

ARTICLE 16. - BUSINESS, GENERAL, DISTRICT B-1

Section 1. - Statement of intent.

Generally, this district covers that portion of the community intended for the conduct of general business to which the public requires direct and frequent access. This district is not characterized either by constant heavy trucking other than stocking and delivery of light retail goods, or by any nuisance factors other than occasioned by incidental light and noise of congregation of people and passenger vehicles. This district includes such uses as retail stores, banks, theaters, business offices, newspaper offices, printing presses, restaurants, public garages and service stations.

In addition, the manufacture, compounding, processing, or treatment of products is prohibited in this district, unless it is clearly incidental and essential to a use permitted by right and unless such products are customarily sold at retail on the premises. In addition, this district is designed to exclude manufacturing, compounding, processing, or treatment of products and operations which are objectionable because of odor, dust, smoke, noise, vibration, or other similar nuisances.

Section 2. - Uses and structures permitted by right.

1. Retail stores and shops.
2. Bakeries.
3. Dry cleaners.
4. Laundries.
5. Wearing apparel stores.
6. Drugstores.
7. Barber and beauty shops.
8. Home appliance services.
9. Theaters.
10. Office buildings including professional offices.
11. Churches.
12. Libraries.
13. Funeral homes.
14. Hotels, motels.
15. Clubs, lodges.
16. Medical clinics.
- 17.

Lumber, building, fencing and landscaping supplies and equipment provided they are either screened from public roads and adjoining properties or under cover. For purposes of this paragraph, screening shall be defined as provided in Article 21, Division 2, Section 5(a)(i) for inoperable vehicles.

18. Plumbing and electrical supply (with storage under cover).
19. Machinery sales and service.
20. Public utility distribution facilities.
21. Bed and breakfast inns.
22. Fire and rescue stations.
23. Restaurants.
24. Banks and money lending institutions.
25. Mobile home or travel trailer as a temporary use during the period of construction of a commercial, industrial or public structure or development, public facility or public utility in accordance with the requirements of Supplementary Regulations, Article 21.
26. Dancing schools, dancing studios.
27. Golf driving ranges, miniature golf courses, golf courses and country clubs and other forms of similar commercial recreation.
28. Child care center and adult day care center.
29. Homes for the aged.
30. Nursing homes.
31. Farmers' markets.
32. Convention halls and conference centers.
33. Convenience stores.

(Ord. of 12-5-06(2); Ord. of 9-1-09, § 1; Ord. of 2-2-10, § 1; Ord. of 5-3-11(4), § 1)

Section 3. - Conditional uses permitted by special exception.

1. Public billiard parlors, poolrooms, bowling alleys, dance halls and similar forms of public amusement.
2. Public utility transmission substations, transmission lines and telecommunication towers.
3. Outdoor theaters.
4. Gas transmission lines, compressor stations, measurement stations, regulator stations.
5. Mobile home sales lots.
6. Travel trailer, motor home and camper sales lots.
7. Mini-warehouses.
8. Auto sales and service including but not limited to repair and car washes.
9. Service stations (with major repair under cover).
10. [Repealed.]

11. Fast food restaurants and/or drive-in restaurants.
12. Animal boarding and kennel-commercial, kennel-private.
13. Adult businesses.
14. Veterinary hospital.
15. Bars and nightclubs.
16. Mobile home sales lots.
17. Travel trailer, motor home and camper sales lots.
18. Farm equipment sales and services.
19. Hospitals.
20. Gun clubs with indoor shooting range.
21. Bulk oil storage.
22. Wholesale warehouses.
23. [Repealed.]
24. Schools.

(Ord. of 12-5-06(2); Ord. of 5-17-07(1); Ord. of 2-2-10, § 1; Ord. of 4-5-11(4), § 1; Ord. No. 1278, § 3, 11-5-14)

Section 3.1 - Conditional use criteria for adult businesses.

- (a) Unless the applicant consents to a longer period of review, a completed application for a conditional use for an adult business must be approved or denied within ninety (90) days following receipt of a complete application. In order to meet this time limitation, the board of supervisors hereby refers any completed application to the planning commission without need for further board action.
- (b) In reviewing the application, the planning commission and board of supervisors may consider the following factors as well as other appropriate land use considerations:
 - (1) The nature of the surrounding area and the extent to which the proposed use might significantly impair its present or future development;
 - (2) The proximity of dwellings, churches, schools, parks or other places of public gatherings;
 - (3) The probable effect of the proposed use on the peace and enjoyment of people in their homes;
 - (4) The limitations of fire and rescue equipment and the means of access for fire and rescue protection;
 - (5) The limitations of law enforcement and means of access for law enforcement officers;
 - (6) The preservation of cultural and historical landmarks and trees;
 - (7) The probable effect of noise, vibrations, and glare upon the uses of surrounding properties;
 - (8) The conservation of property values;
 - (9) The contribution, if any, such proposed use would make toward the deterioration of the area and neighborhoods; and

- (10) The probable effect that alcohol sales or consumption at the adult business would have in heightening the risk of violations of local laws, and the negative secondary effects on surrounding properties and the neighborhood and area.
- (c) If an application for conditional use for an adult business is denied and the applicant desires to appeal the denial, the county will facilitate the applicant's obtaining prompt review of the decision from the circuit court of the county, including agreement to a shortened time for filing of pleadings and prompt scheduling of a trial or hearing.

Section 4. - Permitted accessory uses and structures.

Accessory uses and structures permitted as defined.

Section 5. - Area regulations.

None, except for permitted uses utilizing individual sewerage systems; the required area for any such use shall be approved by the health official. The administrator may require a greater area if considered necessary by the health official. There is no minimum lot size for lots served by public water and sewer, but there shall be sufficient land area to support all required setbacks, parking and landscaping. The total square footage for each use shall not exceed a floor area ratio (FAR) of four-tenths (0.4).

Section 6. - Yard requirements (Setbacks).

1. *Front.* The minimum front yard building setback shall be fifty-five (55) feet from the lot line.
2. *Side.* The minimum side yard adjacent to a business, office, or industrial district shall be ten (10) feet from the lot line. The side yard adjacent to any other district shall be thirty (30) feet from the lot line. The side yard of corner lots shall be twenty (20) feet from the lot line.
3. *Rear.* The minimum rear yard adjacent to a business, office, or industrial district shall be ten (10) feet from the lot line. The rear yard adjacent to any other district shall be a minimum of thirty (30) feet from the lot line.
4. *Accessory structures.* The minimum setback for accessory structures shall be at least five (5) feet from the lot line.

(Ord. of 4-21-14(2), § 1)

Section 7. - Height regulations.

Buildings may be erected up to thirty-five (35) feet in height from grade except that:

1. The height limit for business structures may be increased up to sixty (60) feet from grade provided that there are two (2) side yards for each permitted use, each of which is ten (10) feet or more, plus one (1) foot or more of side yard for each additional foot of building height over thirty-five (35) feet.
- 2.

Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennas and radio aerials are exempt. Parapet walls may be up to six (6) feet above the height of the building on which the walls rest.

3. No accessory structure which is within ten (10) feet of any lot line shall be more than one (1) story high. All accessory structures shall be less than the main structure in height.

(Ord. of 12-5-06(2); Ord. of 5-17-07(1))

Section 8. - Signs.

All signs shall be in compliance with the sign regulations set forth in Article 23 of this Appendix.

(Ord. of 10-5-10(1), § 14)

Section 9. - Landscape regulations.

1. Landscaping shall be required within established or required setback areas. The plans and execution must take into consideration traffic hazards. Landscaping is required and shall not exceed two and one-half (2½) feet in height within fifty (50) feet of an intersection.
2. For all uses, sufficient area shall be provided:
 - (1) To adequately buffer adjacent residential uses in residential and agricultural districts, landscaping shall consist of a minimum of a double row of six-foot evergreen trees, a two- to four-foot berm with four-foot evergreen trees, or equivalent landscaping as approved by staff. Also, any side or rear yard adjoining a residential use shall be landscaped and maintained for a distance of thirty (30) feet. No such required buffer area shall be used for off-street parking or loading. Access drives shall run generally perpendicular through the area.
 - (2) For off-street parking of vehicles incidental to the office, its employees and clients. Such landscaping shall consists of a minimum of a three-foot evergreen hedge or a two- to four-foot berm with two-foot evergreen hedge or an equivalent buffering.
 - (3) Front yard landscaping shall contain the materials required in the underlying zoning district as well as the following:
 - a. One (1) tree (two-inch caliper) per one thousand (1,000) square feet and one (1) shrub (fifteen (15) inches to eighteen (18) inches) per one hundred fifty (150) square feet.
 - b. Vegetation planted in the streetscape buffer shall be of a type and/or planted so as not to interfere with overhead or underground utility lines when fully grown. All landscaping shall adhere to sight distance requirements as determined by VDOT.
 - c. Streetscape buffers may also contain sidewalks, utility easements and signs but shall not contain best management structures.
 - (4) Trees having a six-inch caliper or greater located in all setbacks shall be maintained except as necessary for entrances, sight distance, utilities, sidewalks and signs.

- (5) All landscaping shall be maintained by the owner of the property and any plants that die or are destroyed shall be replaced within thirty (30) days.
3. Exceptions: The planning director may approve development plans that deviate from the streetscape buffer requirements if the site's topography, configuration, or other unique circumstances prevent full compliance with the requirements. In all such cases, the planning director may impose conditions that will accomplish the purpose of the requirements to the maximum extent practicable.

(Ord. of 4-21-14(2), § 1)