

DIVISION 8. - B-1 Neighborhood Business District.

Section 26-106. - Purpose of the district.

The purpose of this district is to provide primarily for retail shopping and personal service uses, to be developed either as a unit or in individual parcels, to serve the needs of a relatively small area, primarily nearby, low-density or medium-density residential neighborhoods. For those uses that have the potential to create additional impacts on neighboring properties, specific standards of development are established to ensure compatibility with the uses of those properties.

(Ord. No. 12-08, § 3, 1-9-13)

Section 26-107. - Permitted uses.

A building or land shall be used only for the following purposes:

1. Animal hospital or clinic for small animals conducted entirely in a soundproof building.
2. Antiques stores.
3. Arts and craft stores.
4. Automobile parts and accessories sales (no repairs).
5. Bakery, retail.
6. Banks and other financial institutions (without drive-through window).
7. Bicycle sales and repair shops.
8. Catering or delicatessen business.
9. Clinics.
10. Clothing stores.
11. Consignment stores (including those with online sales but not including furniture or appliances).
12. Convenience store without fuel sales or drive-through window food sales.
13. Copy and print store.
14. Dry cleaners.
15. Electronics and Appliance Sales or repair.
16. Exam Preparation and Tutoring.
17. Fabric stores.
18. Facilities and structures necessary for rendering utility service, including poles, wires, transformers, utility cabinets and pedestals, and the like for normal electrical power distribution or communication service, pipelines or conduits for electrical, gas, sewer, or water service, and pipelines, conduits and transmission lines located within the suburban service area as depicted on the phased suburban development plan in the county comprehensive plan and used to connect to the public water and sewer system owned by the county, but not including buildings, treatment plants, pumping or regular stations, substations, and power transmission lines which are permitted as conditional uses.
19. Fitness center (indoor only).
20. Flower shops and greenhouses incidental thereto.

21. Food and beverage stores.
22. Funeral homes and funeral services, including accessory crematories.
23. Furniture rental.
24. Furniture stores.
25. Gift and novelty stores.
26. Hardware stores.
27. Health equipment rental.
28. Health supplement stores.
29. Hobby, toy and game stores.
30. Home appliance rental.
31. Home furnishing stores.
32. Home hardware rental (small).
33. Hospitals.
34. Ice distribution stations, automatic, or other drive-in automatic vending machine stations. Groups of vending machines shall be contained in a building.
35. Laundromats.
36. Lawn and garden equipment and supply stores.
37. Musical instrument and supplies stores.
38. Nurseries for growing plants, trees, or shrubs.
39. Office supplies and stationery stores.
40. Offices, business, governmental, medical or professional.
41. Packaging and mailing services.
42. Paint and wallpaper stores.
43. Party equipment rental.
44. Personal service establishment.
45. Pet shop or animal grooming establishment.
46. The permanent placement or removal of clean earth fill, including all related excavation and filling activities, provided:
 - (a) If the placement or removal is done in connection with the development of a property and the clean earth fill is being relocated on the same property, such placement or removal shall be permitted when it is done in furtherance of an approved site plan or construction plan.
 - (b) If the placement or removal is done in connection with the development of another property and the clean earth fill is either being transported to or from the property, such placement or removal shall be permitted when the source and destination of the clean earth fill are properly permitted with the applicable state and local regulatory authorities.
 - (c) If the placement of fill is not being done in furtherance of an approved site plan or construction plan and the average depth of clean earth fill being added is greater than one (1) foot, the property owner shall record a plat, approved by the director of public works, showing the locations where the fill has been placed. This plat shall be recorded in the office of the clerk of the circuit court of the county, within thirty (30) days of the conclusion of the placement or filling activities on the property.

47. Pharmacies and drug stores.
48. Restaurants.
49. Restaurants, carry-out.
50. Restaurants, fast food, but not drive-through.
51. Restaurants with craft brewery.
52. Shoe repair shops.
53. Souvenir stores.
54. Sporting goods stores.
55. Sports and Recreation Instruction (indoor).
56. Studios for artists, photographers, sculptors, or musicians, to include instruction.
57. Tailors.
58. Telecommunications towers and related facilities, in accordance with the standards of sections 26-282 through 26-292:
 - (a) On properties that are located within the "FAA Part 77 Area" as depicted on the public works facilities plan in the county comprehensive plan, that do not exceed fifty (50) feet in height;
 - (b) Otherwise, that do not exceed one hundred (100) feet in height.
59. Tobacco stores.

(Ord. No. 12-08, § 3, 1-9-13; Ord. No. 14-12, § 2, 12-10-14)

Section 26-108. - Permitted uses with special standards.

- (a) The following uses are permitted in this district, provided that the standards set forth in this section are met:

Banks and other financial institutions (with drive-through window).

- (b) Buffers. There shall be a buffer between the uses listed in this section and any adjacent residential district. The buffer shall satisfy one of the standards set forth in Table I or Table II below:

- (1) Table I: Standards for buffers utilizing all newly planted vegetation

| Minimum depth of buffer (measured from property line) | 40 foot wide buffer (minimum) | 30 foot minimum width buffer (berm required) | 20 foot minimum width buffer (no berm) |
|---|---|---|---|
| Minimum number of required trees and shrubs: | One tree for every five linear feet of buffer length and One shrub for every four linear feet of buffer length | One evergreen tree per fifteen linear feet of buffer and One evergreen shrub per four linear feet of buffer <i>Note: Trees and shrubs are to be planted on the berm</i> | One evergreen tree per seven linear feet of buffer One evergreen shrub per three linear feet of buffer |

| | | | |
|-------------------------|--|--|--|
| | Note: No less than 30% and no more than 50% of the trees are to be evergreen | | One small deciduous tree per twenty-five linear feet of buffer and One large deciduous tree per fifty linear feet of buffer |
| Berm (if applicable) | n/a | Design: Undulating and serpentine Height: At least four (4) feet for a minimum of sixty percent (60%) of the length of the buffer* Slope: Maximum three to one ratio (3:1), unless otherwise approved by the Planning Department and the Department of Public Works. | n/a |

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

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

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

| | |
|--|--|
| | <p>(2) Trees shall be seven feet on center or less</p> <p>(3) Shrubs shall be three feet on center or less</p> |
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- (3) The following additional requirements shall apply to the buffers provided for in tables I and II:
- Existing vegetation used to satisfy buffer requirements shall comply with the minimum standards for trees and shrubs in section 26-265.
 - The Planning Department shall determine the suitability of existing vegetation for buffers and the necessity for supplemental plantings as established in section 26-265.
 - Prior to Certificate of Occupancy, all planted and preserved trees and shrubs shall be inspected to verify that the trees and shrubs are healthy and meet the minimum requirements set forth in this section.

(Ord. No. 12-08, § 3, 1-9-13)

Section 26-109. - Permitted accessory uses.

- The location of office and construction trailers, which shall be removed within thirty (30) days of completion of construction.
- Parking lot, garage, or deck, accessory to permitted uses.
- Promotional events that meet the following criteria:
 - A permit must be issued by the Director before the promotional event occurs. All requests for promotional event permits shall be submitted at least five (5) business days before the promotional event. The application for a promotional event permit shall describe the activities planned and shall contain a sketch plan showing the location of existing structures, parking areas, vehicle entrances and exits, and pedestrian walkways, and the proposed location of the promotional event activities.
 - A promotional event permit may be issued for a period not to exceed three (3) consecutive days.
 - Promotional events involving the outdoor display of goods and merchandise shall be conducted within an area immediately adjacent to the place where such items are customarily sold.
 - No required off-street parking space, area used for vehicular ingress or egress, access drive or loading area shall be utilized for such display or activity.
 - A promotional event permit shall not authorize yard sales, flea markets, or other display or sale of used merchandise other than that normally sold by the business holding the promotional event.
 - Promotional events may only occur during the normal business hours of operation on the property.
 - If a private sidewalk or pedestrian way in front of the building is used for the display of merchandise or for any activity related to the promotional event, a minimum width of four feet must remain unobstructed for pedestrian use.

All other promotional events shall be considered "promotional activities."

- Wetland banks, facilities used for stormwater management, and conservation projects.
- Telecommunications arrays, located on an existing structure, provided the following requirements are met:

- a. The existing structure shall be in compliance with all currently applicable regulations.
- b. The height of the existing structure shall not be increased by more than ten (10) percent or ten (10) feet, whichever is less; provided, for properties located within the Hanover County Airspace Map area, no such increase may be permitted if the increase in height creates a hazard for the Hanover County Airport for existing, future or planned airspaces. In determining whether a proposed structure or addition to an existing structure creates such a hazard, the Director may consult with the Federal Aviation Administration and the Virginia Department of Aviation.
- c. The arrays shall not cause any interference with, or adverse impact on, the county's communications system.
- d. Any equipment cabinets or structures placed on the ground to serve the array(s) shall be screened in accordance with section 26-262, unless visually obstructed by existing vegetation or other structures on site.
- e. The arrays shall not be permitted if lighting, beacons, or other safety devices are required by the Federal Communications Commission, the Federal Aviation Administration, or any other governing agency.

(Ord. No. 12-08, § 3, 1-9-13; Ord. No. 13-05, § 3, 7-23-14)

Section 26-110. - Conditional uses.

The following uses may be permitted as conditional uses:

1. Agricultural and forestal support center.
2. Amusement facilities, including arcades, go-cart tracks, rides, and water parks.
3. Animal pound.
4. Batting cages.
5. Billiard parlors or pool hall.
6. Cemetery, including a crematorium, in accordance with the standards of section 26-295.
7. Churches and other places of worship, or the expansion by more than fifty (50) percent of original floor area of a church or place of worship.
8. Convenience store with fuel sales, subject to the standards set forth in subsection 26-108.
9. Craft brewery.
10. The following excavation and filling activities, including all related excavation and filling activities:
 - (a) The permanent placement or filling of fill other than clean earth fill, whether the source or destination of the fill is the same property or another property;
 - (b) The temporary storage or stockpiling of fill other clean earth fill; and
 - (c) The sale of clean earth fill or other fill to the public.
11. Farmers' market.
12. Fueling station, retail; provided:
 - (a) The standards set forth in section 26-108 are satisfied;
 - (b) The support structure for any roof canopy for fueling positions shall meet all setback requirements;
 - (c) The roof canopy shall not extend more than ten feet into the required setback; however, the provisions of this subsection shall not permit a roof canopy from extending into a major thoroughfare buffer; and

(d) The roof canopy shall not impair sight distance for vehicles travelling on the public road or for vehicle and pedestrians entering or exiting the property.

13. Heliport or helistop.
14. Hotel or motel, including one (1) dwelling for those employed on the premises.
15. Institutions, educational or philanthropic, including museums, art galleries and libraries.
16. Livestock auction market.
17. Meeting hall.
18. Miniature golf courses or driving ranges.
19. Paintball, laser tag, and other similar games.
20. Parking garage, lot or deck, nonaccessory.
21. Private clubs.
22. Public or governmental buildings and uses, including schools, fire stations (volunteer or otherwise), parks, parkways, and playgrounds; and public boat landings.
23. Public utilities or public service uses, buildings, generating or treatment plants, pumping or regulator stations, substations and transmission lines not otherwise allowed as a permitted use.
24. Radio or television broadcasting station.
25. Recreation facility, commercially operated, such as fishing or boating lake, camp ground, picnic grounds, or dude ranch, and accessory facilities, including sale of food, beverages, bait, supplies and equipment.
26. Restaurant, fast food, with drive-through, subject to the standards set forth in subsection 26-108.
27. Sports arena or stadium, commercial athletic field or baseball park.
28. Swimming or tennis club, commercially operated, in accordance with the standards of section 26-299.
29. Taxidermy shop.
30. Telecommunications towers and related facilities that exceed one hundred forty (140) feet in height and temporary telecommunications towers and related facilities of any height, in accordance with the standards of sections 26-282 through 26-292.
31. Theater, but not a drive-in theater.

(Ord. No. 12-08, § 3, 1-9-13; Ord. No. 14-12, § 3, 12-10-14)

Section 26-111. - Special exceptions.

The following uses may be permitted as special exceptions:

1. Adult day care centers.
2. Archery ranges (indoor only).
3. Assisted living facilities.
4. Auction sales, on a lot no less than ten (10) acres in area, located outside of the suburban development district, with no more than four (4) such sales in any calendar year.
5. Children's residential facilities.
6. Commercial dog kennels.

7. Convalescent homes, nursing homes, or homes for the aged.
8. Day nurseries or child day care centers.
9. A dwelling for use by proprietor or employee of business other than a hotel or motel.
10. Fences up to seven (7) feet in height, located within the front yard on lots outside of the suburban service area.
11. Nonaccessory tents for special purposes.
12. Outdoor displays or promotional activities (other than "promotional events").
13. Outdoor musical or entertainment festivals.
14. Raising for sale of birds, bees, fish, rabbits and other small animals in a suburban development district only.
15. Rifle or pistol ranges, or trap shooting (indoor only).
16. Temporary buildings for use as a sales or rental office for an approved real estate development or subdivision.
17. Telecommunications towers and related facilities that:
 - (a) Exceed one hundred (100) feet in height but do not exceed one hundred forty (140) feet in height; or
 - (b) Exceed fifty (50) feet but do not exceed one hundred forty (140) feet and are located along designated scenic roads or waterways or within the "FAA Part 77 Area" as depicted on the public works facilities plan in the county comprehensive plan, in accordance with the standards set forth in sections 26-282 through 26-292.

(Ord. No. 12-08, § 3, 1-9-13)

Section 26-112. - Lot size requirements.

There is no minimum lot size requirements in this district, except as may be required by the health official to meet sanitary standards.

(Ord. No. 12-08, § 3, 1-9-13)

Section 26-113. - Yard requirements.

| | Minimum in Feet | | |
|---------------|-----------------|--------------------|-----------|
| | Front Yard | Side Yard, Minimum | Rear Yard |
| Any structure | 35 | 10 | 25 |

Notes:

1. Side and rear yards required only if adjacent to a residential district.

2. The front yard setback shall be measured from the future right-of-way line as shown on the major thoroughfare plan.

(Ord. No. 12-08, § 3, 1-9-13)

Section 26-114. - Height restrictions.

The following height restrictions shall apply in this district:

1. Telecommunications towers and related facilities:
 - a. Permitted by right:
 - (i) On properties located within the "FAA Part 77 Area" as depicted on the public works facilities plan in the county comprehensive plan, shall not exceed fifty (50) feet;
 - (ii) On all other properties, shall not exceed one hundred (100) feet.
 - b. Permitted with a special exception: shall not exceed one hundred forty (140) feet.
 - c. Permitted with a conditional use permit: may exceed one hundred forty (140) feet.
2. Dwellings, business buildings, and all other structures not specifically exempted in section 26-248:
 - a. Permitted by right: shall not exceed three (3) stories or forty-five (45) feet, whichever is greater.
 - b. Permitted with a special exception: may exceed the limits set forth in subsection a.

(Ord. No. 12-08, § 3, 1-9-13)

Section 26-115. - Other uses not specifically listed.

A proposed use that is substantially similar to a use that is a permitted use, a permitted accessory use, a conditional use, or a use permitted as a special exception in this zoning district may be permitted if the Director determines, after considering the proposed use's operating characteristics and impact on the neighboring properties, roads and community, that:

1. The proposed use is not likely to create any more danger to health and safety in surrounding areas than the listed use; and
2. The proposed use will not create any more offensive noise, heat, smoke, odor, glare, and other objectionable influences than the listed use and will not have a greater traffic or parking impact than the listed use.

If the Director determines that the proposed use may be permitted, the regulations applicable to the use listed in the district regulations shall apply to the proposed use.

(Ord. No. 12-08, § 3, 1-9-13)

DIVISION 9. - B-2 Community Business District.

Section 26-116. - Purpose of the district.

The purpose of this district is to provide sufficient space in appropriate locations for a variety of commercial and miscellaneous community service activities, generally serving a community of several

neighborhoods and appropriately located with respect to major thoroughfares, but which uses are not characterized by extensive warehousing, frequent heavy trucking activity, open storage of material, or the nuisance factors of dust, odor, and noise, associated with manufacturing. For those uses that have the potential to create additional impacts on neighboring properties, specific standards of development are established to ensure compatibility with the uses of those properties.

(Ord. No. 12-08, § 3, 1-9-13)

Section 26-117. - Permitted uses.

A building or land shall be used only for the following purposes:

1. Any use permitted in the B-1, Neighborhood Business District. For those uses permitted in the B-1 District with special standards, those standards shall also be required in the B-2 District.
2. Appliance repair and maintenance, provided that no outside storage of material is permitted except as provided in this section.
3. Craft brewery.
4. Data processing center, internet service providers (ISPs), search portals, and related services.
5. Flea market, indoor.
6. Home centers.
7. Hotels or motels, including one (1) dwelling for those employed on the premises.
8. Lawn and garden equipment and supply stores, including rental.
9. Lumber and building materials store, retail only.
10. Parking garage, lot or deck, nonaccessory.
11. Personal and household goods, repair, and maintenance, provided that no outside storage of material is permitted except as provided in this section.
12. Radio or television broadcasting.
13. Restaurants, fast food, without drive-through.
14. Reupholstery and furniture repair, provided that no outside storage of material is permitted except as provided in this section.
15. Sound recording industries.
16. Statuary goods stores, including the sale of headstones.
17. Warehouse, with not more than two thousand five hundred (2,500) square feet of accessory storage per establishment.
18. Wholesale establishments, with not more than two thousand five hundred (2,500) square feet of accessory storage per establishment.

(Ord. No. 12-08, § 3, 1-9-13; Ord. No. 14-12, § 4, 12-10-14)

Section 26-118. - Permitted uses with special standards.

(a) (1) The provisions of this subsection shall apply to the following uses:

- a. Convenience stores, including drive-through window service for food and including no more than eight (8) fueling positions.
- b. Restaurants, fast food, with drive-through.

- (2) Buffers. There shall be a buffer between the uses listed in this section and any adjacent residential district. The buffer shall satisfy one of the standards set forth in Table I or Table II below:

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

| Minimum depth of buffer (measured from property line) | 40 foot wide buffer (minimum) | 30 foot minimum width buffer (berm required) | 20 foot minimum width buffer (no berm) |
|---|---|--|--|
| Minimum number of required trees and shrubs: | <p>One tree for every five linear feet of buffer length and One shrub for every four linear feet of buffer length <i>Note:</i> No less than 30% and no more than 50% of the trees are to be evergreen</p> | <p>One evergreen tree per fifteen linear feet of buffer and One evergreen shrub per four linear feet of buffer <i>Note:</i> Trees and shrubs are to be planted on the berm</p> | <p>One evergreen tree per seven linear feet of buffer; One evergreen shrub per three linear feet of buffer; One small deciduous tree per twenty-five linear feet of buffer; and One large deciduous tree per fifty linear feet of buffer</p> |
| Berm (if applicable) | n/a | <p><i>Design:</i> Undulating and serpentine <i>Height:</i> At least four (4) feet for a minimum of sixty percent (60%) of the length of the buffer* <i>Slope:</i> Maximum three to one ratio (3:1), unless otherwise approved by the Planning Department and the Department of Public Works.</p> | n/a |

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

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

| Minimum depth of buffer (measured from property line) | 40 foot wide buffer (minimum) | 20 foot minimum width buffer (no berm) |
|---|-------------------------------|--|
|---|-------------------------------|--|

| | | |
|--|---|--|
| Minimum number of required trees and shrubs: | Same as listed for 40' wide buffer in table I* | Same as listed for 20' wide buffer in table I, provided that at least thirty three percent (33%) of the existing plant material to be used toward buffer requirements shall be trees |
| Supplementation requirements for buffers using existing vegetation | <p>Where the table II buffers are denuded or void of existing vegetation ("gaps") for ten (10) or more linear feet or the existing stand of trees have no branches or understory growth lower than six feet from the ground, supplementation is required in the form of evergreen trees and shrubs planted as follows:</p> <ul style="list-style-type: none"> (1) Placement can be a straight line staggered, (2) Trees shall be seven feet on center or less (3) Shrubs shall be three feet on center or less | |

- c. The following additional requirements shall apply to the buffers provided for in tables I and II:
 - 1. Existing vegetation used to satisfy buffer requirements shall comply with the minimum standards for trees and shrubs in section 26-265.
 - 2. The Planning Department shall determine the suitability of existing vegetation for buffers and the necessity for supplemental plantings as established in section 26-265.
 - 3. Prior to Certificate of Occupancy, all planted and preserved trees and shrubs shall be inspected to verify that the trees and shrubs are healthy and meet the minimum requirements set forth in this section.
- (b) (1) The provisions of this subsection shall apply to the following uses:
 - Fitness center.
- (2) The use listed in subsection (b)(1) shall be permitted in this district, provided that the following standards are met:
 - a. Outdoor accessory uses (such as basketball courts, playing fields or swimming pools), do not exceed 10 percent of the floor area of the fitness center or no more than 5000 square feet, whichever is less;
 - b. No lights are used for the outdoor accessory uses described in subsection (a); and
 - c. Any outdoor courts or pools, other than an outdoor playing field for which there are no permanent improvements, are screened in accordance with section 26-263.

(Ord. No. 12-08, § 3, 1-9-13)

Section 26-119. - Permitted accessory uses.

- 1. The location of office or construction trailers, which shall be removed within thirty (30) days of completion of construction.

2. Material storage yards, in connection with a permitted use where storage is incidental to the approved occupancy of the building, provided all products and materials used or stored are in completely enclosed buildings or otherwise screened in accordance with the requirements of section 26-263. Storage of all materials and equipment shall not exceed the height of the screen. Storage of cars and trucks used in connection with the permitted trade or business is permitted behind the screen. Storage of heavy equipment, such as road-building or excavating equipment, is not permitted.
3. Parking lot, garage, or deck, accessory to permitted uses.
4. Promotional events that meet the following criteria:
 - a. A permit must be issued by the Director before the promotional event occurs. All requests for promotional event permits shall be submitted at least five (5) business days before the promotional event. The application for a promotional event permit shall describe the activities planned and shall contain a sketch plan showing the location of existing structures, parking areas, vehicle entrances and exits, and pedestrian walkways, and the proposed location of the promotional event activities.
 - b. A promotional event permit may be issued for a period not to exceed three (3) consecutive days.
 - c. Promotional events involving the outdoor display of goods and merchandise shall be conducted within an area immediately adjacent to the place where such items are customarily sold.
 - d. No required off-street parking space, area used for vehicular ingress or egress, access drive or loading area shall be utilized for such display or activity.
 - e. A promotional event permit shall not authorize yard sales, flea markets, or other display or sale of used merchandise other than that normally sold by the business holding the promotional event.
 - f. Promotional events may only occur during the normal business hours of operation on the property.
 - g. If a private sidewalk or pedestrian way in front of the building is used for the display of merchandise or for any activity related to the promotional event, a minimum width of four feet must remain unobstructed for pedestrian use.

All other promotional events shall be considered "promotional activities."

5. Storage of office supplies and goods used in conjunction with a permitted business use. When stored outside, these supplies and goods shall be screened in accordance with the requirements of section 26-263.
6. Wetland banks, facilities used for stormwater management, and conservation projects.
7. Telecommunications arrays, located on an existing structure, provided the following requirements are met:
 - a. The existing structure shall be in compliance with all currently applicable regulations.
 - b. The height of the existing structure shall not be increased by more than ten (10) percent or ten (10) feet, whichever is less; provided, for properties located within the Hanover County Airspace Map area, no such increase may be permitted if the increase in height creates a hazard for the Hanover County Airport for existing, future or planned airspaces. In determining whether a proposed structure or addition to an existing structure creates such a hazard, the Director may consult with the Federal Aviation Administration and the Virginia Department of Aviation.
 - c. The arrays shall not cause any interference with, or adverse impact on, the county's communications system.
 - d. Any equipment cabinets or structures placed on the ground to serve the array(s) shall be screened in accordance with section 26-262, unless visually obstructed by existing vegetation or other structures on site.

- e. The arrays shall not be permitted if lighting, beacons, or other safety devices are required by the Federal Communications Commission, the Federal Aviation Administration, or any other governing agency.

(Ord. No. 12-08, § 3, 1-9-13; Ord. No. 13-05, § 4, 7-23-14)

Section 26-120. - Conditional uses.

The following uses may be permitted as conditional uses:

1. Any conditional use permitted in the B-1 Neighborhood Business District and not included in the list of permitted uses for the B-2 district.
2. Agricultural and farm machinery and equipment repair, including the sale of parts.
3. Billiard parlors or pool halls.
4. Bowling alleys.
5. Commercial landscaping operation, when done in conjunction with a nursery on the premises, provided that no machinery or equipment used for the business is stored within one hundred (100) feet of a property line, unless the equipment is screened in accordance with the standards specified in section 26-263.
6. Convenience store with more than eight fueling positions, provided:
 - (a) The buffer requirement in section 26-118(b) is satisfied;
 - (b) The support structure for any roof canopy for fueling positions shall meet all setback requirements;
 - (c) The roof canopy shall not extend more than ten feet into the required setback; however, the provisions of this subsection shall not permit a roof canopy from extending into a major thoroughfare buffer; and
 - (d) The roof canopy shall not impair sight distance for vehicles travelling on the public road or for vehicle and pedestrians entering or exiting the property.
7. Dance halls.
8. Fitness center, not otherwise allowed as a permitted use.
9. Flea market, outdoor.
10. Fueling station, fleet, provided:
 - (a) The buffer requirement in Section 26-118(b) is satisfied;
 - (b) The support structure for any roof canopy for fueling positions shall meet all setback requirements;
 - (c) The roof canopy shall not extend more than ten (10) feet into the required setback; however, the provisions of this subsection shall not permit a roof canopy from extending into a major thoroughfare buffer; and
 - (d) The roof canopy shall not impair sight distance for vehicles travelling on the public road or for vehicle and pedestrians entering or exiting the property.
11. Fueling station, retail, provided
 - (a) The buffer requirement in Section 26-118(b) is satisfied;
 - (b) The support structure for any roof canopy for fueling positions shall meet all setback requirements;

- (c) The roof canopy shall not extend more than ten (10) feet into the required setback; however, the provisions of this subsection shall not permit a roof canopy from extending into a major thoroughfare buffer; and
- (d) The roof canopy shall not impair sight distance for vehicles travelling on the public road or for vehicle and pedestrians entering or exiting the property.

- 12. Roller skating and ice skating rinks.
- 13. Self-storage warehouse facility, including one (1) dwelling for those employed on the premises, in accordance with the standards of section 26-297.
- 14. Theaters, including drive-in theaters.
- 15. Warehouse, having more than two thousand five hundred (2,500) square feet of floor area and no more than five thousand (5,000) square feet of floor area.
- 16. Wholesale establishment, having more than two thousand five hundred (2,500) square feet of floor area and no more than five thousand (5,000) square feet of floor area.

(Ord. No. 12-08, § 3, 1-9-13)

Section 26-121. - Special exceptions.

The following uses may be permitted as special exceptions:

- 1. Any special exception permitted in the B-1, Neighborhood Business District and not listed as a permitted use in the B-2 District.
- 2. A dwelling for use by the proprietor or an employee of a business other than hotels or motels, or self-storage warehouse facilities.

(Ord. No. 12-08, § 3, 1-9-13)

Section 26-122. - Lot size requirements.

There are no minimum lot size requirements in this district except as may be required by the health official to meet sanitary standards.

(Ord. No. 12-08, § 3, 1-9-13)

Section 26-123. - Yard requirements.

| | Minimum in Feet | | |
|---------------|-----------------|--------------------|-----------|
| | Front Yard | Side Yard, Minimum | Rear Yard |
| Any structure | 35 | 10 | 25 |

Note: Side and rear yards required only if adjacent to a residential district. The front yard setback shall be measured from the future right-of-way line as shown on the major thoroughfare plan.

(Ord. No. 12-08, § 3, 1-9-13)

Section 26-124. - Height restrictions.

The following height restrictions shall apply in this district:

1. Telecommunications towers and related facilities:
 - a. Permitted by right:
 - (i) On properties located within the "FAA Part 77 Area" as depicted on the public works facilities plan in the county comprehensive plan, shall not exceed fifty (50) feet;
 - (ii) On all other properties, shall not exceed one hundred (100) feet.
 - b. Permitted with a special exception: shall not exceed one hundred forty (140) feet.
2. Dwellings, business buildings, and all other structures not specifically exempted in section 26-248:
 - a. Permitted by right: shall not exceed may be constructed to a maximum height of three (3) stories or forty-five (45) feet, whichever is greater.
 - b. Permitted with a special exception: may exceed the limits set forth in subsection a.

(Ord. No. 12-08, § 3, 1-9-13)

Section 26-125. - Other uses not specifically listed.

A proposed use that is substantially similar to a use that is a permitted use, a permitted accessory use, a conditional use, or a use permitted as a special exception in this zoning district may be permitted if the Director determines, after considering the proposed use's operating characteristics and impact on the neighboring properties, roads and community, that:

1. The proposed use is not likely to create any more danger to health and safety in surrounding areas than the listed use; and
2. The proposed use will not create any more offensive noise, heat, smoke, odor, glare, and other objectionable influences than the listed use and will not have a greater traffic or parking impact than the listed use.

If the Director determines that the proposed use may be permitted, the regulations applicable to the use listed in the district regulations shall apply to the proposed use.

(Ord. No. 12-08, § 3, 1-9-13)

DIVISION 10. - B-3 General Business District.

Section 26-126. - Purpose of the district.

The purpose of this district is to provide sufficient space in appropriate locations for a wide variety of commercial, automotive, and miscellaneous service activities, generally serving a wide area of the county and located particularly along certain existing major thoroughfares where a general mixture of commercial and service activity now exists, but which uses are not characterized by extensive warehousing, frequent heavy trucking activity, open storage of material, or the nuisance factors of dust, odor, and noise, associated with manufacturing. For those uses that have the potential to create additional impacts on neighboring

properties, specific standards of development are established to ensure compatibility with the uses of those properties.

(Ord. No. 12-08, § 3, 1-9-13)

Section 26-127. - Permitted uses.

A building or land shall be used only for the following purposes:

1. Any use permitted in the B-2 Community Business District. For those uses permitted in the B-2 District with special standards, those standards shall also be required in the B-3 District.
2. Animal hospital or kennel with any open pens at least two hundred (200) feet from any residential district.
3. Automobile rental.
4. Boat, personal watercraft, and boat trailer dealers, including service, repair and storage.
5. General contractor and repair shops.
6. Greenhouses, commercial, wholesale or retail.
7. Motorcycle dealers, including sales, service, and repairs, including body and fender repairs.
8. Photographic processing or blueprinting.
9. Printing, publishing and engraving.
10. Recreational vehicle sales (new vehicles) and rentals, including display, repair, and storage.
11. Schools for industrial vocational training, trade, or business.
12. Sign printing and graphics store.
13. Tire sales and service.
14. Truck rental, not including tractor trailers and limited to pickup or panel trucks with a gross vehicle weight rating of 26,000 pounds or less.
15. Utility trailer sales and rental.
16. Wholesale establishments, with not more than five thousand (5,000) square feet of accessory storage per establishment.

(Ord. No. 12-08, § 3, 1-9-13)

Section 26-128. - Permitted uses with special standards.

(a) (1) The provisions of this subsection shall apply to the following uses:

- a. Carwash, automatic or otherwise.
- b. Convenience stores.
- c. Fueling stations, retail.
- d. Fueling stations, fleet.

(2) Buffers. There shall be a buffer between the uses listed in this subsection and any adjacent residential district. The buffer shall satisfy one of the standards set forth in Table I or Table II below:

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

| Minimum depth of buffer (measured from property line) | 40 foot wide buffer (minimum) | 30 foot minimum width buffer (berm required) | 20 foot minimum width buffer (no berm) |
|---|--|---|---|
| Minimum number of required trees and shrubs: | <p>One tree for every five linear feet of buffer length and One shrub for every four linear feet of buffer length</p> <p><i>Note:</i> No less than 30% and no more than 50% of the trees are to be evergreen</p> | <p>One evergreen tree per fifteen linear feet of buffer and One evergreen shrub per four linear feet of buffer</p> <p><i>Note:</i> Trees and shrubs are to be planted on the berm</p> | <p>One evergreen tree per seven linear feet of buffer One evergreen shrub per three linear feet of buffer One small deciduous tree per twenty-five linear feet of buffer and One large deciduous tree per fifty linear feet of buffer</p> |
| Berm (if applicable) | n/a | <p><i>Design:</i> Undulating and serpentine <i>Height:</i> At least four (4) feet for a minimum of sixty percent (60%) of the length of the buffer*</p> <p><i>Slope:</i> Maximum three to one ratio (3:1), unless otherwise approved by the Planning Department and the Department of Public Works.</p> | n/a |

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

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

| Minimum depth of buffer (measured from property line) | 40 foot wide buffer (minimum) | 20 foot minimum width buffer (no berm) |
|---|-------------------------------|--|
|---|-------------------------------|--|

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

- c. The following additional requirements shall apply to the buffers provided for in tables I and II:
 - 1. Existing vegetation used to satisfy buffer requirements shall comply with the minimum standards for trees and shrubs in section 26-265.
 - 2. The Planning Department shall determine the suitability of existing vegetation for buffers and the necessity for supplemental plantings as established in section 26-265.
 - 3. Prior to Certificate of Occupancy, all planted and preserved trees and shrubs shall be inspected to verify that the trees and shrubs are healthy and meet the minimum requirements set forth in this section.
- (3) Roof canopies for fueling positions shall meet the following standards:
 - a. The support structure for any roof canopy for fueling positions shall meet all setback requirements;
 - b. The roof canopy shall not extend more than ten (10) feet into the required setback; however, the provisions of this subsection shall not permit a roof canopy from extending into a major thoroughfare buffer; and
 - c. The roof canopy shall not impair sight distance for vehicles travelling on the public road or for vehicle and pedestrians entering or exiting the property.
- (b) (1) The provisions of this subsection shall apply to the following uses:

- a. Temporary health care structure sales, display and storage.
 - b. Manufactured home sales, display and storage.
- (2) The uses listed above shall be permitted in this district, provided that the following standards are met:
- a. all units shall be in usable condition;
 - b. no unit shall be placed in a required front yard;
 - c. the minimum parcel area shall be two (2) acres;
 - d. the storage area shall be screened in accordance with section 26-263, except with a minimum height of eight (8) feet; and
 - e. the entire area shall be similarly screened from contiguous residentially zoned property.
- (c) (1) The provisions of this subsection shall apply to the following uses:
- a. Automobile dealers (new vehicles), including sales, service, and repairs (including body and fender repairs).
 - b. Automobile and motorcycle repair, general, not including body and fender repair.
 - c. Automobile and motorcycle transmission repair service.
 - d. Truck dealers (new vehicles), including sales, service, and repairs, including body and fender repairs, limited to pickup or panel trucks with a gross vehicle weight rating of 19,500 pounds or less.
- (2) The uses listed above shall be permitted in this district, provided that the following standards are met:
- a. Any storage of equipment or materials or storage or major repair of damaged vehicles shall be inside a completely enclosed building or otherwise screened in accordance with the requirements of section 26-263.
 - b. For purposes of this subsection, a motor vehicle shall be considered a "damaged vehicle" if it:
 - (i). requires body or fender repair in order to operate legally on public roads;
 - (ii). has been partially or totally disassembled by the removal of body parts, bumpers, windshields, tires or wheels; or
 - (iii). does not have displayed thereon either valid license plates or a valid inspection decal for a period of 30 days.

(Ord. No. 12-08, § 3, 1-9-13)

Section 26-129. - Permitted accessory uses.

1. The location of office or construction trailers, which shall be removed within thirty (30) days of completion of construction.
2. Material storage yards, in connection with a permitted use where storage is incidental to the approved occupancy of the building, provided all products and materials used or stored are in completely enclosed buildings or otherwise screened in accordance with the requirements of section 26-263. Storage of all materials and equipment shall not exceed the height of the screen. Storage of cars and trucks used in connection with the permitted trade or business is permitted within the screen, but not including storage of heavy equipment, such as road-building or excavating equipment.
3. Parking lot, garage, or deck, accessory to permitted uses.

4. Promotional events that meet the following criteria:
 - a. A permit must be issued by the Director before the promotional event occurs. All requests for promotional event permits shall be submitted at least five (5) business days before the promotional event. The application for a promotional event permit shall describe the activities planned and shall contain a sketch plan showing the location of existing structures, parking areas, vehicle entrances and exits, and pedestrian walkways, and the proposed location of the promotional event activities.
 - b. A promotional event permit may be issued for a period not to exceed three (3) consecutive days.
 - c. Promotional events involving the outdoor display of goods and merchandise shall be conducted within an area immediately adjacent to the place where such items are customarily sold.
 - d. No required off-street parking space, area used for vehicular ingress or egress, access drive or loading area shall be utilized for such display or activity.
 - e. A promotional event permit shall not authorize yard sales, flea markets, or other display or sale of used merchandise other than that normally sold by the business holding the promotional event.
 - f. Promotional events may only occur during the normal business hours of operation on the property.
 - g. If a private sidewalk or pedestrian way in front of the building is used for the display of merchandise or for any activity related to the promotional event, a minimum width of four feet must remain unobstructed for pedestrian use.

All other promotional events shall be considered "promotional activities."

5. Storage of office supplies and goods used in conjunction with a permitted business use.
6. Wetland banks, facilities used for stormwater management, and conservation projects.
7. Telecommunications arrays, located on an existing structure, provided the following requirements are met:
 - a. The existing structure shall be in compliance with all currently applicable regulations.
 - b. The height of the existing structure shall not be increased by more than ten (10) percent or ten (10) feet, whichever is less; provided, for properties located within the Hanover County Airspace Map area, no such increase may be permitted if the increase in height creates a hazard for the Hanover County Airport for existing, future or planned airspaces. In determining whether a proposed structure or addition to an existing structure creates such a hazard, the Director may consult with the Federal Aviation Administration and the Virginia Department of Aviation.
 - c. The arrays shall not cause any interference with, or adverse impact on, the county's communications system.
 - d. Any equipment cabinets or structures placed on the ground to serve the array(s) shall be screened in accordance with section 26-262, unless visually obstructed by existing vegetation or other structures on site.
 - e. The arrays shall not be permitted if lighting, beacons, or other safety devices are required by the Federal Communications Commission, the Federal Aviation Administration, or any other governing agency.

(Ord. No. 12-08, § 3, 1-9-13; Ord. No. 13-05, § 5, 7-23-14)

Section 26-130. - Conditional uses.

The following uses may be permitted as conditional uses:

1. Any conditional use permitted in the B-1, Neighborhood District and not included in the list of permitted uses for the B-3 district.
2. Adult uses, subject to the specific requirements of section 26-301.
3. Automobile and motorcycle body and fender repair.
4. Automobile dealers (used vehicles).
5. Billiard parlor and pool halls.
6. Bowling alleys.
7. Construction equipment sales, rental, or leasing, limited to equipment with an operating weight of 13,000 pounds or less.
8. Dance halls.
9. Fitness center, not otherwise allowed as a permitted use.
10. Recreational vehicle sales (used vehicles), including display, repair, and storage.
11. Roller skating and ice skating rinks.
12. Self-storage warehouse facility, including one (1) dwelling for those employed on the premises, subject to the specific requirements of section 26-297.
13. Theaters, including drive-in theaters.
14. Truck dealers (used vehicles), limited to pickup or panel trucks with a gross vehicle weight rating of 19,500 pounds or less.
15. Truck stop.
16. Warehouse with up to fifteen thousand (15,000) square feet of floor area.
17. Wholesale establishment with up to fifteen thousand (15,000) square feet of floor area.

(Ord. No. 12-08, § 3, 1-9-13; Ord. No. 14-12, § 5, 12-10-14)

Section 26-131. - Special exceptions.

The following uses may be permitted as special exceptions:

1. Adult day care centers.
2. Assisted living facilities.
3. Child day care center.
4. Children's residential facilities.
5. A dwelling for use by the proprietor or an employee of a business other than hotels or motels, or self-storage warehouse facilities.
6. Nursing homes, convalescent homes or rest homes.
7. Outdoor displays or promotional activities.
8. Telecommunications towers and related facilities, in accordance with the standards set forth in sections 26-282 through 26-292:
 - (a) On properties that are located within the "FAA Part 77 Area" as depicted on the public works facilities plan in the county comprehensive plan, that exceed fifty (50) feet in height but do not exceed one hundred forty (140) feet in height;

- (b) Otherwise, that exceed one hundred (100) feet in height but do not exceed one hundred forty (140) feet in height.

- 9. Temporary buildings for use as a sales or rental office for an approved business development or non-residential subdivision.

(Ord. No. 12-08, § 3, 1-9-13)

Section 26-132. - Lot size requirements.

There are no minimum lot size requirements in this district except as may be required by the health official to meet sanitary standards.

(Ord. No. 12-08, § 3, 1-9-13)

Section 26-133. - Yard requirements.

| | Minimum in Feet | | |
|---------------|-----------------|--------------------|-----------|
| | Front Yard | Side Yard, Minimum | Rear Yard |
| Any structure | 35 | 10 | 25 |

Note: Side and rear yards required only if adjacent to a residential district. The front yard setback shall be measured from the future right-of-way line as shown on the major thoroughfare plan.

(Ord. No. 12-08, § 3, 1-9-13)

Section 26-134. - Height restrictions.

The following height restrictions shall apply in this district:

- 1. Telecommunications towers and related facilities:
 - a. Permitted by right:
 - (i) On properties located within the "FAA Part 77 Area" as depicted on the public works facilities plan in the county comprehensive plan, shall not exceed fifty (50) feet;
 - (ii) On all other properties, shall not exceed one hundred (100) feet.
 - b. Permitted with a special exception: shall not exceed one hundred forty (140) feet.
 - c. Permitted with a conditional use permit: may exceed one hundred forty (140) feet.
- 2. Dwellings, business buildings, and all other structures not specifically exempted in section 26-248:
 - a. Permitted by right: shall not exceed three (3) stories or forty-five (45) feet, whichever is greater.
 - b. Permitted with a special exception: may exceed the limits set forth in subsection a.

(Ord. No. 12-08, § 3, 1-9-13)

Section 26-135. - Other uses not specifically listed.

A proposed use that is substantially similar to a use that is a permitted use, a permitted accessory use, a conditional use, or a use permitted as a special exception in this zoning district may be permitted if the Director determines, after considering the proposed use's operating characteristics and impact on the neighboring properties, roads and community, that:

1. The proposed use is not likely to create any more danger to health and safety in surrounding areas than the listed use; and
2. The proposed use will not create any more offensive noise, heat, smoke, odor, glare, and other objectionable influences than the listed use and will not have a greater traffic or parking impact than the listed use.

If the Director determines that the proposed use may be permitted, the regulations applicable to the use listed in the district regulations shall apply to the proposed use.

(Ord. No. 12-08, § 3, 1-9-13)