

## **CHAPTER 25. ZONING**

### **DIVISION E. BUSINESS DISTRICTS**

#### **Article XXX. General Business (GB) Districts**

- § 25-301. Purposes.
- § 25-302. Permitted uses.
- § 25-302.1. Accessory buildings and uses.
- § 25-303. Uses permitted by Administrative Permit.
- § 25-304. Uses permitted by Special Use Permit.
- § 25-305. Uses prohibited.
- § 25-306. Lot area.
- § 25-306.1. Lot width.
- § 25-306.2. Lot frontage.
- § 25-307. Yard and setback requirements.
- § 25-308. Buffer yards.
- § 25-309. Height limitations.
- § 25-310. Adult businesses.

## **CHAPTER 25. ZONING.**

### **DIVISION E. BUSINESS DISTRICTS.**

#### **Article XXX. General Business (GB) Districts.**

##### **§ 25-301. Purposes.**

A. The General Business District is intended to provide locations for a variety of commercial and service related activities in concentrated locations where they will be convenient to residential areas.

B. This district is aimed at focusing commercial activities and thereby preventing scattered or strip development incompatible with adjoining existing uses.

##### **§ 25-302. Permitted uses.**

The following uses shall be permitted within General Business Districts without Administrative or Special Use Permit, provided they are conducted within an enclosed building and there is no outdoor storage:

A. Adult businesses, as regulated in §25-310 and chapter 6-41 of the code. (Ord. 04/23/08)

B. Agricultural related uses, including, but not limited to: plant nurseries, tree farms, greenhouses open to the public, lawn and garden and farm supply centers, feed and fertilizer facilities, and landscape supply centers.

C. Animal care facilities, including, but not limited to: kennels, veterinary clinics and hospitals, and animal shelters without outside runs.

D. Banks and Financial Institutions.

E. Construction support businesses, including, but not necessarily limited to: sales and storage of building materials, cabinets, carpentry, electrical, plumbing, and similar shops, and contractor offices.

F. Eating and drinking establishments, including, but not necessarily limited to: fast food restaurants, restaurants, and cafes.

G. Entertainment, Indoor, including, but not necessarily limited to: bowling alleys, indoor firing ranges, pool halls, theatres and auditoriums, membership clubs and lodges, gymnasiums, fitness centers and health clubs, fortune telling, video amusements, and indoor theaters.

H. Government facilities, including, but not necessarily limited to: libraries, post offices, and public safety facilities.

I. Hospitals and residential care facilities.

J. Industry support businesses, not involving bulk storage of fuels or other regulated substances; including, but not necessarily limited to: welding and machine shops, laboratories, and prototype production plants.

K. Media Related Businesses, including, but not necessarily limited to: printing and publishing businesses, radio, television and movie studios, cable TV offices, but excluding on-site towers, antennas, and other accessory equipment in excess of seventy-five feet (75') in height.

L. Meeting places and other facilities of civic, community service, and fraternal organizations.

M. Offices, including, but not necessarily limited to: business offices, call centers, professional offices, medical or dental offices or clinics, and real estate offices.

N. Overnight accommodations, including, but not limited to: bed and breakfast inns, hotels, and motels.

O. Parking lots or garages; park and ride lots.

P. Active and passive recreational facilities not utilizing outdoor lighting.

Q. Religious Institutions.

R. Retail Sales and Service, including, but not limited to: antique shops, appliance repair, artist studios or galleries, barber or beauty shops, bakeries, clothing stores, convenience stores, coffee shops, drug stores, farmers markets, flea markets or auction houses, florists, funeral homes or mortuaries, furniture stores, gasoline retail outlets, grocery stores, gunsmith shops, hair salons, nails, tanning booths, or similar personal services, hardware stores, headstone, monument, or vaults, laundry or dry cleaning pick-up, massage therapy, office machines and supplies, paint and wallpaper stores, pet sales or grooming, private postal services, shopping centers, and upholstery shops.

S. Transportation related uses, including, but not limited to: bus and railroad stations and taxi services.

T. Vehicle Service, including, but not limited to: car washes, vehicle and boat repair, and vehicle and boat parts. Vehicles awaiting repair for more than thirty (30) days must meet the requirements for Limited Outdoor Storage pursuant to the requirements in §25-303K or obtain a Special Use Permit for General Outdoor Storage pursuant to the requirements of §25-304 B.

U. Wholesale and resale businesses where goods are normally sold or leased.

**§ 25-302.1. Accessory buildings and uses.**

Accessory buildings and uses customary and clearly incidental to a permitted use and which will not create a nuisance or hazard shall be permitted in General Business Districts, subject to the applicable provisions of article V of division A of this chapter.

**§ 25-303. Uses permitted by Administrative Permit.**

The uses listed in this section shall be permitted within General Business Districts only upon the issuance of an Administrative Permit by the Zoning Administrator pursuant to the provisions of article LVI of division I of this chapter. Administrative permits are to be issued only for uses where the applicant can demonstrate that the proposal meets the standards required by this chapter and the uses will not have an undue adverse impact on the surrounding neighborhood. Among matters to be considered in this connection are traffic congestion, noise, lights, dust, odor, fumes, and vibration.

A. Off-site sale of seasonal items.

Off-site sale for more than thirty (30) days of seasonal items such as Christmas trees, fireworks, farm produce grown off premises, or other items which by their nature are sold primarily during certain times of the year, may be permitted by Administrative Permit provided:

1. The sale is for a stated limited period of time not to exceed ninety (90) days in any one (1) year period; and

2. Adequate provisions are made for off-street parking, and the sale will not disrupt traffic in the neighborhood. No such sale, if conducted on the site of an existing development, shall infringe upon any parking spaces required for such development. The Zoning Administrator shall determine that sufficient and accessible off-street parking spaces are available to serve the patrons of such operation prior to its authorization; and

3. Approval of a highway entrance permit for the use has been obtained from the Virginia Department of Transportation; and

4. No site plan as provided in § 25-672 of this chapter shall be required. However, the Zoning Administrator may require a sketch plan to be submitted in order to determine compliance with this section; and

5. The applicant for such permit shall provide written evidence of the approval of the owner of the property on which such sale is to be conducted.

B. Off-site office trailers, buildings, parking lots, and equipment or materials storage areas or facilities in connection with temporary construction.

The temporary placement, development, or use of off-site office trailers, buildings, parking lots, or equipment or materials storage areas or facilities in connection with construction projects may be permitted by Administrative Permit provided:

1. Items permitted are in connection with specific construction projects; and
2. Items permitted are placed no sooner than thirty (30) days prior to the beginning of construction and removed within thirty (30) days after completion or suspension of construction; and
3. Items permitted are placed within reasonable proximity of the construction project; and
4. All buildings, structures, and materials placed or stored on the site shall comply with all applicable side and rear yard requirements.

C. Trailers used other than as recreational vehicles.

Trailers used other than as recreational vehicles may be permitted by Administrative Permit for the following uses:

1. Mobile banks or similar financial facilities provided that the permit shall not be granted for a period in excess of two (2) years and may be renewed for an additional term of two (2) years.
2. Mobile classrooms associated with a school as defined in this chapter.
3. Any such structure shall meet all setback and yard requirements.

D. Home occupations, Class B.

Home occupations, Class B, may be permitted by Administrative Permit provided:

1. The use of the dwelling for the home occupation shall be clearly incidental and subordinate to the use of the dwelling for residential purposes. There shall be no change in the outside appearance of the dwelling or lot, nor other visible evidence of the conduct of such home occupation other than one (1) sign no more than four square feet (4 sq. ft.) in size; and
  2. Such occupation shall be engaged in only by residents of the dwelling and no more than one (1) employee that comes to the home. The business can have multiple employees who do not come to the home; and
  3. If the applicant is a tenant, written permission of the landowner if required;
- and

4. The use is conducted within the home or the use may occupy up to five hundred square feet (500 sq. ft.) of an accessory structure. All goods, equipment, and materials related to the Home Occupation must be stored indoors, within the accessory building, or on a single utility trailer with a trailer bed not to exceed sixteen feet (16') in length; and

5. No display of products made shall be visible from the street; and

6. No products shall be sold on the premises except such as are made on the premises. No other retail sales or wholesale sales shall occur unless:

a. No clients or customers come to the home in conjunction with the sales; all sales occur off-premises or via telephone, mail, computer, etc.

b. Items are accessory to the main use and sold only to clients or customers using the main business, e.g. shampoo for clients in a beauty or barber shop.

7. No outside display or storage of materials, goods, supplies, or equipment in relation to the home occupation shall be permitted, other than on the utility trailer permitted in 4 above. Any animals associated with a permitted home occupation, e.g. pet grooming business, must be kept indoors; and

8. The occupation shall not generate more than ten (10) vehicular trips in a day. A trip consists of one (1) arrival and one (1) departure; and

9. Deliveries shall be limited to normal deliveries by public and private mail carriers, including USPS, Fed-Ex, UPS, and similar carriers; and (10/28/15)

10. No more than one (1) commercial vehicle may be used in conjunction with the home occupation. Commercial vehicles shall be allowed pursuant to the requirements of §25-54.1.N. (Ord. 10/28/15)

The following uses are not considered to be Home occupations, Class B: trash and garbage collection, boarding houses, day care centers, private schools, firearm sales, and small engine repair and motor vehicle repair. Landscaping and mobile motor vehicle repair businesses are not considered Home Occupations unless all equipment, materials, and trailers over sixteen feet (16') are to be kept off site. The applicant shall supply written documentation such as a lease or contract describing where the equipment, materials, and utility vehicles are to be kept to the Community Development Department. (Ord. 10/28/15)

E. Day care home occupation.

Day care home occupations may be permitted by Administrative Permit provided:

1. The use of the dwelling for the day care home occupation shall be clearly incidental and subordinate to the use of the dwelling for residential purposes. There shall be no change in the outside appearance of the dwelling, nor other visible evidence of the conduct of

such home occupation other than one (1) sign no more than four square feet (4 sq. ft.) in size; and

2. Such occupation shall be engaged in only by residents of the dwelling and one (1) employee who comes to the home; and

3. Play equipment and similar facilities may be used; and

4. No accessory building shall be used for such occupation, except for storage of play equipment when not in use; and

5. All parking associated with the business shall be off-street and not located in any required front yard, except within an existing driveway; and

6. Approval from the Department of Social Services or proof that such approval may be obtained pending zoning approval; and

7. Notification of adjoining property owners. Upon receipt of an application for an Administrative Permit for a day care home occupation, the Zoning Administrator shall send by certified mail written notice of such application to all adjoining property owners as shown on the current real estate assessment books.

a. Action if objection received.

If written objection is received from an adjoining property owner within thirty (30) days following the mailing of said notice, the application shall be denied, and the applicant advised that the day care home occupation may commence only upon the approval of a Special Use Permit by the board of zoning appeals.

b. Action if no objection received.

If no written objection is received from an adjoining property owner within thirty (30) days following the mailing of said notice, and the applicant meets all other requirements of this section, the Zoning Administrator may approve the Administrative Permit.

F. Mini-warehouses.

*(Repealed by Ordinance 10/28/15; effective 1/1/16; see 25-304(K))*

G. Cemeteries.

Cemeteries may be permitted by Administrative Permit provided an adequate site plan is approved showing the following:

1. Travel lanes for vehicular traffic shall be a minimum of eighteen feet (18') wide.

2. Burial spaces and appurtenances thereto are setback from roads and property boundaries in conformity with regulations applicable to principal structures within the district.
3. Compliance with the applicable requirements of Virginia Code § 57-26.
4. A commercial entrance permit has been obtained.

The Administrative Permit for a cemetery shall be issued subject to the condition that no outdoor music shall be permitted except during funeral services.

Cemeteries located in church yards or for family members only buried on private property are exempt from obtaining an Administrative Permit.

#### H. Apartments not on the ground floor.

Apartments not on the ground floor may be permitted by Administrative Permit provided:

1. At least ninety percent (90%) of the ground floor is devoted to business use;  
and

2. No more than one (1) floor of apartments may be added above a business. Additional floors may be permitted only by a Special Use Permit approved by the Board of Supervisors; and (Ord. 6/27/18)

3. Off-street parking will be in compliance with article III of this chapter;  
and

4. Approval of the plans has been received from the Building Inspection Department.

#### I. Vehicle sales lots.

Vehicle sales lots, including the keeping of any motor vehicles, boats, recreational vehicles, campers, trailers, farm machinery, construction equipment, manufactured or mobile homes, or similar equipment or machinery for sale or lease, may be permitted by Administrative Permit provided an adequate site plan is approved showing the following:

1. Travel lanes for vehicular traffic shall be eighteen feet (18') wide.
2. Display areas are clearly delineated on the site plan.
3. Customer parking areas are clearly delineated on the site plan and are in compliance with the requirements of article III, division A, of this chapter.



4. If the keeping of inoperable motor vehicles or equipment is anticipated, a vehicle impoundment yard is clearly delineated on the site plan and is in compliance with the requirements of § 25-58 of article V, division A, of this chapter.

5. Display areas are set back at least twenty-five feet (25') from the edge of pavement of any adjoining roads, and in no case shall a display area be within the right-of-way area of any road.

6. Vehicle sales lots established on or before December 31, 2002, shall not be subject to the requirements of this section, but shall remain subject to the applicable regulations in effect on December 31, 2002.

J. Outdoor Display of Merchandise.

Outdoor display of merchandise may be permitted by Administrative Permit provided that the use shall be limited to that merchandise which:

1. Is in working order and ready for sale; and

2. Is located in side or rear yards; or

3. If in front, can be accommodated in the area immediately adjoining the front of the principal building and extending not more than twenty feet (20') from it except:

a. In the case of a permitted gasoline sales establishment, outdoor display can be accommodated on the pump islands;

b. In the case of permitted landscape nurseries and similar uses, outdoor display areas are set back at least twenty-five feet (25') from the edge of pavement of any adjoining roads, and in no case shall a display area be within the right-of-way of any road.

No such display shall encroach upon any required parking or loading area or vehicular circulation area.

NOTE: Any outdoor display of merchandise that does not meet the requirements listed above or the requirements for Limited outdoor storage listed in subsection K below can apply to the board of zoning appeals for a Special Use Permit pursuant to the requirements listed in §25-304B.

K. Limited outdoor storage.

Limited outdoor storage may be permitted by Administrative Permit provided:

1. Limited outdoor storage shall not be more than twelve feet (12') in height and shall be fully shielded or screened from view. Gates shall remain closed except when goods are moved to and from the enclosed area; and

2. Limited outdoor storage shall be located in the rear yard; and
3. Limited outdoor storage may be located to the side of a building, provided it is not located within a required buffer yard; and
4. Vehicles, boats, recreational vehicles, and similar vehicles awaiting repair for more than thirty (30) days must be located within the vehicle impoundment area.

NOTE: Any outdoor storage that does not meet the requirements listed above or the requirements for Outdoor display of merchandise listed in subsection J above can apply to the board of zoning appeals for a Special Use Permit pursuant to the requirements listed in §25-304B.

L. Day care centers, nursery schools, and private schools.

Day care centers, nursery schools, and private schools may be permitted by Administrative Permit provided:

1. Approval of a commercial entrance permit for the use has been obtained from the Virginia Department of Transportation; and
2. Approval of the building for the use has been obtained from the Building Inspection Department; and
3. The applicant demonstrates compliance with state licensing requirements and all applicable federal, state, and local regulations.

M. Soil sifting and sales of materials generated on-site.

Soil sifting and the sales of materials generated on-site may be permitted by Administrative Permit provided:

1. The sale of materials is for a stated limited period of time not to exceed twelve (12) months. An extension of time is only allowed upon the issuance of a Special Use Permit by the board of zoning appeals; and
2. Adequate provisions are made for off-street parking and loading, and the sale will not disrupt traffic in the neighborhood; and
3. Approval of a highway entrance permit for the use has been obtained from the Virginia Department of Transportation; and
4. Adequate provisions are made for dust control, whether or not the site is large enough to require an Erosion & Sediment Control permit.

**§ 25-304. Uses permitted by Special Use Permit.**

The uses listed in this section shall be permitted within General Business Districts only upon the issuance of a Special Use Permit by the board of zoning appeals pursuant to the provisions of article LVIII of division I of this chapter.

A. General standards applicable to all Special Use Permits. No Special Use Permit shall be issued without consideration that, in addition to conformity with any standards set forth in this chapter for Special Use Permit uses, the following general standards will be met either by the proposal made in the application or by the proposal as modified or amended and made part of the Special Use Permit:

1. Conformity with comprehensive plan and policies. The proposal as submitted or as modified shall conform to the Comprehensive Plan of the county or to specific elements of such plan, and to official policies adopted in relation thereto, including the purposes of this chapter.

2. Impact on neighborhood. The proposal as submitted or as modified shall not have undue adverse impact on the surrounding neighborhood.

NOTE: For restrictive conditions applicable to all Special Use Permits, see § 25-584 of division I of this chapter.

B. General outdoor storage.

Any use permitted under § 25-302 above where there is outdoor storage that does not meet the criteria for Limited outdoor storage or Outdoor display may be permitted by Special Use Permit provided:

1. A site plan is filed meeting the requirements of division J article LXVII “Site Plan Review”, approved and followed which clearly delineates the areas intended for outdoor storage and complies with the requirements of this chapter; and

2. On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways. Aisleways will be appropriate for the anticipated vehicular and pedestrian traffic; and

3. Outdoor storage areas will not interfere with convenient, easily accessible parking for the public. Areas delineated on the site plan for required parking or aisleways may not be used for outdoor storage; and (Ord. 09/28/11)

4. Outdoor storage areas will be proportionately appropriate in size and scope to the nature of the business. Financial considerations alone will not justify the failure to use inside storage; and

5. Setbacks for proposed structures and facilities will be sufficient to protect neighboring properties; and

6. Items not displayed for sale or lease shall be fully shielded or screened from view unless the board of zoning appeals determines that fully shielding or screening is not necessary. Opaque screening, including fencing and landscaping, shall be appropriate to ensure compatibility with neighboring properties, taking into account the proper location of aisleways and gates and the compatibility of screening materials with the materials utilized in the principal buildings on site. Fencing or screening shall be maintained in a good state of repair. Chain-link fencing with slats inserted is not acceptable for this screening. Gates shall remain closed except when goods are moved to and from the enclosed area; and

7. There is an adequate plan for outdoor lighting showing the location of lights and shielding devices or other equipment to prevent unreasonable glow beyond the site. Any such outdoor lighting shall otherwise comply with the provisions of article VI of division I of this chapter; and (Ord. 3/23/05, eff. 11:59 p.m. 6/30/05)

8. Items to be stored outside may not be items normally and customarily kept inside.

C. Recreational attractions and public amusement businesses.

Recreational attractions and public amusement businesses, including, but not necessarily limited to: theme parks, overnight recreational vehicle parks, outdoor drive-in theaters, raceways and drag strips, exposition halls, outdoor athletic facilities, stadiums, arenas, fairgrounds, and museums, and active and passive recreation where outdoor lighting is utilized, may be permitted by Special Use Permit provided:

1. Anticipated attendance will not create traffic or crowd control problems at or near the site beyond practical solution; and

2. There is an adequate plan for sanitation facilities and garbage, trash and sewage disposal to accommodate persons in attendance; and

3. There will be full compliance with Virginia Department of Health regulations with respect to food and water service; and

4. There is an adequate plan for providing emergency medical services for persons in attendance; and

5. There is an adequate plan for parking and crowd and traffic control in and around the site; and

6. There is an adequate plan for protection from fire and other hazards; and

7. There is an adequate plan for outdoor lighting showing the location of lights and shielding devices or other equipment to prevent unreasonable glow beyond the site. Any such outdoor lighting shall otherwise comply with the provisions of article VI of division I of this chapter; and (Ord. 3/23/05)

8. There is an adequate plan to ensure that structures, grandstands, tents and amusement devices are constructed and maintained in a manner consistent with appropriate protection of public safety.

D. Amusement businesses involving the exhibition of animals.

Amusement businesses involving the exhibition of animals, including but not necessarily limited to: commercial exhibition of wild animals or reptiles, may be permitted by Special Use Permit provided:

1. There is an adequate plan for parking and crowd and traffic control in and around the site; and

2. There are safeguards against intrusion by children and others who may inadvertently place themselves in harm's way; and

3. When appropriate, the applicant can demonstrate compliance with state licensing requirements and all federal, state, and local laws and regulations; and

4. There is an adequate plan to keep the facility neat and clean, free of dirt, fecal accumulation, odors and parasite infestation; and

5. Fencing and caging will be sturdy and well maintained and will be of sufficient strength and height to safely secure the animals; and

6. Both the inside and outside facilities will be of proper size to accommodate the anticipated types and numbers of animals; and

7. There is an adequate plan to ensure that structures, cages, animal pens, display areas, grandstands, and barriers are constructed and maintained in a manner consistent with appropriate protection of public safety; and

8. The site contains a minimum of three (3) acres. Nothing herein shall be deemed to limit the ability of the board of zoning appeals to require a larger site when necessary to accommodate the anticipated types and numbers of animals and to protect neighboring properties; and

9. No structure or area occupied by animals shall be closer than fifty feet (50') from any lot line, unless the board of zoning appeals requires larger setbacks when necessary to accommodate the anticipated types and numbers of animals in order to adequately protect neighboring properties.

E. Carnivals, circuses and fairs.

Carnivals, circuses, fairs, festivals, animal shows, exhibitions and similar events not permitted under § 25-21 of division A of this chapter may be permitted by Special Use Permit provided:

1. Anticipated attendance will not create traffic or crowd control problems at or near the site beyond practical solution; and
2. There is an adequate plan for sanitation facilities and garbage, trash and sewage disposal to accommodate persons in attendance; and
3. There will be full compliance with Virginia Department of Health regulations with respect to food and water service; and
4. There is an adequate plan for providing emergency medical services for persons in attendance; and
5. There is an adequate plan for parking and crowd and traffic control in and around the site; and
6. There is an adequate plan for protection from fire and other hazards; and
7. The operator has granted the Zoning Administrator, or his designees, written permission to enter the property without charge to determine compliance with applicable regulations and permit conditions; and
8. There is an adequate plan to ensure that structures, grandstands, tents and amusement devices are constructed and maintained in a manner consistent with appropriate protection of public safety; and
9. The site and its facilities are to be utilized for a reasonably limited period of time, either on a single occasion or from year to year on an annual basis. Permanent facilities shall be deemed “fairgrounds” governed by other sections of this chapter dealing with recreational attractions and public amusement businesses.

F. Business support businesses.

Business support businesses, including but not necessarily limited to: those involving bulk storage of fuels or other regulated substances; freight and truck terminals; overnight courier and collection; overnight mail distribution; and wholesale businesses, warehouses and distribution centers where goods are normally not sold, may be permitted by Special Use Permit provided:

1. The business and anticipated enlargements thereof will be appropriate for the business area in which it is to be located; and

2. All buildings, structures and operations will be setback at least five hundred feet (500') from all residentially zoned areas, unless the board of zoning appeals is satisfied that proposed soundproofing and other barriers will adequately protect neighboring properties from noise, light, dust, odor, and vibrations. Nothing herein shall be deemed to limit the ability of the board of zoning appeals to require larger setbacks when necessary to adequately protect neighboring properties; and

3. All buildings, structures and operations will be setback at least one hundred feet (100') from all property lines unless the board of zoning appeals determines that greater setbacks are necessary to adequately protect neighboring properties.

G. Transportation related businesses.

Transportation related businesses, including but not necessarily limited to: travel plazas and truck stops, may be permitted by Special Use Permit provided:

1. All buildings, structures, and operations will be set back at least five hundred feet (500') from all residentially zoned areas, unless the board of zoning appeals is satisfied that proposed soundproofing and other barriers will adequately protect neighboring properties from noise, light, dust, odor, and vibrations. Nothing herein shall be deemed to limit the ability of the board of zoning appeals to require larger setbacks when necessary to adequately protect neighboring properties; and

2. All buildings, structures, and operations will be set back at least one hundred feet (100') from all property lines unless the board of zoning appeals determines that greater setbacks are necessary to adequately protect neighboring properties; and

3. Traffic generated by the proposed project will be compatible with the roads serving the site and other traffic utilizing said roads; and

4. On-site traffic flow will adequately and safely separate automobile traffic from truck, tractor-trailer, or other large vehicular traffic and will safely accommodate all traffic to and from the public highways; and

5. If within sight of an Interstate Highway, the view from the Interstate Highway is made as pleasant and inviting as possible giving consideration to the value of scenic surroundings to residents, tourists and commercial development.

H. Apartments in a pre-1980 structure.

A Special Use Permit for up to two (2) apartments in a pre-1980 structure may be granted provided:

1. Apartments may be established within a structure that was constructed prior to January 1, 1980, provided the board of zoning appeals finds that the structure has historical or architectural significance or is otherwise appropriate for preservation in the manner proposed; and

2. Off-street parking will be in compliance with article III of this chapter; and

3. For purposes of expansion or enlargement, the pre-1980 structure shall be treated as a non-conforming building and shall be subject to the provisions of § 25-663 D. of this chapter. The floor area of such expansion or enlargement shall not exceed twenty percent (20%) of the original floor area or the area required by law, whichever is greater.

I. Apartments for the business owner/operator.

Apartments for the business owner/operator may be permitted by Special Use Permit provided:

1. The owner or operator of the business is the tenant of the apartment; and

2. Off-street parking will be in compliance with article III of this chapter; and

3. Approval of the plans has been received from the Building Inspection Department.

J. Wood processing businesses.

Wood processing businesses, limited to firewood production may be permitted by Special Use Permit provided:

1. The minimum lot size for a wood processing business shall be 10 acres.

2. All buildings, structures and operations will be setback at least one hundred feet (100') from all property lines unless the Board of Zoning Appeals determines that greater setbacks are necessary to adequately protect neighboring properties from noise, lights, dust, odor, fumes and vibrations.

3. Traffic generated by the proposed project will be compatible with the roads serving the site and other traffic utilizing said roads; and

4. If within sight of an Interstate Highway, the view from the Interstate Highway is made as pleasant and inviting as possible giving consideration to the value of scenic surroundings to residents, tourists and commercial development.

5. A site plan is filed meeting the requirements of division J article LXVII "Site Plan Review", approved and followed which clearly delineates the areas intended for outdoor storage and complies with the requirements of this chapter; and



6. Outdoor storage areas will not interfere with convenient, easily accessible parking for the public. Areas delineated on the site plan for parking or aisleways may not be used for outdoor storage; and

7. Outdoor storage areas will be proportionately appropriate in size and scope to the nature of the business.

(Ord. 7/28/10)

K. Mini-warehouses.

Mini-warehouses may be permitted by Special Use Permit provided:

1. The business and anticipated enlargements thereof will be appropriate for the business area in which it is to be located; and

2. All buildings, structures, aisleways or access drives will be set back at least one hundred feet (100') from all residentially zoned property or property designated for a residential use on the County's Comprehensive Plan Future Land Use Map unless the board of zoning appeals determines that different setbacks are necessary to adequately protect neighboring properties; and

3. No building or structure shall be erected, altered, located, reconstructed, or enlarged nearer to the right-of-way line of an arterial street than two hundred feet (200'); unless the board of zoning appeals is satisfied that a lesser setback will adequately protect neighboring properties.

4. All storage shall be within completely enclosed buildings, including the keeping, parking, or storing of any type of motor vehicle or equipment outdoors, except for loading and unloading, unless an area for outdoor storage has been identified on the site plan and specifically approved by the board of zoning appeals; and

5. On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways. Any entrance gates must be set back at least forty feet (40') from the right-of-way line and aisleways for vehicular traffic shall be no less than eighteen feet (18') wide for one-way traffic and twenty-four feet (24') wide for two-way traffic; and

6. No building or structure shall exceed twenty feet (20') in height unless the board of zoning appeals is satisfied that a taller height will not be out of character with the area and will not adversely impact neighboring properties.

7. No doors facing a residential zoned district may exceed eight feet (8') in height.

In no case shall activities such as sales, repairs, or servicing of goods, equipment, or vehicles from units be permitted. In addition, no storage of hazardous, toxic, or explosive materials shall occur in the mini-warehouse facility. Signs shall be posted within the facility describing such limitations.

(Ordinance 10/28/15; effective 1/1/16)

**§ 25-305. Uses prohibited.**

All uses except those listed in §§ 25-302, 25-302.1, 25-303 and 25-304 above are specifically prohibited in General Business Districts.

**§ 25-306. Lot area.**

The minimum lot area shall be sufficient for compliance with all the provisions of this chapter.

**§ 25-306.1. Lot width.**

The minimum lot width at the minimum setback line shall be:

A. One hundred-fifty feet (150'); or

B. One hundred feet (100') if:

1. Curb and guttering is installed along the entire road frontage in accordance with applicable standards of the Virginia Department of Transportation; and

2. The lot has only one (1) highway entrance and it is a commercial entrance in accordance with applicable standards of the Virginia Department of Transportation and is shared with one (1) or more other lots.

C. Fifty feet (50') if there is frontage on a private street or interparcel travelway.

**§ 25-306.2. Lot frontage.**

Every lot shall have at least:

A. One hundred-fifty feet (150') of frontage on a public street; or

B. One hundred feet (100') of frontage on a public street if:

1. Curb and guttering is installed along the entire road frontage in accordance with applicable standards of the Virginia Department of Transportation; and

2. The lot has only one (1) highway entrance and it is a commercial entrance in accordance with applicable standards of the Virginia Department of Transportation and is shared with one (1) or more other lots.

C. Fifty feet (50') of frontage on a private street or interparcel travelway and there is no direct access onto a public road, and provided:

1. All private streets shall be designed to safely accommodate fire and rescue emergency vehicles.

2. The right-of-way of private streets shall be at least forty feet (40') in width as evidenced by a duly recorded document or deed covenant, or both, which shall specify that no request will be made to have the lot served by a public street unless and until the street has been designed and constructed to state standards for streets in effect at the time the request for acceptance is made at no cost to the county or the Virginia Department of Transportation. Such document shall also specify the provisions for the construction, maintenance, and upkeep of private streets. (Ord. 09/28/11)

#### **§ 25-307. Yard and setback requirements.**

In General Business Districts the following yard and setback requirements are imposed:

##### **A. Front lot lines.**

1. Except as provided below, no building or other structure shall be erected, altered, located, reconstructed, or enlarged nearer to the right-of-way line of a public street identified by the Virginia Department of Transportation as an arterial or collector street than fifty feet (50').

A building or other structure may qualify for a twenty foot (20') building setback if there is no parking facility within fifty feet (50') of any arterial or collector street.

2. Except as provided below, no building or other structure shall be erected, altered, located, reconstructed, or enlarged nearer to the right-of-way line of any other public street than thirty-five feet (35').

A building or other structure may qualify for a fifteen foot (15') building setback if there is no parking facility within thirty-five feet (35') of any other public street.

3. Except as provided below, no building or other structure shall be erected, altered, located, reconstructed or enlarged nearer to the right-of-way line of any private street or interparcel travelway than twenty feet (20').

A building or other structure may qualify for a ten foot (10') building setback if there is no parking facility within twenty feet (20') of any private street or interparcel travelway.

4. In the absence of proof to the contrary the width of a public street shall be presumed to be thirty feet (30'), and the setback may be measured by adding fifteen feet (15') to the required setback and measuring from the center of the general line of passage.

5. If a lot, tract, or parcel fronts on two (2) or more streets, the foregoing minimum setbacks shall be required on each street, respectively.

For an exception to front line setback requirements, see § 25-13 of article II, division A, of this chapter.

**B. Rear lot lines adjoining business or industrial districts.**

1. A principal building or structure shall not be erected, altered, located, reconstructed, or enlarged nearer than twenty-five feet (25') to any rear lot line.

2. An accessory building or structure which has an area of less than nine hundred square feet (900 sq. ft.) and is no more than twenty feet (20') high shall not be erected, altered, located, reconstructed, or enlarged nearer than five feet (5') to any rear lot line.

3. An accessory building or structure which has an area of nine hundred square feet (900 sq. ft.) or more or is more than twenty feet (20') high shall not be erected, altered, located, reconstructed, or enlarged nearer than twenty-five feet (25') to any rear lot line.

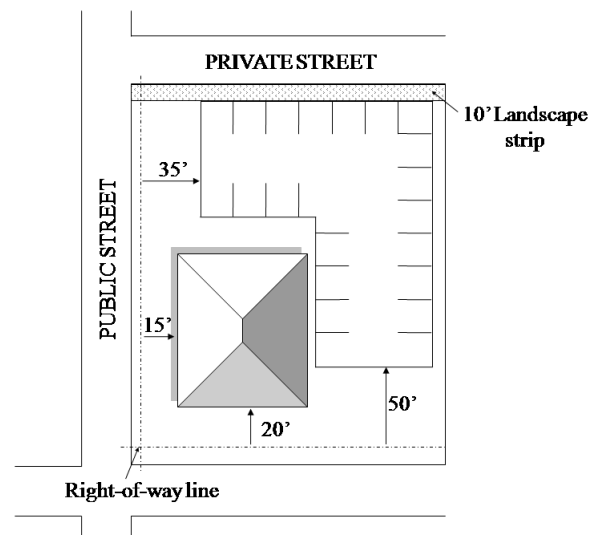
**C. Rear lot lines not adjoining business or industrial districts.**

1. A principal or accessory building or structure shall not be erected, altered, located, reconstructed, or enlarged nearer than twenty-five feet (25') to any rear lot line which is a boundary with property not zoned business or industrial.

2. A buffer yard meeting the requirements of §25-308 is required. No development such as parking, vehicular or pedestrian passageways, gasoline pumps, loading or unloading facilities, dumpster sites, or any other improvement other than open space, fences, walls, and landscaping shall be permitted within the required buffer yard.

**D. Side lot lines adjoining business or industrial districts.**

There are no minimum setbacks required from side lot lines where the side lot line is a boundary with property zoned business or industrial.



E. Side lot lines not adjoining business or industrial districts.

1. A principal or accessory building or structure shall not be erected, altered, located, reconstructed, or enlarged nearer than twenty-five feet (25') to any side lot line which is a boundary with property not zoned business or industrial.

2. A buffer yard meeting the requirements of §25-308 is required. No development such as parking, vehicular or pedestrian passageways, gasoline pumps, loading or unloading facilities, dumpster sites, or any other improvement other than open space, fences, walls, and landscaping shall be permitted within the buffer yard.

F. Additional setback for buildings in excess of thirty-five feet (35') in height.

1. For buildings and structures in excess of thirty-five feet (35'), but not more than fifty feet (50') in height, the required setback shall be increased one foot (1') for every one foot (1') increase in building height.

2. For buildings and structures in excess of fifty feet (50') in height, the required setback shall be increased fifteen feet (15') plus two feet (2') for every one foot (1') increase in building height above fifty feet (50').

**§ 25-308. Buffer yards.**

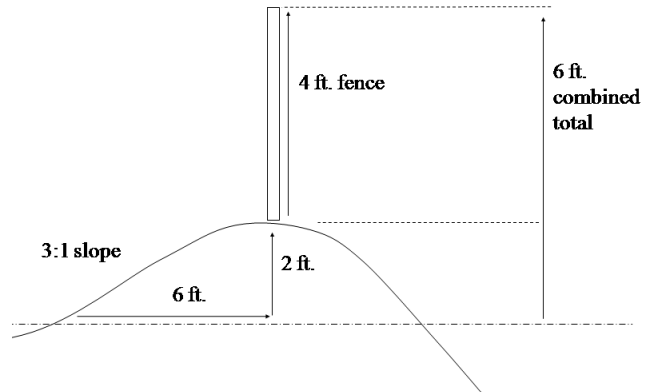
A. A buffer yard shall be provided adjacent to any property line not entirely zoned business or industrial or planned commerce and landscaped in one (1) of two (2) ways. No buffer yard shall be required if the adjacent property is zoned General Agriculture and planned for business, industrial, community mixed use, neighborhood mixed use, or village mixed use on the County's Comprehensive Plan Future Land Use Map. (Ord. 8/27/14)

Alternative 1: A ten foot (10') wide strip of land with a six foot (6') opaque privacy fence, wall, berm, or combination thereof. Opaque privacy fences shall be constructed of good quality materials such as vinyl, pressure treated lumber, brick, stone, or similar materials approved by the Zoning Administrator. For the purposes of this chapter tarps, car covers, tents, fabric, chain link fences with slats, or similar materials shall not be deemed to satisfy the requirements of opaque fencing. (Ord. 6/22/11)

Alternative 2: A twenty foot (20') wide strip of land with 2 evergreen trees, 2 canopy trees, 2 understory trees and 24 shrubs planted per one hundred linear feet (100') of buffer.

The applicant is free to choose from Alternatives 1 or 2. Buffers planted below overhead utility lines shall apply any of the allowed buffer alternatives, except that understory trees shall replace any canopy trees at a rate of two (2) understory trees per required canopy tree. (Ord. 09/28/11)

B. Plant and structure location within buffer. The placement of required plants and structures shall be the decision of the applicant; however, they shall be located so as to achieve the maximum level of protection. Plant material shall meet the buffer requirements every one hundred feet (100'). Buffer areas not retained in native habitat shall be seeded or sodded with lawn, established with ground cover, or mulched with organic mulch. Inorganic ground cover shall not exceed fifty percent (50%) of the total required area of the buffer.



C. Where a fence or wall is used as part of a buffer, the decorative side of the fence or wall shall be faced to the adjacent property.

D. Permitted structures in buffer area.

1. Where walls are placed within any required buffer area:

a. No walls of exposed concrete block are permitted, whether painted or not.

b. The applicant shall be required to demonstrate provision for access and maintenance of landscaping and the wall structure at the time of site plan approval.

c. Breaks in the wall may be provided for pedestrian and vehicular connections to adjacent developments.

2. Where berms are placed within any required buffer area:

a. A berm or combination of materials such as a berm and a fence shall be a minimum six feet (6') in height.

b. Berms shall have side slopes of not less than three feet (3') horizontal for each one foot (1') vertical.

c. Slopes in excess of three feet (3') horizontal for each one foot (1') vertical may be permitted if sufficient erosion control methods are taken and deemed by the Zoning Administrator to be maintainable.

3. Where opaque privacy fences are placed within any required buffer area:

a. No reduction in buffer width shall be provided based on the provision of a chain-link fence.

b. Fences shall be a minimum of six feet (6') in height unless paired with a berm and in such case the combination of berm and fence shall be a minimum of six feet (6') in height.

c. Breaks in the fence may be provided for pedestrian and vehicular connections to adjacent developments.

d. Fences shall be maintained in a structurally safe and attractive condition and with finished faces located towards the adjacent property.

E. Permitted use of buffer area. A buffer area shall not be used for anything except:

1. Passive recreation and picnic facilities, including pedestrian and bike trails.

2. Other appurtenances which require high visibility and easy access, such as fire hydrants and utilities, public and emergency telephones, mail boxes, and bus shelters, or benches, are also permitted in a buffer. No screening of such appurtenances shall be required or permitted.

3. Accessways when necessary to provide access to adjacent properties.

4. A required buffer is encouraged to retain areas of native habitat and may incorporate water resources including stormwater management facilities. However, the minimum width of the buffer shall be preserved as a planting area and there shall be no reduction in buffer width based on the stormwater management facilities.

F. Alternative compliance. The buffer requirements may be modified by the board of supervisors upon a finding that a modification would be consistent with the purpose of this ordinance, this section, and the adopted plans and policies of the County; that such modification would not adversely affect the land use compatibility or public interest; and that the subject parcel or modified buffer complies with one (1) or more of the following criteria:

1. The buffer is parallel and adjacent to an existing utility or drainage easement of at least one hundred feet (100') in width;

2. The buffer is between uses that are to be developed under a common development plan or series of development plans;

3. The buffer is parallel and adjacent to an existing railroad right-of-way;

4. The topography of the parcel is such that buffering would not be effective;

5. The property is adjacent to an established business or industrial use.

6. There is existing vegetation either on the lot or the adjacent lot to provide the required buffer benefits.

Financial hardship due to meeting the requirements of this section shall not be sufficient justification for alternative compliance.

G. Site Plan. Landscaping of buffer yards shall be shown on the site plan in accordance with the standards in division J article LXVII “Site Plan Review” and shall be provided and maintained in accordance with sound horticultural practices.

H. Whenever a rezoning occurs that requires a buffer yard where none was required previously, the property that is rezoned shall provide the buffer yard.

### **§ 25-309. Height limitations.**

In General Business Districts, all buildings and structures shall be subject to the following height limitations:

A. No building or structure shall exceed seventy-five feet (75') in height.

B. In no case shall the height of any building or structure exceed the height limitations of the transitional surface, approach surface, horizontal surface, and conical surface as required in any airport overlay district.

C. For exceptions to height limitations, see § 25-15 of article II division A of this chapter.

### **25-310. Adult businesses.**

Unless otherwise defined or required by the context, terms used in this section relating to adult businesses shall have the same meaning as those terms defined in § 6-41 of this Code.

In addition to all other requirements, any adult business shall conform to the following requirements:

A. The business shall be located at least five hundred feet (500') feet away from any residential zoning district, and at least five hundred feet (500') from the property line of any land used for any of the following:

1. A dwelling;
2. A residential care facility;
3. A day care center;



4. A public or private school;
5. A public park;
6. A community center;
7. A public or private library, museum, or cultural center;
8. A place of worship or religious institution;
9. A hotel, motel, bed and breakfast, boardinghouse, or tourist home; and
10. Any other adult business.

B. Adult merchandise shall not be visible from any point outside the establishment.

C. Signs or attention-getting devices for the business shall not contain any words or graphics depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in § 6-41 of this Code.

D. The business shall not begin service to the public or any outside activity before 7:00 a.m. local time. Hours of operation for any adult movie theater, adult nightclub, or other business providing adult entertainment shall not extend after 1:00 a.m. local time. Hours of operation for any adult bookstore, adult video store, adult model studio, adult store, or any other adult business except an adult motel shall not extend after 12:00 midnight local time.

E. Adult merchandise shall be located in a conspicuously marked separate room or other area inaccessible to persons under eighteen (18) years of age. If access to the establishment is limited to persons at least eighteen (18) years of age, the requirements of this subsection shall be deemed satisfied.

F. Wide angle mirrors must be used to enable continuous monitoring of all areas of the establishment.

G. The owner or operator shall provide adequate lighting for all entrances, exits, and off street parking areas serving the adult business, and all areas of the establishment where the adult business is conducted, except for the private rooms of an adult motel, or the movie viewing areas in an adult movie theater. Adequate lighting is defined as sufficient lighting for clear visual and security camera surveillance and recording of all images on the premises at all times one (1) hour before dusk and one (1) hour after dawn.

H. The owner or operator shall operate and maintain a security camera and videotape or digital file system designed and installed by a private security service business licensed by the Commonwealth of Virginia. Surveillance cameras shall continuously monitor and record images of all entrances, exits, parking areas, and all areas of the establishment where the adult business is conducted, except for the sleeping rooms of an adult motel. Such cameras shall provide clear

imagery of the establishment's premises, patrons, and their vehicles and of any vehicles otherwise entering the premises. Videotapes or digital files systems recording activities in the areas under surveillance shall be preserved for a period of not less than four months. Authorized representatives of the Augusta County Community Development Department shall have prompt access to such videotapes or digital files, upon request, for purposes of enforcement of this chapter. The Augusta County Sheriff's Office shall also have prompt access to such videotapes or digital files, upon request, for law enforcement purposes.

I. In any adult business other than an adult motel or adult movie theater, there shall be no viewing of videotapes, computer disks, CD-ROMs, DVD-ROMs, virtual reality devices, Internet sites or files transmitted over the Internet, or similar media characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in § 6-41 of this Code, while on the premises.

J. All owners, operators, managers, employees, associates, and entertainers shall be at least eighteen (18) years of age.

(Ord. 04/23/08)

*[Chapter 25, Division E, Article XXX, was revised and readopted on 2/10/10, eff. 3/1/10]*

Sections 25-311 through 25-360 reserved.

Articles XXXI through XXXV reserved.