

Chapter 84 – ZONING ORDINANCE

ARTICLE V. – COMMERCIAL DISTRICTS

PART 500. – GENERAL

Sec. 84-500.01. - Application

The regulations of this part shall apply to all commercial and nonresidential areas of planned development districts except as otherwise specifically provided. They shall supplement general regulations provided in Article III.

Sec. 84-500.02. - Accessory uses

1. Accessory uses and structures shall be permitted in all commercial districts in accordance with the provisions of this section. Such uses and structures shall be located and designed so as to minimize any adverse impact on adjacent properties and roadways.
2. No accessory use or structure, including any portion of a retaining wall greater than six feet in height, shall be located in any required front setback area or set back from public right-of-way, unless specifically authorized elsewhere in this chapter.
3. No accessory structure shall exceed the height of the principal structure on the lot.
4. Where lots within a nonresidential district abut a residential district, the yard and setback requirements for principal buildings shall apply to accessory uses and structures.

Sec. 84-500.03. – Secondary uses

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

Sec. 84-500.04. - General height regulations

1. Height limitations shall be as specified in each commercial and shall be determined as provided in this section.
2. The Town Council may, by approval of a proffered rezoning or a Special Use Permit application, approve a structure with a height greater than any specific limitation, subject to the following standards:
 - a. For a rezoning application, the maximum height shall be specifically proffered by the applicant and accepted by the Town Council; for a Special Use Permit application, the maximum height shall be made a condition of approval of the application; and
 - b. The Town Council shall be satisfied that approval of a proffer or Special Use Permit is a more appropriate course than a rezoning to a classification permitting the height requested; and
 - c. The Town Council shall be satisfied that the proposed height shall not have a substantial adverse impact on the light and air of adjacent and nearby properties; and
 - d. The Shenandoah County Fire Marshal has certified in writing that the proposed building or other structure can be properly protected, and will not endanger improvements on adjacent properties, in case of fire; and

USES BY ZONING DISTRICT

- e. All other requirements of this chapter for a conditional rezoning or Special Use Permit have been met; and
- 3. Roof structures:
 - a. The height limitations set forth in commercial districts for both public and private buildings shall not apply to flagpoles, chimneys, cupolas and domes not used for human occupancy, sky lights, solar energy devices, spires and belfries, ventilators, elevators, and other necessary mechanical equipment usually located on a roof. Height limitations for antennas and other telecommunications facilities as defined herein are contained in Part 308 of this chapter.
 - b. Mechanical equipment (not including any non-mechanical portions of solar devices) located on a roof shall be hidden by a wall or other similar enclosure extending not more than one foot above the height of such equipment and designed in harmony with the building.
 - c. Parapet walls may extend up to five feet above the height limit for any commercial district.
 - d. All such structures or features exceeding the normally permitted building height shall require approval by the Zoning Administrator.
- 4. Unless the provisions of this chapter operate to impose a greater standard, any structure above 45 feet in height, excluding telecommunications facilities as defined by this chapter, shall be set back a minimum of 20 feet plus two feet for each foot in height above 45 feet from any property line that abuts a residential or agricultural district, and shall be set back a minimum of 20 feet plus one foot for every foot in height above 45 feet from all other property lines. The Town Council may modify this setback provision as a part of the approval of the rezoning or Special Use Permit, provided any minimum setbacks and yards required elsewhere in the chapter shall be met. Setback requirements for telecommunications facilities as defined herein are contained in Part 308 of this chapter.

Sec. 84-500.05. - General floor area ratio (FAR) regulations

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

USES BY ZONING DISTRICT

surrounding structures (architecturally, materials used, etc.); environmental protection or enhancement on-site; public amenities on-site; off-site transportation improvements; fire and health safety design features (beyond those required by law), or any other design improvement which promotes the health, safety, and general welfare of the workers at the site and the citizens of the Town.

Sec. 84-500.06. - Yard and setback areas

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

Sec. 84-500.07. - Site plan requirements, certificate of occupancy, change of use.

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

Sec. 84-500.08. – Buffers, screening and landscaping required

In all commercial districts, unless otherwise specifically indicated by this chapter, landscaping or screening, or both, shall be required for all off-street parking, outside storage, storm water management facilities, loading areas, and refuse removal areas, and in all required setback and buffer areas as provided in PART 311, et seq., PART 312, et seq. Standards for such landscaping and/or screening shall be set forth in Chapter 6 of the Technical Design Manual. All outside storage (where permitted under other provisions of this chapter), loading areas, and refuse removal areas shall be screened from the view of any public street in accordance with the requirements of the Technical Design Manual.

Sec. 84-500.09. – Lighting.

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

Sec. 84-500.10. – Litter control.

USES BY ZONING DISTRICT

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

Sec. 84-500.11. – Outdoor storage.

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

- (a) The outside storage area shall be designated on an approved site plan;
- (b) The outside storage area will not encroach onto any required off-street parking space or aisleway, required open space, or emergency access travelway;
- (c) The outside storage area will be screened in accordance with Section 6.2.18 of the Technical Design Manual;
- (d) The outside storage area will not be utilized for merchandise display or "sidewalk sales".

Sec. 84-500.12. – Storage of trucks prohibited in commercial districts

- (a) Except as permitted by Chapter 82 the Town Code and unless essential to the nature of the use, such as commercial parking, or otherwise permitted in this chapter, the storage of the following commercial vehicles shall be prohibited in all commercial districts, except when actively engaged in loading or unloading operations:
 - 1. Cement trucks.
 - 2. Construction equipment.
 - 3. Dump trucks.
 - 4. Garbage, refuse or recycling trucks.
 - 5. Passenger buses (excluding school buses).
 - 6. Tow trucks.
 - 7. Tractors or trailers of a tractor-trailer truck.
- (b) Except as permitted by Chapter 82 the Town Code, the following vehicles registered with the Virginia Department of Motor Vehicles or any other state or government agency as having a gross vehicle weight of 10,100 pounds or more, shall be prohibited in all commercial districts, except when actively engaged in loading or unloading operations:
 - 1. Box trucks.
 - 2. Flatbed trucks.
 - 3. Stake bed trucks.
 - 4. Step vans.
 - 5. Trailers.

Sec. 84-500.13. - General provisions for equipment storage accessory to a contractor or tradesman's shop.

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

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

Sec. 84-500.14. – General provisions for live entertainment.

Live entertainment shall not be permitted without a zoning approval. Live entertainment is permitted as a secondary use as identified in the district standards.

Sec. 84-500.15. – Donation drop-off boxes.

Donation drop-off boxes, as defined in Part 101 of this Chapter, shall be permitted only in accordance with the following standards and procedures:

- 1. Donation drop-off boxes shall not be allowed in any residential or agricultural zoning district, except on properties where a Special Use Permit exists for a place of religious worship or assembly.
- 2. Donation drop-off boxes are permitted only on properties that contain a primary permitted use.
- 3. Donation drop-off boxes shall be separated by a distance of at least 500 feet.
- 4. Donation drop-off boxes are subject to the issuance of a Zoning Permit and upon receipt of written authorization by the property owner or legal representative.
- 5. Donation drop-off boxes shall not obstruct pedestrian or vehicular circulation, nor be located in public rights-of-way, required building setbacks, landscape areas, drive aisles, required parking spaces, fire lanes, loading zones, buffers or any other location that may cause hazardous conditions, constitute a threat to the public safety, or create a condition detrimental to surrounding land uses.
- 6. Each donation drop-off box shall have a firmly closing lid and shall have a capacity no greater than six cubic yards. No donation drop-off box shall exceed seven feet in height.
- 7. Donation drop-off boxes may be constructed of painted metal, rubber, wood, or plastic and shall be properly maintained in a safe and good condition.
- 8. Donation drop-off boxes shall be clearly marked to identify the specific items and materials requested to be left for donation, the name of the operator or owners of the donation container, the entity responsible for maintenance of the drop-off box and removal of materials and trash from the immediate area, and a telephone number where the owner, operator or agent of the owner or operator may be reached at any time. The box shall display a notice stating that no items or materials shall be left outside of the donation drop-off box as well as a

USES BY ZONING DISTRICT

notice that shall read "Not for refuse disposal. Liquids are prohibited. Do not use for garbage, candy wrappers, soft drink bottles, etc."

9. Occupation of parking spaces by donation drop-off boxes shall not reduce the number of available parking spaces below the minimum number required for the site.
10. All donated items must be collected and stored in the donation drop-off box. Donated items or materials shall not be left outside of donation drop-off boxes and the area around each box shall be maintained by the owner or operator, or the property owner, free of litter and any other undesirable materials.

Sec. 84-500.15. – Off-site parking areas.

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

1. Up to 50 percent of the off-street parking required in conjunction with a principal use may be located on adjacent or abutting lots within any nonresidential district or on adjacent or abutting lots containing public or institutional facilities. Such off-site parking areas shall be for the sole use of the owners, occupants and patrons of the principal use requiring the parking and shall not be used for commercial parking purposes as defined in this chapter.
2. The off-site parking area shall be constructed in accordance with all applicable sections of the zoning ordinance and the Technical Design Manual. A site plan pursuant to Article X of this chapter shall be required.
3. Adequate outdoor lighting shall be provided in all off-site parking areas and travelways, including any pedestrian travelway(s) accessing the off-site parking area, pursuant to section 84-500.09.
4. Notwithstanding signage provisions of Article III, one directional sign shall be permitted at each vehicular entrance/exit servicing the off-site parking area. The signs shall be located on the parcel containing the off-site parking facilities and shall not exceed 32 square feet in size. Directional or informational signs, as defined in this chapter, may be installed in any off-site parking areas. All signs shall be set back a minimum of ten feet from any public right-of-way.
5. When the off-site parking is located on a contiguous lot under the same ownership, a subdivision plat shall be approved and recorded eliminating the common, internal lot line(s).
6. Where the adjacent or abutting lot used for the off-site parking is under separate ownership, permanent easements and/or agreements shall be required which provide for joint use and maintenance of parking areas and travelways by all owners, occupants and patrons of the properties. Such easements or agreements shall be noted on approved subdivision and site plans. The easements or agreements shall be approved by the Zoning Administrator and the Town Attorney's office and shall not be changed without such prior approval.
7. The off-site parking spaces must be in addition to the minimum number of parking spaces required for any existing or proposed use on the parcel on which the off-site parking is located.
8. Notwithstanding requirements that off-site parking areas shall be located within nonresidential zoning districts (except for public or institutional facilities which may be located in residential zoning districts), pedestrian travelways connecting the off-site parking area with the associated principal use may be located within any zoning district.

Sec. 84-500.16. – Design standards for large scale retail

The standards of this Section shall apply to any new building with a retail business occupying 25,000 square feet or more of gross floor area to one or more businesses, which may include a common entry or interior space. This section supplements Design Standards for Commercial Buildings.

1. Entryways. Building façades shall be designed with entries that are no further than one hundred and fifty (150) feet apart. Building entries should be clearly defined, visible entrances, providing access from the front of the building to the pedestrian zone, and featuring no less than three of the following:
 - A. Canopies or porticos;
 - B. Awnings;
 - C. Overhangs
 - D. Recesses/projections;
 - E. Arcades;
 - F. Raised corniced parapets over the door;
 - G. Peaked roof forms or arches;
 - H. Outdoor patios; or
 - I. Display windows.
2. Building Articulation. Front and street-facing side façades greater than one hundred (100) feet in length, measured horizontally, shall;
 - A. Incorporate wall plane projections or recesses having a depth of at least three percent of the length of the façade and extending at least 20% of the length of the façade.
 - B. Have a change in at least three of the following elements every one hundred (100) feet along all walls facing a public street or internal street:
 - i. Color change;
 - ii. Texture change;
 - iii. Material change; or
 - iv. Architectural feature, such as an offset, projection, columns, canopies, arcades, or reveal with at least twelve (12) inches in depth.
 - C. Rooflines
 - i. Rooflines shall be varied in height, or at least every one-hundred (100) feet along any side of a building facing a street.
 - ii. Rooflines are defined by gables and changes in parapet walls. Hips, gables or changes in parapet elevation shall be used to provide relief in height.
 - iii. Gable and hip roofs are allowed; parapets and cornices shall be used to conceal flat roofs and rooftop mechanical equipment from public view.

Sec. 84-500.17. – Design standards for recreational substance establishments

The standards of this Section shall apply to any use defined as a recreational substance establishment identified in PART 101 of this Chapter.

1. These retail sale locations of tobacco products, nicotine vapor products, alternative nicotine products, as such terms are defined in State Code § 18.2-371.2, or hemp products intended for

USES BY ZONING DISTRICT

smoking, as such term is defined in State Code § 3.2-4112, for any such retail sale location and may prohibit a retail sale location on property within 1,000 linear feet of a child day center as defined in State Code § 22.1-289.02 or a public, private, or parochial school.

2. An ordinance adopted pursuant to this section shall not affect
 - a. a licensee holding a valid license under § 4.1-206.3 or
 - b. any retail sale location of tobacco products, nicotine vapor products, alternative nicotine products, or hemp products intended for smoking operating before July 1, 2025.

PART 501. – B-1 General Commercial (was HC)

Sec. 84-501.01. – Purpose and intent

The B-1 District is intended to implement the regional commercial center and general commercial land use classifications of the Comprehensive Plan. It is generally intended to provide areas for community-scale retail, office, and institutional uses in appropriate areas. The purpose of this district is to also promote retail employment opportunities and to enhance the tax base of the Town. The B-1 District is not designed to implement the non-retail employment-based land uses reflected in the Comprehensive Plan; non-retail uses, however, are permitted within the district to complement and support the retail purposes.

Sec. 84-501.02. - Uses permitted by right

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

1. Antique shop
2. Arcade, amusement
3. Art gallery (private)
4. Brewery, Craft
5. Business support service
6. Butcher shop
7. Carpet or flooring retail sales
8. Car wash
9. Catering, commercial
10. Child day center
11. Club
12. Commercial artist or photographer's studio
13. Consumer repair service
14. Dance hall
15. Dry Cleaning, pick-up
16. Dry Cleaning, processing
17. Event center
18. Farmers market
19. Financial institution
20. Funeral services

USES BY ZONING DISTRICT

21. Grocery store
22. Guidance service
23. Gunsmith
24. Hardware store
25. Hotel/motel/motor lodge
26. Medical or dental office or clinic
27. Motor vehicle car wash
28. Motor vehicle detailing services, onsite
29. Motor vehicle fuel station
30. Motor vehicle parts/supply, retail
31. Motor vehicle service (light)
32. Office
33. Parking, Commercial
34. Pawn shop
35. Payday loan establishment
36. Personal services
37. Pet grooming service
38. Pet store
39. Print shop
40. Religious institution
41. Restaurant, fast food or drive-thru
42. Restaurant, general
43. Restaurant, mobile where permanent facilities are provided, to include but not limited to restrooms.
44. Restaurant, small
45. Retail sales
46. Retail sales, custom
47. School of special instruction
48. Shopping center
49. Studio, fine arts
50. Substance abuse clinic
51. Trade or convention or conference center
52. Trade, technical, and vocational school
53. Veterinary hospital/clinic

Sec. 84-501.03. - Secondary uses

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

1. Food bank/pantry
2. Live entertainment
3. Satellite parking, secondary to a religious institution or place of religious worship only.
4. Restaurant, mobile

Sec. 84-501.04. - Special uses

USES BY ZONING DISTRICT

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

1. Gun shop
2. Hospital
3. Motor vehicle, commercial vehicle storage
4. Motor vehicle repair shop (limited)
5. Self-storage center

Sec. 84-501-05. - B-1 Development Standards

1. There shall be no minimum lot size.
2. There shall be no minimum lot width or depth.
3. The maximum lot coverage shall be 85 percent.
4. The maximum floor-to-area ratio (FAR) shall be 0.40.
5. The maximum building height shall be 45 feet.

Sec. 84-501.06. - B-1 Setbacks

1. All buildings and structures shall be set back at least 20 feet from any street right-of-way.
2. The minimum setback of 25 feet from the common property line for all structures and uses shall be required when the side or rear of a lot within a B-1 District abuts an agricultural or residential district.

PART 502. - B-2 Light Commercial (was CC)

Sec. 84-502.01. – Purpose and intent

The B-2 District is intended to implement the neighborhood commercial land use classification of the Comprehensive Plan. The B-2 District is designed to provide for areas of neighborhood-scale retail, and to a lesser extent, office and institutional uses but particularly consumer product and service centers in appropriate areas. The purpose of this district is also to promote employment opportunities and to enhance the tax base of the Town.

Sec. 84-502.02. - Uses permitted by right

The following uses are by-right within the B-2 zoning district.

1. Antique shop
2. Arcade, amusement
3. Art gallery (private)
4. Brewery, Craft
5. Business support service
6. Butcher shop
7. Carpet or flooring retail sales.
8. Car wash
9. Catering, commercial
10. Child day center