

CHAPTER 25. ZONING

DIVISION G. MIXED USE DISTRICTS

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§25-435. Purpose.

The district is intended to provide an opportunity for a planned commercial and industrial development which allows the mixing of industrial, office, research and development, limited retail, and hospitality uses and the necessary supporting accessory uses and facilities, including upper-story residential uses, designed to complement surrounding land uses by means of appropriate siting of buildings and service areas.

§25-436. Concept plan required.

As part of the application for rezoning, a concept plan for the land under consideration for rezoning must be submitted and approved. The plan shall divide the property into one or more areas and identify the permitted uses and other development regulations associated with each area. At least 3 different areas must be delineated on the Concept Plan, except in the case of existing buildings, in which case a district may be approved with only one area. No Planned Commerce District may be approved with less than 3 different permitted use categories.

§25-437. Permitted uses.

The following use categories shall be permitted within Planned Commerce Districts without an Administrative or Special Use Permit and as designated on the Concept Plan. Additional uses may be identified and approved on the Concept Plan. More than one use category can be permitted within the same building as long as each of the use categories is allowed in the area.

General industrial uses- A facility conducting manufacturing or other industrial uses with no limitations as to size of the building.

Light industrial uses- A facility 50,000 square feet or less conducting light manufacturing or other industrial operations within a fully-enclosed building.

Research and development uses- A facility focused primarily on the research and development of new products, but may include some production.

Warehouse uses- A facility involved in the storage of goods or materials.

Professional and business offices- A facility focusing on business, government, professional or financial services.

Hospitality establishments- Lodging and dining establishments.

Upper-story residential uses- Dwelling units not on the ground floor of a building where at least 90% of the ground floor is devoted to non-residential uses. Any such use shall also meet the requirements of §25-303.H.

Retail and service businesses- A facility involved in the wholesale or retail sale, lease or rental of new or used products or providing personal or repair services, but not including business support businesses, vehicle sales lots and vehicle service establishments or adult businesses.

Religious Institutions. (Ord. 09/28/11)

Common open space- Uses focusing on natural areas consisting mostly of open vegetation, passive or outdoor recreation areas, and having few structures.

Limited Outdoor Storage- The keeping of any goods, materials, equipment, or merchandise, other than in a completely enclosed building during any time other than normal business hours. Limited outdoor storage shall be in a designated storage area of less than 10,000 square feet and no more than twelve feet (12') in height. Limited outdoor storage shall be fully shielded or screened from view at grade. Limited outdoor storage shall be located in the rear yard and may be located to the side of a building, provided it is not located within a required buffer yard.

§25- 438. 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 Planned Commerce Districts, subject to the applicable provisions of article V of division A of this chapter.

§25-439. Uses permitted by Administrative Permit.

The uses listed in this section shall be permitted within Planned Commerce 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 and in compliance with any additional restrictions imposed on the Concept Plan. 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.

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 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. Office trailers, buildings, off-site parking, or equipment storage facilities or off-site materials storage 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 being conducted within the Planned Commerce District.

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.

3. Items permitted are placed within reasonable proximity of the construction project.

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. Any such structure shall meet all setback and yard requirements.

D. Day care centers.

Day care centers 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.

2. Approval of the building for the use has been obtained from the Building Inspection Department.

3. The applicant demonstrates compliance with state licensing requirements and all applicable federal, state, and local regulations.

E. Outdoor Display of Merchandise associated with a permitted use.

Outdoor display of merchandise associated with a permitted use 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;

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

F. 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.

G. Home occupations, Class A.

Home occupations, Class A, 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 is required; and
4. No display of products made shall be visible from the street; and
5. 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.
6. No accessory building shall be used for such occupation; and
7. No outside display or storage of materials, goods, supplies, or equipment in relation to the home occupation shall be permitted. 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 daily deliveries by public and private mail carriers, including USPS, Fed-Ex, UPS, and similar carriers; and
10. All parking associated with the business shall be off-street; and

11. 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. For purposes of this section a commercial vehicle does not include a utility trailer. (Ord. 09/28/11, Ord. 10/28/15)

The following uses are not to be considered to be Home Occupations, Class A: trash and garbage collection, boarding houses, day care centers, private schools, firearm sales, and small engine repair or motor vehicle repair. Landscaping, lawn care and mowing businesses, and mobile motor vehicle repair are not to be considered Home Occupations unless all equipment, materials and utility vehicles are kept off site. The applicant shall supply written documentation such as a lease agreement or contract describing where the equipment, materials, and utility vehicles are to be kept to the Community Development Department. (Ord. 09/28/11, Ord. 10/28/15)

H. Wireless communication facilities meeting all of the requirements in §25-68.4.

I. Wind energy systems meeting all of the requirements in §25-69.5.

§25-440. Uses permitted by Special Use Permit.

The uses listed in this section shall be permitted within Planned Commerce 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, if specifically identified on the Concept Plan as a potential use.

Any 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

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

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

C. Sales, lease, repair, service, or storage of vehicles, tractors, trucks, boats, or similar equipment or machinery on sites with buildings in existence on August 25, 2010 and if specifically identified on the Concept Plan.

Sales, lease, repair, service, or storage of vehicles, tractors, trucks, boats, or similar equipment or machinery on sites with buildings in existence on August 25, 2010 and if specifically identified on the Concept Plan as a potential use may be permitted by Special Use Permit provided:

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

2. A site plan meeting the requirements of division J article LXVII “Site Plan Review”, is filed, approved and followed which clearly delineates the areas intended for the sales, repair, service, or storage of vehicles, tractors, trucks or boats; and

3. Display and storage areas for the vehicles, tractors, trucks or boats 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. Nothing herein shall be deemed to limit the ability of the board of zoning appeals to require larger setbacks or appropriate screening when necessary to adequately protect neighboring properties; and

4. Outside display or outside storage of junk or inoperable vehicles, tractors, trucks, or boats is prohibited; and

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

D. Wireless communication facilities meeting all of the requirements in §25-68.5.

E. Wind energy systems meeting all of the requirements in §25-69.6.

§25-441. Prohibited Uses.

All uses except those listed in the sections above are specifically prohibited in Planned Commerce Districts. In addition, specific uses may be prohibited in designated areas by the individual restrictions approved as part of the rezoning. In no case shall the following uses be allowed:

1. Adult businesses
2. Amusement businesses involving the exhibition of animals
3. Bars or nightclubs
4. Batching plants for asphalt, cement, or concrete
5. Coal and wood yards
6. Extraction of minerals, rock, gravel, sand, and similar materials
7. Facilities for the distillation of bones
8. Flea markets
9. Hunting and trapping as commercial or industrial operations
10. Junkyards
11. Livestock market and sales pavilions
12. Manufacture, processing or storage of explosives or hazardous substances
13. Recreational attractions and public amusement businesses
14. Sawmills

15. Slaughterhouses and animal product processing plants except those permitted in §25-382.B.
16. State highway maintenance facilities
17. Transfer station
18. Truck Stops and travel plazas

(Ord. 09/28/11)

§25-442. Lot area and lot width.

There shall be no minimum lot area or lot width requirements for individual parcels in Planned Commerce Districts except as may be specified on the Concept Plan and as necessary to meet health, safety and welfare requirements.

§25-443. Lot frontage.

All lots shall have at least twenty feet (20') of frontage on:

- A. A new internal public street, or
- B. A private street, 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 thirty feet (30') 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 at no cost to the county or the Virginia Department of Transportation, to the then current standards for streets.
- C. A parking lot provided:
 1. All parking lots shall be designed to safely accommodate fire and rescue emergency vehicles and must meet the requirements of article III. Off-Street Parking.
 2. A common access easement shall be provided as evidenced by a duly recorded document or deed covenant, or both.

§25-444. Yard and setback requirements.

In Planned Commerce Districts, all lots are subject to the following yard and setback requirements:

A. A principal building or structure shall not be erected, altered, located, reconstructed, or enlarged nearer to a perimeter boundary of the Planned Commerce District than twenty-five feet (25').

B. No building or other structure, whether principal or accessory, shall be erected, altered, located, reconstructed, or enlarged nearer to the right of way line of any public street external to the development identified by the Virginia Department of Transportation as an interstate, arterial or collector street than fifty feet (50') or any other public or private street external to the development than thirty-five feet (35').

C. No building or other structure shall be erected, altered, located, reconstructed, or enlarged nearer to the right-of-way line of a public street internal to the development than twenty feet (20'). Setbacks for private streets or interparcel travelways shall be as described on the Concept Plan.

D. If a lot, tract, or parcel fronts on two (2) or more streets, the foregoing minimum setbacks shall be required on all streets.

§25-445. Buffer yards.

A. A buffer yard shall be provided adjacent to any property line of the Planned Commerce District not entirely zoned business, industrial, or planned commerce and landscaped in one (1) of two (2) ways.

Alternative 1: A ten foot (10') wide strip of land with a six foot (6') opaque, vinyl privacy fence, wall, berm, or combination thereof.

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.

B. The applicant is free to choose from Alternatives 1 or 2 but the buffer yard plans must be identified as part of the Concept Plan. No buffer shall be required if the adjacent property is zoned General Agriculture and planned for business or industrial on the County's Comprehensive Plan Future Land Use Map. In addition, no buffer shall be required if the property zoned Planned Commerce Park has an existing building on it and there is no additional development planned closer to the property line not zoned business or industrial. All other provisions of §25-387 shall apply.

25-446. Height limitations.

In Planned Commerce 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.

§25-447. Parking.

Parking shall meet the requirements of article III. Off-Street Parking. However, in cases where development for multiple uses occurs on the same or contiguous lots resulting in at least 50,000 square feet of floor space and there is a shared or common parking lot established as evidenced by written contract or by a lease or easement filed with the site plan and recorded in the office of the Clerk of the Circuit Court of Augusta County, the following standards may apply if it results in less parking being required: 3.8 spaces for every 1000 square feet for developments with less than 400,000 square feet and 3.5 spaces for every 1000 square feet for developments with at least 400,000 square feet. In cases where a mix of business and industrial uses is allowed in the same building, the following parking standards may apply: 4.0 spaces for every 1000 square feet up to 50,000 square feet and 3 spaces for every 1000 square feet over 50,000 square feet. However, at the time of site plan approval, a building can be designated for a single use or uses and parking established based on that use or uses. Thereafter, no mixing of uses will be allowed in the building until another site plan is approved and the required amount of parking is provided. In addition, upper-story residential shall be required to provide 1.5 spaces per dwelling unit.

§25-448. Concept plan contents.

A. If an application is for an existing building and there is a site plan on file with the Community Development Office, any additional information may be added to the site plan.

B. A Concept plan shall be signed and sealed by a Professional Engineer, Registered Architect, Certified Landscape Architect, or Land Surveyor. The following information shall be required to be included in the Concept Plan:

1. A topographic map at a minimum scale of 1" = 400' with a contour interval of ten feet (10') or less.

2. The general layout of the property with various areas identified, along with the acreage and the permitted uses allowed in each area. In addition, the specific development regulations including any lot area, lot width, and yard and setback requirements shall be identified as part of the Plan. If a buffer yard is required, the plans for the buffer yard must be shown.

3. A proposed circulation plan showing the existing road network and the approximate location and designation of proposed public and private streets and any pedestrian and bike accommodations, as well as the connectivity between areas and adjacent properties.

4. A copy of the Traffic Impact Analysis prepared and found to be in compliance with the requirements of Chapter 527 (24VAC30-155) by VDOT, if applicable.

§25-449. Amendment procedures.

The owner or his successors, or his representative, of an approved Planned Commerce District may apply for an amendment of the Concept Plan in concept or in minor details:

A. In case of a change of concept, the applicant shall have review by the planning commission and board of supervisors and shall follow the same procedures as the rezoning. Changes in the overall design layout, moving area boundary lines by fifty feet (50') or more, additions to the allowable uses in an area, changes in the development guidelines which could result in increases in density or intensity of the uses, and any other change without the consent of all the property owners in the district shall be considered to be changes of concept. Changes in concept shall be permitted upon approval by the board of supervisors.

B. In case of a change of minor details or decrease in density, the Director of the Community Development Department may approve these changes, upon being presented with a written request along with necessary graphic and statistical information and written approval of all property owners within the district. Changes of location and design of streets, method of management of common areas, deletion of uses in an area, and moving area boundary lines by less than fifty feet (50') shall be considered to be changes of minor detail.

§25-450. Site plan and plats required.

A. A site plan meeting the requirements of division J article LXVII "Site plan review" shall be submitted and approved prior to the approval of any building, placement or other development permit.

B. After approval of the rezoning and concept plan and if lots are to be created in the Planned Commerce District, no building or structure shall be erected or building permit issued nor any lots sold from any such plat nor any final plat recorded until a preliminary plat has been approved in accordance with Chapter 21 of this Code. The preliminary plat shall be in general conformance with the concept plan approved as part of the rezoning.

§25-451. Common elements.

Where common elements are part of a development in a Planned Commerce District, they should be established and evidenced by documents duly recorded prior to the sale or lease of any lot, structure or use in the development. Such documents should also specify the provisions for participation in and construction, maintenance and upkeep of all such common elements. For purposes of this section, common elements should include all facilities such as signs, landscaping, roads, parking lots, stormwater management facilities, open areas and other uses of property in which individual lots, structures, uses, owners, or tenants have a beneficial interest in common with others.

§25-452. Other requirements.

Where specific regulations are not addressed in this District or on the concept plan, the regulations of Chapter 25, Zoning, shall govern. In cases where there are conflicting development regulations, the regulations for the district most closely associated with the use in question shall govern.

Ord. 8/25/10

§§ 25-453 - 25-460 Reserved.

Article XLIII open

Article XLIV open