

DIVISION 5. - GENERAL COMMERCIAL DISTRICT C-1

Sec. 54-331. - Statement of intent.

- (a) The C-1 general commercial district covers that portion of the community intended for the conduct of general business to which the public requires direct and frequent access, but which is not characterized either by constant heavy trucking other than stocking and delivery of retail goods, or by any nuisance factors other than occasioned by incidental light and noise of congregation of people and passenger vehicles. This includes such uses as retail stores, banks, theaters, business offices, newspaper offices, printing presses, restaurants and taverns, and garages and service stations and commercial stores over the stand alone size of 45,000 square feet or more.
- (b) All regulations in this section are subject to article IV of this chapter, pertaining to supplementary district regulations, and article V of this chapter, pertaining to the Chesapeake Bay Preservation Overlay District. Supplementary district regulations include but are not limited to minimum off-street parking, fences, visual obstructions, signs and temporary trailer parks.

(Code 1997, § 54-331; Ord. of 6-6-1969, art. 2-4; Ord. of 7-18-2005; Ord. of 7-16-2006, § 54-331)

Sec. 54-332. - Use regulations.

In business district C-1, structures to be erected or land to be used shall be for one or more of the following uses:

- (1) Retail food stores.
- (2) Bakeries and catering.
- (3) Dry cleaners.
- (4) Laundries and laundromats.
- (5) Florist shops.
- (6) Wearing apparel stores.
- (7) Jewelry stores.
- (8) Drugstores.
- (9) Fabric shops.
- (10) Barbershops and beauty shops.
- (11) Brewery and distillery with a retail or restaurant component (with conditional use permit).
- (12) Theaters, assembly halls.
- (13) Boat supply stores, marine sales, repair, fabrication, painting, upholstering, rebuilding, reconditioning (with major work under cover).
- (14) Banks.
- (15) Music shops.
- (16) Restaurants.
- (17) Furniture and home appliance stores.
- (18) Hotels, motels, tourist homes, boardinghouses, roominghouses.
- (19) Office buildings.

- (20) Office supply stores.
- (21) Churches.
- (22) Libraries.
- (23) Micro-brewery and micro-distillery with a retail or restaurant component.
- (24) Hospitals.
- (25) Funeral homes or mortuaries.
- (26) Automobile sales, gas stations in accordance with chapter 54, article IV, section 54-450, repair, fabrication, painting, upholstering, rebuilding, reconditioning, bodywork (with major work under cover).
- (27) Clubs and lodges.
- (28) Metal machining or welding shop (with major work under cover).
- (29) Public utilities.
- (30) Off-street parking, as set forth in section 54-448.
- (31) Public billiard parlors and pool rooms, bowling alleys, dancehalls, and similar forms of public amusement only after a public hearing shall have been held by the town council on an application submitted to the council for such use. The town council may request that the zoning commission submit a recommendation to them concerning such use applications. In approving any such applications, the governing body may establish such special requirements and regulations for the protection of adjacent property, set the hours of operations, and make requirements as they may deem necessary in the public interest before granting approval to the application.
- (32) Business signs, as set forth in section 54-454.
- (33) Temporary signs, as set forth in section 54-453.
- (34) Church bulletin boards and identification signs, as set forth in section 54-453.
- (35) Fences, as set forth in section 54-451.
- (36) Cabinetmaker and woodworking shop (with all work under cover).
- (37) Building, hardware, plumbing, electrical, heating and air conditioning services and supply stores.
- (38) Machinery sales and service.
- (39) Retail seafood markets with a conditional use permit.
- (40) Mini-storage warehouses.
- (41) Moving and storage warehouses.
- (42) Firehouses.
- (43) Rescue squads.
- (44) Reserved.
- (45) Antique stores.
- (46) Radio station with a conditional use permit.
- (47) Video sales and rentals.
- (48) Taxi and shuttle service.
- (49) Driver instruction.

- (50) Spa sales and service.
- (51) Exercise studios.
- (52) Printing and newspapers.
- (53) Auction with a conditional use permit.
- (54) Flea market with a conditional use permit.
- (55) Shopping center with a conditional use permit.
- (56) Bed and breakfasts.
- (57) Photo studios.
- (58) Mixed use commercial and residential; the floor space and area applicable to the residential use shall not exceed 50 percent of the structure's total square footage.
- (59) Accredited residential care facility, rehab, skilled care, assisted living facility.
- (60) Yard sales with an administrative permit, not to exceed one yard sale every 90 days per location.
- (61) Single-family homes.
- (62) Commercial stores over the standalone size of 45,000 square feet or more with a conditional use permit.
- (63) Small loan business, with conditional use permit.
- (64) Schools, playgrounds and daycare centers, professional services, and internet and computer services/consultants.
- (65) Veterinarian and animal boarding facility with a conditional use permit.
- (66) Small solar energy systems.
- (67) Large and utility-scale solar energy systems, with conditional use permit.

(Code 1997, § 54-332; Ord. of 6-6-1969, § 2-4-1; Ord. of 3-16-1987, § 2-4-1-36; Ord. of 6-20-1988, §§ 2-4-1-40, 2-4-1-41; Ord. of 7-18-1988, §§ 2-4-1-42, 2-4-1-43; Ord. of 8-21-1989, §§ 2-4-1-44—2-4-1-52; Ord. of 2-18-1991, § 2-4-1-53; Ord. of 3-18-1991, § 2-4-1-54; Ord. of 6-5-1991, § 2-4-1-55; Ord. of 5-15-1995, § 2-4-1-56; Ord. of 7-17-1995, § 2-4-1-57; Ord. of 10-28-1996, § 2-4-1-58; Ord. of 1-19-1998; Ord. of 7-17-2000; Ord. of 7-18-2005; Ord. of 7-16-2006, § 54-332; Ord. of 4-21-2008; Ord. of 6-16-2008; Ord. of 10-17-2016(1))

Sec. 54-333. - Area regulations.

There are no area requirements in the C-1 district.

(Code 1997, § 54-333; Ord. of 6-6-1969, § 2-4-2; Ord. of 7-16-2006, § 54-333)

Sec. 54-334. - Setback regulations.

Buildings in the C-1 district shall be located 20 feet or more from any street right-of-way, except that signs advertising sale or rent of premises may be erected up to the property line. This shall be known as the setback line.

(Code 1997, § 54-334; Ord. of 6-6-1969, § 2-4-3; Ord. of 7-16-2006, § 54-334)

Sec. 54-335. - Side yard and rear yard regulations.

The minimum side yard shall be ten feet and the minimum rear yard shall be 20 feet.

(Code 1997, § 54-335; Ord. of 6-6-1969, § 2-4-4; Ord. of 7-16-2006, § 54-335)

Sec. 54-336. - Height regulations.

Buildings in the C-1 district may be erected up to 35 feet in height from grade; except that:

- (1) The public or semipublic building, such as a school, church, library or general hospital may be erected to a height of 60 feet from grade provided that required front, side and rear yards shall be increased one foot for each foot in height over six feet, with a conditional use permit.
- (2) Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennas and radio aerials are exempt. Parapet walls may be up to four feet above the height of the building on which the walls rest.
- (3) No accessory structure within ten feet of any party lot line shall be more than one story high. All accessory structures shall be less than the main structure in height.
- (4) Any buildings erected over 35 feet in height up to 60 feet in height shall require a conditional use permit.

(Code 1997, § 54-336; Ord. of 6-6-1969, § 2-4-5; Ord. of 7-16-2006, § 54-336)

Sec. 54-337. - Fire regulations.

No building may be erected unless the outer walls of such building be of brick, concrete, cinderblock or other masonry material, or of material otherwise approved as to fire resistance under the Virginia Uniform Statewide Building Code.

(Code 1997, § 54-337; Ord. of 6-6-1969, § 2-4-6; Ord. of 1-23-1984, § 2-4-6; Ord. of 7-16-2006, § 54-337)

Sec. 54-338. - Findings of fact; intent.

(a) The town council finds that:

- (1) While commercial establishments, whether in the form of single establishments or shopping centers, are critical to the continued economic vitality of the town and to the well-being of its citizens, they can also have significant aesthetic, economic, traffic-related and other impacts upon the community;
- (2) Because the viability of commercial establishments depends in large part upon high visibility from public streets and location in busy areas of the town, their building and site design has an especially significant impact upon the character and attractiveness of the town in general and its streetscapes in particular;
- (3) The protections and enhancement of the positive aesthetic qualities of the town, including its commercially developed areas, has a direct and substantial bearing upon its continued economic vitality, especially in light of the town's reliance upon the economic benefits provided by its tourism industry; and
- (4) As noted by the Virginia General Assembly, the visual environment confronted by individuals in their daily routines has a profound effect on personal attitudes and productive capacities.

- (b) It is the intent of the town council in adopting this part to promote commercial development which utilizes high-quality design and building features in such manner as to enhance the functional, as well as aesthetic, attributes thereof, and thereby to protect and enhance the continued positive economic development of the town, its businesses and its citizens.

(Ord. of 7-16-2006, § 54-338)

Sec. 54-339. - Applicability; rules of construction; modifications.

- (a) The provisions of this division shall apply to the construction of new commercial establishments, including conversions of other uses to commercial use, and to additions or expansions of existing commercial establishments where the gross square footage of floor area thereof is increased by 50 percent or more.
- (b) The requirements of this division shall be in addition to all other applicable ordinances, regulations and requirements, and to the extent that any provision of this division conflicts with any other ordinance, regulations or requirement, the provision of this division shall control; provided, however, that in the event the conditions of a conditional use permit conflict with any of the provisions hereof, such conditions shall control.
- (c) The use of the word "shall" denotes a mandatory requirement. The use of the word "should" denotes a voluntary provision; provided, however, that when any proposed commercial establishment or shopping center requires the approval of the town council, whether by rezoning, conditional zoning or conditional use permit, the town council shall, in determining whether or not to grant such approval, consider the extent to which the proposed commercial establishment or shopping center conforms to the voluntary provisions of this part; and provided further, that high-quality design elements not addressed by the provisions of this division shall be encouraged.
- (d) The planning commission or the zoning administrator are hereby authorized to recommend modifications of the requirement of this division where such modifications:
 - (1) Are demonstrably necessary by reason of the unusual shape, size, configuration or other site conditions of the property on which a commercial establishment or shopping center is sought to be located; and
 - (2) Do not substantially reduce the overall quality of the proposed development.
- (e) Nothing in this section shall impair the right of any proper party to apply to the board of zoning appeals for a variance from any of the provisions of this division.

(Ord. of 7-16-2006, § 54-339)

Sec. 54-340. - Building design.

The following building design features shall apply to commercial establishments and shopping centers which are subject to the provisions of this division:

- (1) *Facades and exterior walls.*
 - a. Building facades visible from a public street and greater than 150 feet in length, measured horizontally, should incorporate wall plane projections or recesses having a depth of at least three feet;
 - b. Building fronts and sides of buildings oriented toward a public street should incorporate features such as arcades, display windows, entry areas, false windows, awnings and similar features adding visual interest;
 - c. Facades not facing public streets should incorporate a repeating pattern that includes changes in color, texture and material, each of which should be integral parts of the

building and not superficially-applied trim, graphics or paint. At least one of the foregoing elements should repeat horizontally. In addition, the structural or architectural bay pattern of the building should be expressed on the exterior through use of reveals, projecting ribs or offsets at a minimum depth of 12 inches;

- d. Facades not visible from a public street or from a private internal street or way used by the public should be painted a coordinating color to complement the front and side facades; and
- e. In the Steptoe District of the town, characterized by urban-type development, developers are encouraged to reduce the footprint of large commercial establishment through the use of multiple levels.

(2) *Roofs.*

- a. Variations in rooflines should be accomplished through the use of overhanging eaves, parapets, pop outs, entrance features or height variations. The front of the building should incorporate at least one three-dimensional feature.
- b. Flat roof and all rooftop equipment such as heating, ventilation, and air conditioning (HVAC) units shall be concealed from typical street level view by the use of parapets or other means. Parapets should feature three-dimensional cornice treatment, rather than two-dimensional superficial treatment.

(3) *Materials and colors.*

- a. Exterior building materials for all portions of a building should be of high quality and should exceed the level of quality required by the Virginia Uniform Statewide Building Code. Predominant exterior building materials should include any combination of brick, wood, stone, or tinted and textured concrete masonry.
- b. Smooth-faced concrete block, tilt-up concrete panels, or pre-fabricated steel panels should be used as exterior building materials only if such materials have been incorporated into the overall design of the building and reflect an overall appearance of high quality.
- c. Facade colors for all portions of the building should be of low reflectance and of neutral or earth tone, rather than primary colors. Building trim and accent areas should feature brighter colors, including primary colors.

(4) *Entryways.* Entryway design elements and variations shall provide orientation to the building. Buildings shall have clearly defined, highly visible customer entrances, which should incorporate two or more of the following features:

- a. Canopies or porticos;
- b. Overhangs;
- c. Recesses or projections;
- d. Arcades;
- e. Raised corniced parapets over entranceways;
- f. Peaked roof forms;
- g. Arches;
- h. Outdoor patios;
- i. Display windows;
- j. Architectural details such as, tile work or moldings integrated into the building structure and design; or
- k. Integral landscaped areas or places for sitting.

- (5) Outdoor display areas, vending machines and ground level mechanical equipment:
- a. Outdoor lighting fixtures should be coordinated as to style, material and color. Neutral and earth tone colors of lighting fixtures are encouraged. Lighting throughout the site should overlap, creating an even level of illumination through out the parking area. The use of pedestrian level lighting should be used along pedestrian walkways and is strongly encouraged to be identical to the lighting utilized along Main Street in the Steptoe's District. All lighting shall be full cut-off fixtures directed downward and inward toward the building and shall be no higher than 35 feet above grade.
 - b. Sodium vapor lights shall not be utilized.

(Ord. of 7-16-2006, § 54-340)

Sec. 54-341. - Site design.

The following site design characteristics shall apply to commercial establishment and shopping centers which are subject to the provisions of this division:

(1) *Shopping center site layout.*

- a. Buildings on shopping center outparcels shall be located so as to encourage pedestrian traffic and highlight architectural details of the buildings. No parking shall be permitted on outparcel sites between such building and public streets; provided, however, that on outparcels at the intersection of two streets, the area between such buildings and one of the streets may have one row of parking.
- b. In shopping centers exceeding five acres in size, there shall be no buildings, parking surfaces or other above-ground improvements, except as specified herein, within 30 feet of a public street. The area within such setback shall contain a heavily-landscaped berm having a minimum height of three feet measured from the level of the abutting public street. The planning commission or the zoning administrator may allow a reduction in setback to no less than ten feet, provided that heavy landscaping and other features, such as brick walls, are located so as to reduce the visual impact of the parking lot from the abutting public street.

(2) *Parking.*

- a. Vehicular parking areas shall be distributed around at least three sides of commercial buildings in order to reduce the overall scale of the paved parking surface.
- b. Vehicular circulation systems providing access to parking areas shall be designed to reduce the potential for vehicular conflicts to a minimum. Adequate stacking for vehicles shall be provided at the access points from parking areas.
- c. The use of alternative porous pavement finishes is encouraged.
- d. In order to encourage the provision of site amenities, in any commercial establishment or shopping center containing at least 80,000 square feet of commercial space, parking may be reduced to one space for every 250 square feet if pedestrian walkways are provided through the parking area.
- e. For any commercial establishment or shopping center containing at least 80,000 square feet of commercial space, pedestrian walkways shall provide access from the parking area to the primary building in such manner that pedestrians using walkways will be required to traverse the vehicular parking aisle to the minimum extent possible. Such walkways shall be located so that no customer entrance is farther than 100 feet from the nearest walkway. Walkways shall be landscaped and be readily distinguishable from driving aisles where they traverse such aisles through the use of durable, low-maintenance surface materials such as pavers, bricks, scored concrete or similar architectural treatments.

(3) *Building entrances.* Where possible, multiple entrances to buildings shall be utilized in order to reduce the walking distance from cars and to facilitate pedestrian and bicycle access from public streets and sidewalks.

(4) *Pedestrian access.*

- a. Sidewalks shall be located along public rights-of-way in accordance with the state department of transportation engineering specifications and standards.
- b. Connecting internal pedestrian walkways, no less than five feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all anchor tenant buildings on the site. Outparcels shall be connected to each other, to the main shopping center and to the public sidewalk system by pedestrian walkways. In addition, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, and parking areas. The walkways should feature ground cover or similar materials to enhance the appearance of the walkway areas. Clear sight lines allowing for good natural surveillance and adequate lighting shall be incorporated. Landscaping along the walkways shall be maintained at no more than three feet in height or limbed up to at least seven feet in order to avoid visibility obstructions.
- c. Entrances shall include weather protection features such as awnings or arcades having a width at least double that of the doorways over which they are located.
- d. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low-maintenance surface materials such as pavers, bricks, scored concrete or other architectural treatments to enhance pedestrian safety and comfort.
- e. Provision of bicycle racks is encouraged. Bicycle racks shall be in a well-lighted area and placed in a location visible from the entrance and parking area.

(5) *Central features and community spaces.*

- a. Shopping centers and commercial establishments shall offer attractive and inviting pedestrian scale features, spaces and amenities. If served by mass transit, transit stops and drop-off/pick-up points shall be integrated into the site so as to provide a high degree of convenience and efficiency. Pedestrian ways should be anchored by special design features such as towers, arcades, porticos, pedestrian light fixtures, planter walls or other architectural elements that define circulation ways and outdoor spaces.
- b. Commercial establishments containing 80,000 square feet or more of gross square footage and shopping centers containing five acres or more of land area shall provide at least two of the following features:
 1. Patio/seating area;
 2. Pedestrian plaza with benches;
 3. Window shopping walkway;
 4. Outdoor playground area;
 5. Kiosk area;
 6. Water feature or stormwater management facility with amenities such as fountains, benches, walking trails, pedestrian furniture or lighting;
 7. Clock tower;
 8. Outdoor sculpture; or
 9. Any other focal feature or amenity which, in the judgment of the planning commission or zoning administrator, provides an equivalent benefit.

All such features and community spaces shall connect to internal or public walkways and, if present, to the bikeway network, and shall be constructed of materials of at least equal quality to that of the principal materials of the building and landscape.

(Ord. of 7-16-2006, § 54-341)

Sec. 54-342. - Landscaping and buffering.

The following provisions shall be in addition to all other town landscaping provisions:

- (1) Any loading dock within view of a residential, office or apartment zoning district or a public street shall be screened by a landscaped berm or a solid wall with landscaping on the outside.
- (2) Sites with existing trees and vegetation along street frontage should, where desirable, retain such features and integrate them in the landscape plan for the site.
- (3) To the greatest extent possible, no less than 25 percent of trees shall be evergreen species.
- (4) To the greatest extent possible, planting pits shall be backfilled with 36 inches of topsoil to provide the most conducive growing environment for new landscape planting.
- (5) To the greatest extent possible, landscape islands shall be designed so that shrubs and trees are located on the edges of the island.

(Ord. of 7-16-2006, § 54-342)

Sec. 54-343. - Stormwater management facilities.

- (a) On-site stormwater management ponds in a prominent location should be attractively-landscaped amenities. Wetlands benching, fountains, and the incorporation of walking trails and pedestrian benches around the perimeter of the ponds are encouraged. Lighting of such areas for purposes of enhancing safety is also encouraged.
- (b) The use of fencing to enclose stormwater management ponds is required.
- (c) Where feasible, stormwater management systems shall utilize existing regional stormwater management facilities.
- (d) Marshlike wetlands are strongly encouraged, where feasible.

(Ord. of 7-16-2006, § 54-343)

Sec. 54-344. - Signage for shopping centers.

- (a) The style, size, color, and material of all signs on a shopping center should be coordinated to include signs for any outparcel development, on-site directional signs, and signs to be located on buildings. Colors and materials should be similar to those used on the primary building. Signs should be primarily of neutral or earth-tone colors, and primary colors should be limited to accents.
- (b) Notwithstanding any other contrary regulation, a minimum of 75 square feet of shrubbery, flower beds, trees or other plants, consisting of at least 50 percent evergreens, shall be required at the base of freestanding signs identifying shopping centers.
- (c) As an alternative to the signs allowed pursuant to the applicable zoning district regulations, buildings having facades greater than 200 feet in length may have one identification sign no larger than one square foot in size for every linear foot of facade, to a maximum of 300 square feet, on the facade of the building having the greatest length; provided that no more than three other directional or informational signs are placed on the building. Directional or informational signs shall not exceed 1½

feet in height and shall be limited in combined area to ten percent of the area of the building facade sign.

- (d) The foregoing modifications to division 5 of this article shall not apply to any use:
 - (1) Established as of the date of approval of such modifications by the council of the town, as the effective date;
 - (2) For which one or more permits or approvals have been issued by the town, as of the effective date; or
 - (3) For which an application for issuance of one or more permits or approvals is pending, as of the effective date.

(Ord. of 7-16-2006, § 54-344)

Secs. 54-345—54-360. - Reserved.