Christiansburg Planning Commission concerning this ordinance was published two consecutive weeks (January 12, 2019 and January 19, 2019) in The News Messenger, a newspaper published in and having general circulation in the Town of Christiansburg; and,

WHEREAS, a public hearing of the Planning Commission was held January 28, 2019 and resulted in a recommendation by the Planning Commission that the following proposed zoning ordinance amendment be adopted; and,

WHEREAS, notice of the public hearing before the Town Council concerning this ordinance was published two consecutive weeks (February 13, 2019 and February 20, 2019) in The News Messenger, a newspaper published in and having general circulation in the Town of Christiansburg; and,

WHEREAS, the Town Council's public hearing was held February 26, 2019; and,

WHEREAS, Town Council has considered the following amendment to the Town's Zoning Ordinance and found that the public necessity, convenience, and good zoning practices deem it proper to do so;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Christiansburg, Virginia, that Chapter 42 – “Zoning,” Article I – “In General,” Section 42-1 – “Definitions” and Article XIV – “General Industrial District I-2” Section 42-397 – “Permitted Uses” of the *Christiansburg Town Code* be amended as follows:

Chapter 42 – ZONING

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ARTICLE I. – IN GENERAL

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Sec. 42-1. – Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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Animal hospital means a business where domestic pets are given medical care and the boarding of animal patients is limited to short-term stays incidental to the hospital use.

Brewery means a facility where beer is manufactured and bottled for distribution. Direct sales of the product to the consumer on the premises is permitted within a retail shop, tasting room, restaurant, or similar establishment.

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Data center means a facility where computer and network server equipment is located for the purpose of data and application storage, access, management, and distribution.

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Industry and manufacturing, Type 1 means industrial and manufacturing uses and the manufacture, compounding, processing, preparation, packaging or treatment of products (including food products) which do not produce offensive noise, vibrations, dust, heat, smoke, odor, glare or other objectionable influences at the property lines. This shall not include pulp mills, the manufacturing of glue or soap, the slaughtering of animals/poultry or the smoking and curing of meat.

Industry and manufacturing, Type 2 means industrial and manufacturing uses and the manufacture, compounding, processing, preparation, packaging or treatment of products (including food products) which are potentially hazardous and may have accompanying hazards, such as fire, explosion, noise, vibration, dust or the emission of smoke, odor, toxic gases or other pollutants.

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Mobile food vendor means a vehicle, trailer, cart or similar mobile equipment designed to prepare and sell food in a temporary location. Unless provided otherwise within a district, a mobile food vendor shall be considered a restaurant or catering business.

Mobile food vendor commissary means a permanent establishment supporting a mobile food vendor service where food and equipment is prepared and stored. Unless provided otherwise within a district, a mobile food vendor commissary shall be considered a restaurant or catering business.

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Research and development facility means a facility which engages in research and/or development of materials, parts, products, and processes in scientific, engineering, or technology-intensive fields which may include, but are not limited to information and communications technology and data systems, transportation including unmanned and autonomous systems, multi-media and video technology.

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ARTICLE XIV. – GENERAL INDUSTRIAL DISTRICT I-2

Sec. 42-397. – Permitted uses.

In the I-2 General Industrial District, structures to be erected, or land to be used, shall be for one or more of the following uses:

- (1) Any manufacturing, processing, storing or distributing use permitted in the I-1 Limited Industrial District.
- (2) Agriculture and forestry use as permitted in the A Agricultural District.
- (3) Dwellings for resident watchmen and caretakers employed on the premises, including a family and one unrelated individual per unit; other single family or two-family dwellings, including a family and up to two unrelated individuals per unit, with a conditional use permit.
- (4) Retail and service establishments as follows:
 - a. Automobile service station.
 - b. Banks and savings and loan offices.
 - c. Business and office supply establishments.
 - d. Clinics, medical or dental.
 - e. Employment service or agency.
 - f. Janitorial or exterminating service.
 - g. Offices and office buildings, studios and the like, business, professional or administrative.
 - h. Restaurant or cafeteria, drive in or otherwise.
 - i. Security service office or station.
 - j. Temporary stands, or outdoor areas or temporary vehicle parking, for retail or wholesale trade.
 - k. Trade or business school, including instruction in heavy construction or materials handling equipment or similar vehicles and equipment.
 - l. Retail or wholesale sales and service incidental to a permitted manufacturing, processing, storing or distributing use.
 - m. Veterinary or dog or cat hospitals.
 - n. Adult businesses as regulated in section 42-398(f), with a conditional use permit.
- (5) Off street parking and loading and parking garages.
- (6) Signs in accordance with the sign ordinance in article XXIV, signs.
- (7) Facilities and structures necessary for rendering utility service, including poles, wires, transformers, transmission lines, telephone booths and the like for normal electrical power distribution or communication service; communications antennas; amateur radio towers; meters and pipelines or conduits for electrical, gas, sewer or water service; treatment facilities; pumping and regulatory stations; substations. Public utility generating, booster or relay stations; major transmission lines and towers; communications monopoles or towers; railroad yards and terminals are permitted with a conditional use permit.
- (8) Industrialized building units for business, agricultural, industrial, institutional, security or construction purposes, with a conditional use permit. Conditional use permits shall not be required for construction trailers on active construction sites.
- (9) The following uses and any similar industrial uses which are not likely to create any more offensive noise, vibrations, dust, heat, smoke, odor, glare or other objectionable influences than the minimum amount normally resulting from other uses

permitted, and manufacture, compounding, processing, packaging or treatment of the following products or similar products. In cases of doubt regarding the nature of a process or use, the administrator may require an engineering report describing the process or use and the probable impact thereof at property lines in terms of the factors listed above or other significant factors as may be associated with a particular process or use. Where doubt remains following such engineering report, the proposal shall be considered as a potentially hazardous use and shall require conditional use permit approval.

- a. Abrasive wheels, stones, paper, cloth and related products.
- b. Adhesives, but not glue or size manufacture.
- c. Agricultural or farm implements, manufacture, sale, storage or repair.
- d. Aircraft and aircraft parts.
- e. Aluminum extrusion, rolling, fabrication and forming.
- f. Automobile, motorcycle, bus, tractor truck, pickup or panel truck manufacture, assembly, rental or repair, but not a salvage or wrecking yard.
- g. Bag manufacture or cleaning.
- h. Barrel or box manufacturing.
- i. Blacksmith shop.
- j. Building materials (cement, lime in bags or container, sand, gravel, stone, lumber, structural or reinforcing steel, pipe and the like) storage and sales, open or enclosed, but not manufacture or steel fabricating or junk storage.
- k. Candles, including wax or tallow manufacture.
- l. Ceramics and ceramic products.
- m. Coal, flour or grain elevator; coal or wood yard.
- n. Concrete products or central mixing and proportioning plant.
- o. Contractor's equipment storage yard or plant or rental of equipment commonly used by contractors.
- p. Engine testing (internal combustion engines), but not jet engines or rockets.
- q. Equipment sales, rental, service and storage, but not junk.
- r. Excelsior, wood fiber.
- s. Fertilizer storage in bags or bulk storage of liquid or dry fertilizer in tanks or in a completely enclosed building, but not manufacture or processing.
- t. Flour, storage, blending and packaging, but not milling.
- u. Galvanizing or plating (hot dip).
- v. Glass and glass products.
- w. Ink manufacture from primary raw materials (including colors and pigments).
- x. Lumberyard.
- y. Meat products, manufacture, but not slaughtering of animals and poultry or smoking and curing of meat.
- z. Monuments and architectural stone.
- aa. Oils, shortenings and fats (edible), and storage.
- bb. Paper and paperboard (from paper machine only), but not pulp mills.

- cc. Petroleum and other inflammable liquids, aboveground bulk storage up to 80,000 gallons, but not refining.
- dd. Plumbing and electrical supplies, manufacture, sale or storage.
- ee. Railroad switching and classification yards, repairs and cleaning shops, roundhouses, powerhouses, interlocking towers and fueling, sanding and watering stations.
- ff. Recycling, post-collection separation facilities with a zoning permit application and plan of operation approved by the administrator and subject to the foregoing conditions. Collection center zoning permits may be revoked at any time by the administrator or health official when such recycling center poses a threat to public safety, health or general welfare. In addition, any landscaping or screening provisions of this article shall be mandatory.
- gg. Sand and gravel processing, but not extraction or stone crushing or grinding.
- hh. Sawmill (including cooperage stock mill), stationary and planing mill.
- ii. Soap products, but not soap manufacture.
- jj. Structural iron and steel fabrication.
- kk. Terminal, truck, with any petroleum storage to not exceed 80,000 gallons.
- ll. Terminal, truck freight. (Note: changed from prior listing as truck terminal, freight.)
- mm. Terminal, truck freight, with any petroleum storage to not exceed 80,000 gallons.
- nn. Tobacco products, cigars, cigarettes.
- oo. Wallboard and plaster, building, insulation and composition flooring.
- pp. Welding and soldering shops; machine shop.
- qq. Well drilling establishment, water, gas or oil; offices, storage or service of supplies and equipment.
- rr. Wire rope and cable.
- ss. Wood chip and fiber board.

(10) Accessory buildings and uses, including, but not limited to, the following:

- a. Dwellings accessory to a farm of ten acres or more, including a family and up to two unrelated individuals per unit.
- b. Retail and service facilities inside a principal building for the use of occupants thereof and occupants of other buildings in the industrial development. Retail and service facilities may include barbershops, beauty parlors, dining rooms, newsstands, restaurants, tobacco, drugs and sundries.
- c. Storage of supplies, merchandise, equipment or goods normally carried in stock, used or produced in connection with a permitted office, business, commercial or industrial use subject to applicable district regulations.

(11) Potentially hazardous uses permitted as conditional uses. The following uses or the manufacture, compounding, processing, packaging or treatment of products not specifically listed above or below, but which may have accompanying hazards, such as fire, explosion, noise, vibration, dust or the emission of smoke, odor, toxic gases or other pollutants, may, if not in conflict with any state or town law or ordinance, be located in the I-2 General Industrial District, only after the location and nature of such use shall have been approved by the town council as a conditional use permit, as

provided in this chapter. In cases of doubt regarding the nature of a process or use, the town council may require an engineering report describing the process or use and the probable impact thereof at property lines in terms of the factors listed above or other significant factors as may be associated with a particular process or use. The town council shall review the plans and statements and shall not permit such buildings, structures or uses until there has been shown that the public health, safety and general welfare will be properly protected, and that necessary safeguards will be provided for the protection of streams or other water areas and surrounding property and persons. The town council, in reviewing the plans and statements, shall consult with other agencies created for the promotion of public health and safety, and shall pay particular attention to protection of the town, the county and its neighbors from the harmful effects of air or water pollution of any type.

- a. Airport or heliport.
- b. Bleaching products, dyestuff or textile bleaching.
- c. Cider and vinegar.
- d. Cleaning and polishing preparations, dressings and blackings, processing.
- e. Film, photographic.
- f. Flour, feed and grain milling or grain drying.
- g. Foundries or forge plant, pneumatic drop and forging hammering.
- h. Incinerator, industrial or public.
- i. Livestock market.
- j. Match manufacturer.
- k. Paint, oil, shellac, turpentine or varnish.
- l. Petroleum and other inflammable liquids, aboveground bulk storage over 80,000 gallons, but not refining.
- m. Pickles, sauerkraut, vegetable relish and sauces.
- n. Plastic material and synthetic resins, processing only.
- o. Sand and gravel extraction, or similar major excavations.
- p. Sandblasting or cutting.
- q. Septic storage tanks, aboveground; in conjunction with a commercial septic service for the temporary storage and collection of septic effluent prior to transfer of such effluent to a sanitary disposal facility.
- r. Soap manufacture.
- s. Starch manufacture.
- t. Terminal, truck with any petroleum storage exceeding 80,000 gallons.
- u. Terminal, truck freight with any petroleum storage exceeding 80,000 gallons.

(12) Recycling collection center with a zoning permit application and plan of operation approved by the administrator. The administrator may refer any proposed collection center application to the town planning commission or health official, or both, for their advice as to the desirability, practicability or health effects of any such center before issuing a zoning permit to any collection center applicant. Collection center zoning permits may be revoked at any time by the administrator or health

official when such recycling center poses a threat to public safety, health or general welfare.

- (13) Public buildings to consist of fire, police and rescue squad stations and recreational facilities. Private buildings to consist of recreational facilities with a conditional use permit.
- (14) Auction house, business.
- (15) Auction house, industrial.
- (16) Kennels, with a conditional use permit.
- (17) Laboratories, research, experimental or testing, excluding animals and explosives.
- (18) Portable storage containers, in accordance with section 42-662.
- (19) Public billiard parlors and poolrooms, game rooms, bowling alleys, skating rinks, indoor and outdoor shooting ranges, paintball courses and similar forms of public amusement, with a conditional use permit.
- (20) Loudspeaker/sound amplification/outdoor sound system to be used in excess of the town's noise ordinance, with a conditional use permit.

(A) The following uses are permitted by right, unless noted otherwise:

- 1) Any manufacturing, processing, storing or distributing use permitted in the I-1 Limited Industrial District.
- 2) Dwellings for resident watchmen and caretakers employed on the premises, including a family and one unrelated individual per unit.
- 3) Agriculture and forestry uses as permitted in the A Agricultural District.
- 4) Agricultural or farm implements, manufacture, sale, storage or repair.
- 5) Animal hospital.
- 6) Auction house, business.
- 7) Auction house, industrial.
- 8) Automobile service station.
- 9) Banks and savings and loan offices.
- 10) Brewery.
- 11) Building materials (cement, lime in bags or container, sand, gravel, stone, lumber, structural or reinforcing steel, pipe and the like) storage and sales, open or enclosed, but not manufacture or steel fabricating or junk storage.
- 12) Business and office supply establishments.
- 13) Clinics, medical or dental.
- 14) Construction trailers on active construction sites.
- 15) Contractor's equipment storage yard or plant or rental of equipment commonly used by contractors.
- 16) Data center.

- 17) Employment service or agency.
- 18) Equipment sales, rental, service and storage, but not junk.
- 19) Facilities and structures necessary for rendering utility service, including poles, wires, transformers, transmission lines, telephone booths and the like for normal electrical power distribution or communication service; communications antennas; amateur radio towers; meters and pipelines or conduits for electrical, gas, sewer or water service; treatment facilities; pumping and regulatory stations; substations.
- 20) Janitorial or exterminating service.
- 21) Laboratories, research, experimental or testing, excluding explosives.
- 22) Mobile food vendor.
- 23) Mobile food vendor commissary.
- 24) Off-street parking and loading and parking garages.
- 25) Offices and office buildings, studios and the like, business, professional or administrative.
- 26) Plumbing and electrical supplies, manufacture, sale or storage.
- 27) Portable storage containers, in accordance with section 42-662.
- 28) Public buildings to consist of fire, police and rescue squad stations and recreational facilities.
- 29) Recycling collection center with a zoning permit application and plan of operation approved by the administrator. The administrator may refer any proposed collection center application to the town planning commission or health official, or both, for their advice as to the desirability, practicability or health effects of any such center before issuing a zoning permit to any collection center applicant. Collection center zoning permits may be revoked at any time by the administrator or health official when such recycling center poses a threat to public safety, health or general welfare.
- 30) Research and development facility.
- 31) Retail or wholesale sales and service incidental to a permitted manufacturing, processing, storing or distributing use.
- 32) Security service office or station.
- 33) Signs in accordance with the sign ordinance in article XXIV, signs.
- 34) Temporary stands, or outdoor areas or temporary vehicle parking, for retail or wholesale trade.
- 35) Trade or business school, including instruction in heavy construction or materials handling equipment or similar vehicles and equipment.
- 36) Welding and soldering shops; machine shop.

37) Well drilling establishment, water, gas or oil; offices, storage or service of supplies and equipment.

38) Accessory buildings and uses, including, but not limited to, the following:

- a. Dwellings accessory to a farm of ten acres or more, including a family and up to two unrelated individuals per unit.
- b. Retail and service facilities inside a principal building for the use of occupants thereof and occupants of other buildings in the industrial development. Retail and service facilities may include barbershops, beauty parlors, dining rooms, newsstands, restaurants, tobacco, drugs and sundries.
- c. Storage of supplies, merchandise, equipment or goods normally carried in stock, used or produced in connection with a permitted office, business, commercial or industrial use subject to applicable district regulations.

39) The following uses and any similar industrial uses which are not likely to create any more offensive noise, vibrations, dust, heat, smoke, odor, glare or other objectionable influences than the minimum amount normally resulting from other uses permitted, and the manufacture, compounding, processing, packaging or treatment of the following uses or similar uses. In cases of doubt regarding the nature of a process or use, the administrator may require an engineering report describing the process or use and the probable impact thereof at property lines in terms of the factors listed above or other significant factors as may be associated with a particular process or use. Where doubt remains following such engineering report, the proposal shall be considered as a potentially hazardous use and shall require conditional use permit approval.

- a) Industry and manufacturing, Type 1.
- b) Automobile, motorcycle, bus, tractor truck, pickup or panel truck manufacture, assembly, rental or repair, including a commercial garage or automobile body shop, but not a salvage, junk, or wrecking yard.
- c) Blacksmith shop.
- d) Coal, flour or grain elevator; coal or wood yard.
- e) Concrete products or central mixing and proportioning plant.
- f) Engine testing (internal combustion engines), but not jet engines or rockets.
- g) Fertilizer storage in bags or bulk storage of liquid or dry fertilizer in tanks or in a completely enclosed building, but not manufacture or processing.
- h) Flour, storage, blending and packaging, but not milling.
- i) Galvanizing or plating (hot dip).
- j) Lumberyard.

- k) Petroleum and other inflammable liquids, aboveground bulk storage up to 80,000 gallons, but not refining.
- l) Railroad switching and classification yards, repairs and cleaning shops, roundhouses, powerhouses, interlocking towers and fueling, sanding and watering stations.
- m) Recycling, post-collection separation facilities with a zoning permit application and plan of operation approved by the administrator and subject to the foregoing conditions. Collection center zoning permits may be revoked at any time by the administrator or health official when such recycling center poses a threat to public safety, health or general welfare. In addition, any landscaping or screening provisions of this article shall be mandatory.
- n) Sand and gravel processing, but not extraction or stone crushing or grinding.
- o) Sawmill (including cooperage stock mill), stationary and planing mill.
- p) Structural iron and steel fabrication.
- q) Terminal, truck, with any petroleum storage to not exceed 80,000 gallons.
- r) Terminal, truck freight, with any petroleum storage to not exceed 80,000 gallons.

(B) The following uses require a conditional use permit:

- 1) Single-family or two-family dwellings, including a family and up to two unrelated individuals per unit.
- 2) Adult businesses as regulated in section 42-398(f).
- 3) Fitness center or health club.
- 4) Industrialized building units for business, agricultural, industrial, institutional, security or construction purposes.
- 5) Kennels.
- 6) Loudspeaker/sound amplification/outdoor sound system to be used in excess of the town's noise ordinance.
- 7) Private buildings to consist of recreational facilities.
- 8) Public billiard parlors and poolrooms, game rooms, bowling alleys, skating rinks, indoor and outdoor shooting ranges, paintball courses and similar forms of public amusement.
- 9) Public utility generating, booster or relay stations; major transmission lines and towers; communications monopoles or towers.
- 10) Railroad yards and terminals.
- 11) Restaurant or cafeteria, drive-in or otherwise.

12) Towing service.

13) Potentially hazardous uses. The following uses or the manufacture, compounding, processing, packaging or treatment of products not specifically listed above or below, but which may have accompanying hazards, such as fire, explosion, noise, vibration, dust or the emission of smoke, odor, toxic gases or other pollutants, may, if not in conflict with any state or town law or ordinance, be located in the I-2 General Industrial District, only after the location and nature of such use shall have been approved by the town council as a conditional use permit, as provided in this chapter. In cases of doubt regarding the nature of a process or use, the town council may require an engineering report describing the process or use and the probable impact thereof at property lines in terms of the factors listed above or other significant factors as may be associated with a particular process or use. The town council shall review the plans and statements and shall not permit such buildings, structures or uses until there has been shown that the public health, safety and general welfare will be properly protected, and that necessary safeguards will be provided for the protection of streams or other water areas and surrounding property and persons. The town council, in reviewing the plans and statements, shall consult with other agencies created for the promotion of public health and safety, and shall pay particular attention to protection of the town, the county and its neighbors from the harmful effects of air or water pollution of any type.

- a) Industry and manufacturing, Type 2.
- b) Airport or heliport.
- c) Flour, feed and grain milling or grain drying.
- d) Foundries or forge plant, pneumatic drop and forging hammering.
- e) Incinerator, industrial or public.
- f) Livestock market.
- g) Petroleum and other inflammable liquids, aboveground bulk storage over 80,000 gallons, but not refining.
- h) Portable toilet service and storage.
- i) Sand and gravel extraction, or similar major excavations.
- j) Sandblasting or cutting.
- k) Septic storage tanks, aboveground; in conjunction with a commercial septic service for the temporary storage and collection of septic effluent prior to transfer of such effluent to a sanitary disposal facility.
- l) Terminal, truck with any petroleum storage exceeding 80,000 gallons.
- m) Terminal, truck freight with any petroleum storage exceeding 80,000 gallons.

This ordinance shall become effective upon adoption. If any part of this ordinance is deemed unlawful by a court of competent jurisdiction all remaining parts shall be

deemed valid. Ordinances or parts of any ordinances of the Town whose provisions are in conflict herewith are hereby repealed.

Upon a call for an aye and nay vote on the foregoing ordinance at a regular meeting of the Council of the Town of Christiansburg, Virginia held March 12, 2019, the members of the Council of the Town of Christiansburg, Virginia present throughout all deliberations on the foregoing and voting or abstaining, stood as indicated opposite their names as follows:

<u>MEMBER</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Samuel M. Bishop	X			
Harry Collins	X			
Steve Huppert	X			
Merissa Sachs	X			
Henry Showalter	X			
Bradford J. Stipes	X			
Mayor D. Michael Barber*				

*Votes only in the event of a tie.

D. Michael Barber
D. Michael Barber, Mayor

Michele M. Stipes
Michele M. Stipes, Town Clerk