ORDINANCE 15-01
M-1, LIMITED INDUSTRIAL DISTRICT SETBACK REQUIREMENTS

Ordinance Amendment Report
Board Meeting Date: March 11, 2015

Executive Summary

AN ORDINANCE to amend the Hanover County Code, Zoning Ordinance, by amending Sections 26-162 and 26-169 to modify the setback requirements applicable to the M-1, Limited Industrial District so that the setback requirements are the same as in the M-2, Light Industrial District; and by amending Section 26-266 to provide that the buffer requirements between properties in the M-1 and properties zoned residential shall be the same as the buffer requirements between properties zoned M-2 or M-3, Heavy Industrial District and properties zoned residential. (PUBLIC HEARING)

Planning Analysis

Staff received authorization to review residential and industrial setback requirements from the Board of Supervisors in June of last year. Staff presented proposed ordinance modifications to the Community Development Committee in September. Ordinance 15-01 only addresses the M-1 setback regulations. This Ordinance modifies the M-1 District by conforming them to the M-2 and M-3 District regulations. The Community Development Committee recommended that the process to review the setback provisions of the Zoning Ordinance be conducted in two phases. Phase I includes revisions to the M-1 setback requirements (Ordinance 15-01), while Phase II will involve the residential provisions. Staff continues to develop revisions to the residential setback definitions and requirements. Those recommendations will be brought back to the Community Development Committee prior to seeking authorization to advertise.

The Board of Supervisors authorized advertising Ordinance 15-01 at its January 14, 2015 meeting.

Recommendations

Staff

Adoption of the attached Draft Ordinance recommending **APPROVAL** of Ordinance 15-01, M-1, Limited Industrial District Setback Requirements.

Planning Commission

At their meeting of February 19, 2015, the Hanover County Planning Commission, on a motion by Mr. Padgett, seconded by Mr. Whittaker, voted to recommend **ADOPTION** of the attached Draft Ordinance for Ordinance 15-01, M-1, Limited Industrial District Setback Requirements.

DPM/sm/HTE
Attachments
☑ ☐ Blackline of Existing Ordinance

ORDINANCE 15-01

AN ORDINANCE TO AMEND THE HANOVER COUNTY CODE, ZONING ORDINANCE, BY AMENDING SECTIONS 26-162 AND 26-169 TO MODIFY THE SETBACK REQUIREMENTS APPLICABLE TO THE M-1 LIMITED INDUSTRIAL DISTRICT SO THAT THE SETBACK REQUIREMENTS ARE THE SAME AS IN THE M-2 LIGHT INDUSTRIAL DISTRICT; AND BY AMENDING SECTION 26-266 TO PROVIDE THAT THE BUFFER REQUIREMENTS BETWEEN PROPERTIES IN THE M-1 AND PROPERTIES ZONED RESIDENTIAL SHALL BE THE SAME AS THE BUFFER REQUIREMENTS BETWEEN PROPERTIES ZONED M-2 OR M-3 HEAVY INDUSTRIAL DISTRICT AND PROPERTIES ZONED RESIDENTIAL.

WHEREAS the Hanover County Zoning Ordinance contains provisions regulating the required setbacks for properties throughout the County; and

WHEREAS a number of questions have arisen regarding the setback requirements applicable to properties zoned industrial; and

WHEREAS the Hanover County Planning Commission has requested that the Board of Supervisors direct staff to review the setback requirements set forth in the Zoning Ordinance; and

WHEREAS the Director of Planning has determined that certain changes could be made to the setback regulations applicable to properties zoned M-1 Limited Industrial District to make those regulations more consistent with properties zoned M-2 Light Industrial District and M-3 Heavy Industrial District; and

WHEREAS the Board of Supervisors has considered the Director's recommendations and has concluded that amendments to the Zoning Ordinance could be made to provide for greater clarity and consistency; and

WHEREAS the Board of Supervisors finds that the public necessity, convenience, general welfare and good zoning practice require that the Zoning Ordinance be amended in accordance with these findings;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Hanover County:

1. That the Hanover County Code, Zoning Ordinance, Section 26-162, regarding special conditions in the M-1 Limited Industrial District, shall be amended to read in its entirety as follows:

Section 26-162. Special conditions.

The uses permitted in this district shall be subject to the following special conditions:

1. All uses shall be conducted within a completely enclosed building with no open storage of raw, in process, or finish material and supplies or waste material, except as specifically provided for in the district regulations or as may be permitted outside of the SDO Suburban Development Overlay as special exceptions by the Board. Finished or semi-finished products manufactured on the premises may be stored in the open if screened from the street by landscaping, fences, walls, or berms.

2. ~~Notwithstanding the yard regulations for the district, no part of any building, accessory structure, or sign shall be located closer than one hundred (100) feet to any single-family residential district boundary.~~

~~3.~~ All main plant buildings shall be of permanent and durable construction and limited to thirty-five (35) feet in height, unless otherwise approved by the Board.

~~4~~3. Adequate parking and loading space shall be provided off-street for all employees and traffic to the building; if necessary, in excess of the minimum requirements set forth in division 4 of article 5..

~~5~~4. Loading operations shall be conducted at the side or rear of buildings. Service drives or other areas shall be provided for off-street loading, and in such a way that in the process of loading or unloading, no truck will block the passage of other vehicles on the service drive or extend into any other public or private drive or street used for traffic circulation.

~~6~~5. The front yard shall include a landscaped buffer at least twenty-five (25) feet in depth measured from the front property line or the future right-of-way line shown on the adopted major thoroughfare plan, whichever is greater. The buffer shall be landscaped with at least one (1) deciduous tree, two (2) inches in caliper measured two (2) feet from the ground when planted, and one (1) evergreen tree, at least six (6) feet in height when planted, for each fifty (50) feet of lineal frontage; at least one (1) shrub, at least eighteen (18) inches in spread when planted, for each thirty (30) feet of lineal frontage; and other ground cover reasonably dispersed throughout the yard. The landscaping shall be maintained in a neat and attractive condition.

~~7~~6. No parking shall be permitted within the required landscaped buffer. No storage of material or products shall be permitted in the required front yard.

~~8~~7. All fencing shall be of uniform and durable character, shall be of masonry, wood, wrought iron, chain link, or similar material, and shall be properly maintained. No fences of wire, plastic, or vinyl shall be permitted.

2. That the Hanover County Code, Zoning Ordinance, Section 26-169, regarding yard requirements in the M-1 Limited Industrial District, shall be amended to read in its entirety as follows:

Sec. 26-169. Yard requirements.

	Minimum in Feet			
	Front Yard	Side Yard Minimum	Side Yard Aggregate	Rear Yard
All uses—Street 50 feet or greater in width	~~50~~35	~~20~~10	~~50~~--	~~40~~25

Notes:

1. Side and rear yards required only adjacent to a residential district.
2. The front yard setback shall be measured from the future right-of-way line as shown on the major thoroughfare plan.
3. Loading platforms for rail service may extend into a required side or rear yard.

3. That the Hanover County Code, Zoning Ordinance, Section 26-266, regarding buffers for industrial uses, shall be amended to read in its entirety as follows:

Section 26-266. Buffers for industrial uses.

When an M-1, M-2, or M-3 district adjoins an AR- or R-zoned district, or when an M-1, M-2, or M-3 district adjoins an A-1-zoned property on which there is a residence within two hundred (200) feet of the common property line, a buffer shall be provided in accordance with the standards set forth in Table I or Table II below:

1. Table I: Standards for buffers utilizing all newly planted vegetation

Minimum depth of buffer (measured from property line)	40 foot wide buffer (minimum)	30 foot minimum width buffer (berm required)	20 foot minimum width buffer (no berm)
Minimum number of required trees and shrubs:	One tree for every five linear feet of buffer length and One shrub for every four linear feet of buffer length *Note:* No less than 30% and no more than 50% of the trees are to be evergreen	One evergreen tree per fifteen linear feet of buffer and One evergreen shrub per four linear feet of buffer *Note:* Trees and shrubs are to be planted on the berm	One evergreen tree per seven linear feet of buffer; One evergreen shrub per three linear feet of buffer; One small deciduous tree per twenty-five linear feet of buffer; and

			One large deciduous tree per fifty linear feet of buffer
Berm (if applicable)	n/a	*Design:* Undulating and serpentine *Height:* At least four (4) feet for a minimum of sixty percent (60%) of the length of the buffer* *Slope:* Maximum three to one ratio (3:1), unless otherwise approved by the Planning Department and the Department of Public Works.	n/a

* When a berm is used in an area that naturally contains a slope steeper than a ratio of 12:1 (8%), the Planning Department may require that the height of the berm be modified and other design features adjusted so that the same screening effect is created as is intended by the Table I standards.

2. Table II: Standards for buffers utilizing some or all existing vegetation

Minimum depth of buffer (measured from property line)	40 foot wide buffer (minimum)	20 foot minimum width buffer (no berm)
Minimum number of required trees and shrubs:	Same as listed for 40' wide buffer in Table I	Same as listed for 20' wide buffer in Table I, provided that at least thirty three percent (33%) of the existing plant material to be used toward buffer requirements shall be trees
Supplementation requirements for buffers using existing vegetation	Where the Table II buffers are denuded or void of existing vegetation ("gaps") for ten (10) or more linear feet or the existing stand of trees have no branches or understory growth lower than six feet from the ground, supplementation is required in the form of evergreen trees and shrubs planted as follows: 1. Placement can be a straight line staggered, 2. Trees shall be seven feet on center or less 3. Shrubs shall be three feet on center or less	

3. The following additional requirements shall apply to the buffers provided for in Tables I and II:

   a. Existing vegetation used to satisfy buffer requirements shall comply with the minimum standards for trees and shrubs in Section 26-265

   b. The Planning Department shall determine the suitability of existing vegetation for buffers and the necessity for supplemental plantings as established in Section 26-264

   c. Prior to Certificate of Occupancy, all planted and preserved trees and shrubs shall be inspected to verify that the trees and shrubs are healthy and meet the minimum requirements set forth in this section.

4. This ordinance shall be effective on the date of adoption.