

**Accomack County General Business (“B-1”) Zoning District Ordinance  
Enacted February 23, 2011**

**ARTICLE XVII. GENERAL BUSINESS DISTRICT “B-1”\***

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**\*Editor's note:** Ord. of 6-20-2001(7) did not specifically amend this Code. Hence inclusion of ordinance provisions as §§ 106-401--406-410 was at the discretion of the editor to read as herein set out. See the Code Comparative Table.

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**Sec. 106-401. Statement of intent.**

The general business district “B-1” 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 the stocking and delivery of light retail goods or by any factors other than those 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 centers.  
(Ord. of 6-20-2001(7))

**Sec. 106-402. Uses permitted by right.**

The following uses shall be permitted subject to all other requirements of this chapter as a matter of right in the general business district “B-1”:

- (1) Accounting, auditing and bookkeeping services;
- (2) Advertising agencies;
- (3) Agricultural equipment repair;
- (4) Antennas and towers up to 100 feet in height;
- (5) Antique shops, thrift shops, and consignment shops;
- (6) Appliance sales and service;
- (7) Art, music, dance, and martial arts schools and studios;
- (8) Artists studios, photographic studios, and galleries;
- (9) Attorneys and legal services;
- (10) Auction houses;
- (11) Auto, recreational vehicle, and marine sales and service;
- (12) Automobile service stations (with major repair under cover);
- (13) Bakeries (retail);
- (14) Banks and similar financial institutions, tax return services;
- (15) Barber and beauty shops, tanning salons;
- (16) Blacksmith, welding, metal fabrication, and machine shops;
- (17) Boat docks, private (non-commercial);
- (18) Botanical and zoological gardens and parks;
- (19) Bowling centers;
- (20) Building, cleaning and maintenance services;
- (21) Cabinet making and furniture manufacturing;
- (22) Camera and photography sales and service;
- (23) Campgrounds and RV parks;
- (24) Carnival operations;
- (25) Car washes;
- (26) Cemeteries;
- (27) Churches and other houses of worship;
- (28) Colleges and universities;
- (29) Commercial kennels;
- (30) Computer programming, data processing, and other computer related services;

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- (31) Contractors offices and contractor equipment yards (under cover);
- (32) Convenience stores;
- (33) Day care centers (child and adult);
- (34) Design and research laboratories;
- (35) Detective, guard, and armored car services, security system services;
- (36) Drugstores;
- (37) Dwellings as an accessory to a permitted use;
- (38) Elementary and secondary schools;
- (39) Employment agencies;
- (40) Engineering, architectural, and surveying services;
- (41) Facilities for grading, packing, marketing, and storage of agricultural and horticultural products;
- (42) Feed, seed and farm supply stores;
- (43) Fire and rescue stations;
- (44) Flea markets;
- (45) Florists, plant and flower sales;
- (46) Framing shops;
- (47) Funeral homes;
- (48) Furnace and chimney cleaning;
- (49) Furniture and furnishings stores;
- (50) General equipment rental and leasing;
- (51) General merchandise, variety, and department stores;
- (52) Government institutional buildings;
- (53) Go-cart raceways;
- (54) Golf courses;
- (55) Grocery and food stores and markets;
- (56) Gunsmiths;
- (57) Hardware, glass, paint, floor covering, wallpaper, and fabric stores;
- (58) Home appliance sales, service and repair;
- (59) Horticultural nurseries and greenhouses, with garden supplies;
- (60) Hospitals, nursing homes and residential care;
- (61) Hotels, motels, tourist homes and bed and breakfasts *inns*;
- (62) Indoor theaters, museums, and assembly halls;
- (63) Job training and vocational rehabilitation services;
- (64) Laundries and dry cleaners;
- (65) Libraries;
- (66) Limousine and cab services;
- (67) Liquor stores;
- (68) Locksmiths;
- (69) Lodges, civic clubs, fraternal organizations, and service clubs;
- (70) Lumber and building supply (with storage under cover);
- (71) Machinery sales and service (with storage and repair limited to fully enclosed buildings);
- (72) Manufacturing of building components, such as trusses;
- (73) Manufacturing of apparel and other finished products made from fabrics and similar materials;
- (74) Manufacturing of electrical and electronic equipment and machines including parts and components;
- (75) Manufacturing of paperboard containers and boxes (excluding manufacturing of materials);

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- (76) Manufacturing of pottery, figures, ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas);
- (77) Manufactured home sales;
- (78) Marinas, private (non-commercial);
- (79) Mailing, reproduction, and stenographic services;
- (80) Medical clinics and offices;
- (81) Medical equipment rental and leasing;
- (82) Membership sports and recreation clubs;
- (83) Miniature golf courses;
- (84) Museums;
- (85) Office buildings and business offices;
- (86) Off-street parking, as required by this chapter;
- (87) Outdoor centers of amusement;
- (88) Outdoor sports facilities;
- (89) Pest control services;
- (90) Photo finishing laboratories;
- (91) Physical fitness facilities;
- (92) Playgrounds, parks, and similar recreational facilities (community operated);
- (93) Plumbing and electrical supply (with storage under cover);
- (94) Post offices;
- (95) Printing and publishing;
- (96) Production of arts and crafts;
- (97) Public billiard parlors, arcades, pool rooms, dance halls;
- (98) Utility distribution facilities;
- (99) Radio, television, consumer electronics, and music stores;
- (100) Real estate sales offices and other brokerage sales offices;
- (101) Restaurants;
- (102) Research, development, and testing laboratories;
- (103) Retail sales stores including gifts, books, stationary, wearing apparel, sporting goods, jewelry, hobby and crafts, toys, collectibles, and pet stores;
- (104) Re-upholstery and furniture repair;
- (105) Self storage centers;
- (106) Shoe repair shops;
- (107) Small engine and lawnmower repair;
- (108) Travel agencies;
- (109) Vehicle rentals;
- (110) Veterinary offices, clinic or hospitals;
- (111) Video tape rental;
- (112) Vocational schools;
- (113) Watch, clock and jewelry repair;
- (114) Waterfront business such as wholesale and retail marine activities such as boat docks, piers, small boat docks, yacht club and service facilities for the uses; docks and areas for the receipt, storage and transshipment of waterborne commerce; seafood and shellfish;
- (115) Wholesale and processing and manufacture of products or components with all storage, processing, assembly, and manufacture conducted under cover, not objectionable because of dust, noise, or odors;
- (116) Accessory uses such as, but not limited to, child care facilities, office and administrative facilities, cafeterias, lunchrooms and snack shops, recreational facilities

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for employees, non-retail motor fuel facilities, company vehicle service facilities, and heating and cooling systems.

(Ord. of 6-20-2001(7))

(117) Small wind energy systems, as defined.

(118) Small solar energy systems, as defined.

**Sec. 106-403. Special exceptions; special use permits.**

The following uses shall be permitted in the general business district “B-1”, subject to all the other requirements of this chapter, only upon the obtaining of a special use permit from the board of zoning appeals.

- (1) Antennas and towers in excess of 100 feet in height;
- (2) Automobile graveyards;
- (3) Boat manufacturing;
- (4) Manufacturing, compounding, packaging of bakery goods, beverages (including bottling plants), candy, cosmetics, and perfumes;
- (5) Meat, poultry, and seafood processing;
- (6) Poultry houses;
- (7) Research, development, and testing laboratories;
- (8) Residential uses, including single-family dwellings, not as an accessory to an approved use;
- (9) Sand and gravel borrow pit operations, including all necessary equipment, up to five acres in area;
- (10) Tattoo parlors;
- (11) Truck terminals;
- (12) The keeping of agricultural animals.
- (13) Remote water and sewer facilities, when required to replace failed or failing facilities.
- (14) Small wind energy systems, as defined, on parcels less than one acre.
- (15) Large solar energy systems, as defined.
- (16) Large wind energy systems, as defined.

(Ord. of 6-20-2001(7); Ord. of 11-19-2003(4))

**Sec. 106-404. Conditional uses; permits.**

The following uses shall be permitted in the general business district “B-1”, subject to all other requirements of this chapter, only upon the granting of a conditional use permit by the board of supervisors, in accordance with section 106-234 of this chapter;

- (1) Commercial sports arenas, stadiums, and race-tracks;
- (2) Commercial, professional, institutional, and shopping centers developing areas of more than five acres;
- (3) Warehousing and wholesale distribution facilities over 40,000 square feet of interior space, or developing a site of over two acres;
- (4) Utility plant facilities.

(Ord. of 6-20-2001(7))

(5) Public water and sewer facilities.

(6) Central water and sewer facilities.

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- (7) Remote water and sewer facilities.
- (8) Sand and gravel borrow pit operations, including all necessary equipment, greater than five acres in area;
- (9) Airports.
- (10) Large wind energy systems, Utility Scale, as defined.
- (11) Large solar energy systems, Utility Scale, as defined.
- (12) Uses involving the storage, use, processing, and production of hazardous chemicals including, but not limited to, fuel storage for sale, fertilizer and pesticide storage, and solvent storage. Applications for these uses may be required to provide the conclusions of preliminary HAZOP Study for the proposed facility focused on community impacts and personnel safety. Facility features included in the design to mitigate the risks should be identified (e.g.: containment structures, fencing, separation, safety systems, community alarms, process selection, operator training, fire protection, water curtains, release systems, and instrumentation.)
- (13) Uses where objectionable odors and airborne irritants outside the facility boundary may occur. Information on potential irritants and mitigation features may be required.
- (14) Uses where the potential for dust explosions exists, and other uses or processes where organic or combustible materials form dust.

**Sec. 106-405. Area regulations.**

There are no area regulations in the general business district “B-1”. For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by the health official. The administrator may require a greater area if considered necessary by the health official.  
(Ord. of 6-20-2001(7))

**Sec. 106-406. Setback (yard) regulations.**

- (a) Buildings in the general business district “B-1” shall be located 50 feet or more from any street right-of-way or 75 feet or more from the centerline of the street. This shall be known as the setback line. Signs advertising sale or rent of premises may be erected up to the property line.
- (b) When a structure fronts on US Route 13, the building shall be located 100-feet or more from the highway right-of-way.
- (c) Off-street parking shall be set back ten feet or more from any street right-of-way. The area between the street right-of-way and the setback line shall conform to section 106-411, Landscape regulations. The minimum side yard shall be ten feet. The minimum rear yard shall be twenty-five feet.

(Ord. of 6-20-2001(7))

**Sec. 106-407. Frontage regulations.**

For permitted uses in the general business district “B-1” there shall be no minimum frontage requirement, other than that required for safe access by the Virginia Department of Transportation.  
(Ord. of 6-20-2001(7))

**Sec. 106-408. Height regulations.**

Buildings in the general business district “B-1” may be erected up to 35 feet in height from grade, except that:

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(1) The height limit for dwellings may be increased up to 45 feet and up to three stories provided there are two side yards for each permitted use, each of which is ten feet or more, plus one foot or more of side yard for each additional foot of building height over 35 feet.

(2) A 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 35 feet.

(3) Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, and flag poles are exempt. Parapet walls may be up to four feet above the height of the building on which the wall rests.

(4) No accessory structure which is within ten feet of any part lot line shall be more than one story high. All accessory structures shall be less than the main structure in height.

(Ord. of 6-20-2001(7))

(5) Small wind energy systems shall not exceed a height of 65 feet on a parcel of less than one acre, or a maximum height of 100 feet on a parcel of one acre or more. Small wind energy systems shall be set back one and one-half feet from adjacent property lines for every one foot of tower height.

**Sec. 106-409. Sign regulations.**

Sign regulations for the general business district “B-1” shall conform to article VIII of this chapter.

(Ord. of 6-20-2001(7))

**Sec. 106-410. Off-street parking regulations.**

Off-street parking regulations in the general business district “B-1” shall conform to section 106-230.

(Ord. of 6-20-2001(7))

Secs. 106-411--406-425. Reserved.

**Sec. 106-411. Landscape regulations.**

Landscape regulations in the general business district “B-1” are as follows:

(a) Landscape areas shall be provided within required setbacks along the front lot line, the rear lot line of double-frontage lots, the side lot line of corner lots, and along all side and rear lot lines of any lot or development abutting a residential district, except where driveways or other openings may be required.

(b) Landscape areas shall be designated and dimensioned to scale on all site plans. Landscape areas shall be a minimum width of 10 feet and shall be located adjacent to the property line and outside of any existing road or utility easement. Landscape areas shall consist of a combination of grass, ground cover, flowering plants, shrubs, and trees, and the area between plants shall be completely covered with grass or mulch.

(c) Landscape area planting requirements for large development projects five acres or greater in area, such as shopping centers, shall apply to the full perimeter of the project, but not to internal property lines.

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(d) Landscape Area Planting Requirements. Linear feet guidelines below are to be used to calculate the number of required plantings; they do not require that plantings be uniformly spaced. Rather, grouping of plants consistent with accepted landscape practice is encouraged. A minimum of 50 percent of plants shall be native plants. Specific requirements are as follows:

1. At least 1 tree for each 50 linear feet, or portion thereof that is greater than 10 feet in length.
2. At least 1 shrub for each 10 linear feet, or portion thereof that is greater than 5 feet in length.
3. At least 1 large deciduous tree for every 10,000 square feet of lot area, or portion thereof that is greater than 5,000 square feet. Large trees shall be installed outside of the landscape areas required in (a), (b), and (c) above.

(e) Minimum size standards:

1. Deciduous trees – Deciduous trees shall be of a species having an ~~average~~ minimum mature crown spread of greater than 12'. A minimum caliper of 2 ½" at the time of planting shall be required.
2. Large deciduous trees – Large deciduous trees shall be of a species having an average minimum mature crown spread of greater than 30. A minimum caliper of 2 ½" at the time of planting shall be required.
3. Evergreen trees – Evergreen trees shall have a minimum height of 5' at the time of planting.
4. Shrubs – Shrubs shall have a minimum height of 2' at the time of planting.

**Sec. 106-412. Lighting regulations.**

Lighting regulations in the general business district “B-1” are as follows:

The following lighting standards shall apply to all exterior lighting sources, including but not limited to lighting for parking, access drives, walkways, gasoline canopy lighting, and internally and externally illuminated signs. Site plans shall include a lighting plan, drawn at the same scale as the site plan, to demonstrate compliance with the following standards.

(a) All lighting shall be designed, located, and arranged so as not to direct glare on adjoining streets or residential properties. The intensity at adjoining streets or residential properties shall not exceed 0.5 foot candles.

(b) Lighting fixtures shall comply with the shielding requirements of the table below. Excepted from these requirements are: roadway and airport lighting, lighting activated by

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motion sensor devices, temporary circus, fair, carnival, or civic uses, construction or emergency lighting, temporary lighting, and lighting associated with agricultural pursuits.

(c) For the purposes of this ordinance, a fully shielded fixture shall be defined as an outdoor lighting fixture that is shielded or constructed so that all light emitted is projected below a horizontal plane running through the lowest part of the fixture.

Table of Shielding Requirements

<u>Fixture Lamp Type</u>	<u>Shielding Requirement</u>
Low/High Pressure Sodium, Mercury Vapor	Fully Shielded
Metal Halide and Florescent Over 50 watts	Fully Shielded
LED over 25 watts	Fully Shielded
Incandescent over 160 watts	Fully Shielded
Incandescent 160 watts or less	None required
Any LED light source of 25 watts or less, or any other light source of 50 watts or less	None required

Note: Incandescent includes tungsten-halogen (quartz) lamps.

Secs. 106-414~~3~~-406-425. Reserved.

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Definitions to add to Article I of Chapter 106:

Biofuels, means a mixture of volatile, flammable hydrocarbons derived from plant material or animal waste and used as fuel. Biofuels include wood, sugars and starches from sugarcane, corn, and high-cellulose plants (such as switchgrass) that can be converted into ethanol. Biofuels also include oils from plants, such as the soybean or oil palm, and oils from animals, that can be chemically processed and blended with petroleum fuel to make biodiesel.

(Note: The following definitions were adopted with the Agricultural Zoning District Amendment on January 13, 2010 and the Rural Residential Zoning District Amendment on November 18, 2010. They are shown here for reference.)

Solar Energy System, Small, means a private solar energy conversion system consisting of photovoltaic panels, support structures, and associated control or conversion electronics that has a maximum power of not more than 15 kW, which will be used primarily to reduce on-site consumption of utility power for residential, non-commercial, small commercial, and small industrial applications.

Solar Energy System, Large, means a private solar energy conversion system consisting of photovoltaic panels, support structures, and associated control or conversion electronics that has a maximum power of not more than 999 kW, which will be used primarily to reduce on-site consumption of utility power for commercial and industrial applications.

Solar Energy System, Utility Scale, means a solar energy conversion system consisting of photovoltaic panels, support structures, and associated control or conversion electronics, which has a rated capacity more than 1 MW or greater to provide electricity to the local utility provider.

Utility Plant Facilities means power plants, major relay stations, tank farms, and other major facilities for the generation or bulk distribution of utilities.

Utility Distribution Facilities means pipes, poles & wires, transformers, minor relay stations, meters, pump stations, switching stations, antennae, and other minor facilities for the distribution of utilities.

Water and sewer facilities, central means a privately owned and privately operated water and/or sewage treatment system integrated within and not separated from the development wherein it serves more than one lot or customer.

Water and sewer facilities, public means a water or sewage treatment system owned and operated by a municipality or county, serving more than one lot or customer.

Water and sewer facilities, remote means a privately owned and privately operated water or sewage treatment system, serving more than one lot or customer, and including well(s), drainfield(s), and/or other components located on property that is not within or contiguous to any lot, parcel, or portion of the development which it serves.

Wind Energy System, Small: A private wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics that has a maximum power of not more than 10kW and a maximum height of 100 feet, which will be used primarily to reduce on-site consumption of utility power.

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Wind Energy System, Large, means a wind energy conversion system consisting of one or more wind turbine(s), a tower(s), and associated control or conversion electronics, which has a rated capacity of not more than 999 kW.

Wind Energy System, Utility Scale, means a wind energy conversion system consisting of more than one wind turbine(s), a tower(s), and associated control or conversion electronics, which has a rated capacity of more than 1 MW or greater.

Wind Energy System, Height, means the distance measured from grade to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation.