

**Sec. 66-223. Time limit for completion of construction.**

Construction shall proceed only in accordance with the plans and specifications approved in the final development plan. The construction of the development shall not exceed the final development plan schedule unless the applicant, upon showing good cause, is granted a one time extension by the Board of Supervisors.

(Amdmt. No. O-99-7, 7-20-99)

**Sec. 66-224. Control following approval of final development plan.**

The zoning administrator shall periodically inspect the site and review all building permits issued for the development to ensure that the development schedule is generally complied with. The provision and construction of all of the common open space and public and recreational facilities shown on the final development plan must proceed at the same time rate as the construction of dwelling units. If the zoning administrator finds that the development schedule has not been followed, no permits, except for common space, public and recreational facilities, shall be issued until the developer complies with the development schedule.

(Amdmt. No. O-99-7, 7-20-99)

**ALLEGHANY COUNTY**

**ZONING**

**B-1**

(a) Any application for a planned unit development may be withdrawn prior to any recommendation of the planning commission or the Board of Supervisors at the written request of the applicant.

(b) If any planned unit development application is withdrawn at the request of the applicant prior to the planning commission recommendation or the Board of Supervisors decision on the application, the county can not consider a planned unit development request with respect to all or part of the same property within two months of the withdrawal of the application.

(c) If any planned unit development application is denied by the Board of Supervisors, the county can not consider a planned unit development request with respect to all or part of the same property within nine months of the Board of Supervisors decision.

(Amdmt. No. O-99-7, 7-20-99)

**Secs. 66-226—66-235. Reserved.**

**ARTICLE VIII. BUSINESS DISTRICT B-1**

**Sec. 66-236. Statement of intent.**

The purpose of the B-1 business district is to create locations in the county for the provision of nonintensive commercial services to agricultural and residential areas. Traffic and parking

congestion is held to a minimum to protect and preserve property values in the surrounding residential area. The commercial uses permitted shall include such activities as are necessary for the normal operation of a household. (Amdmt. No. 90-3, 4-18-90)

**Sec. 66-237. Acceptable uses.**

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

- (1) Retail stores and shops, and service establishments, including restaurants. (Amdmt. No. 90-3, 4-18-90; Ord. No. 00-3, 8-1-00)
- (2) Electronic and home appliance sales and service. (Amdmt. No. 90-3, 4-18-90)
- (3) Theaters, meeting and assembly halls. (Amdmt. No. 90-3, 4-18-90; Ord. No. 00-3, 8-1-00)
- (4) Hotels, motels. (Amdmt. No. 90-3, 4-18-90)
- (5) Professional offices. (Amdmt. No. 90-3, 4-18-90)
- (6) Churches. (Amdmt. No. 90-3, 4-18-90)
- (7) Libraries. (Amdmt. No. 90-3, 4-18-90)
- (8) Service station, with repair under cover. (Amdmt. No. 90-3, 4-18-90; Amdmt. No. O-09-3, 5-19-09)
- (9) Clubs and lodges. (Amdmt. No. 90-3, 4-18-90)
- (10) Banks, financial offices. (Amdmt. No. 90-3, 4-18-90)
- (11) Coin laundries. (Amdmt. No. 90-3, 4-18-90)
- (12) Public utilities and facilities. (Amdmt. No. 90-3, 4-18-90; Amdmt. No. 98-1, 4-21-98; Amdmt. No. O-99-11, 9-7-99)
- (13) Funeral homes and mortuaries. (Amdmt. No. 90-3, 4-18-90)
- (14) Business and trade schools, music and art schools. (Amdmt. No. 90-3, 4-18-90)
- (15) Carwashes. (Amdmt. No. 90-3, 4-18-90)
- (16) Off-street parking for rental to the general public. (See article XXIII of this chapter for regulations.) (Amdmt. No. 90-3, 4-18-90; Amdmt. No. 99-1, 4-6-99)
- (17) Child care centers. (Amdmt. No. 90-3, 4-18-90)
- (18) Garden centers/plant nurseries. (Amdmt. No. 90-3, 4-18-90)
- (19) Preschools. (Amdmt. No. 92-5, 7-15-92)
- (20) Public safety facilities serving the neighborhood, such as fire and rescue stations. (Amdmt. No. 93-4, 8-17-93)
- (21) Commercial transmitter towers, minor facilities. (See article XXII of this chapter for regulations.) (Amdmt. No. 98-1, 4-21-98)

- (22) Auction houses. (Amdmt. No. 98-1, 4-21-98)
- (23) Health club gyms. (Amdmt. No. 98-1, 4-21-98)
- (24) Public water and sewer systems. (Amdmt. No. O-99-11, 9-7-99)
- (25) Accessory uses as defined; however, garages or other accessory structures, such as carports, porches, and stoops, attached to the main building shall be considered part of the main building. No accessory building may be closer than five feet to any side or rear property line. No accessory building may be located within the main structure's front setback. (Amdmt. No. O-02-8, 10-1-02)
- (26) Museums and cultural facilities. (Amdmt. No. O-09-2, 1-21-09)
- (27) Automobile repair service or shop, minor. (Amdmt. No. O-09-3, 5-19-09)
- (28) Convenience store. (Amdmt. No. O-09-3, 5-19-09)
- (29) Storage facilities. (Amdmt. No. O-09-3, 5-19-09)

**Sec. 66-238. Uses permitted by special exception.**

In the B-1 business district, uses permitted by special exception shall be commercial transmitter towers, intermediate and major facilities. (See article XXII of this chapter for regulations.) (Amdmt. No. 98-1, 4-21-98)

**Sec. 66-239. Uses permitted by special use permit.**

In the B-1 business district, uses permitted by special use permit shall be as follows:

- (1) Hospitals and nursing homes. (Amdmt. No. 89-2, 4-12-89)
- (2) Single-family dwellings, modular homes, mobile homes, or manufactured homes, provided that they meet the minimum lot area, setback, frontage, yard regulations, and provisions for corner lots noted in the R-2 district. (Amdmt. No. 92-4, 7-2-92; Ord. No. 00-3, 8-1-00; Amdmt. No. O-02-8, 10-1-02)
- (3) Nightclub, bar or tavern. (Amdmt. No. O-09-3, 5-19-09)
- (4) Assisted living facility, life care facility. (Amdmt. No. O-09-3, 5-19-09)

**Sec. 66-240. Minimum lot areas.**

In the B-1 business district, the minimum lot area is none, except for uses utilizing individual sewage disposal systems. The required area for any such use shall be approved by the health official. The zoning administrator may require a greater area if considered necessary by the health official. (Amdmt. No. 90-3, 4-18-90; Amdmt. No. O-02-8, 10-1-02)

**Sec. 66-241. Front yard setbacks.**

In the B-1 business district, buildings shall be located 25 feet or more from any street or road right-of-way, which is 50 feet or greater in width, or 50 feet or more from the centerline



of any street or road right-of-way less than 50 feet in width, except that signs advertising the sale or rental of premises may be erected up to the property line. This shall be known as the setback line. (Amdmt. No. 90-3, 4-18-90; Amdmt. No. O-02-8, 10-1-02)

**Sec. 66-242. Yard setbacks.**

(a) *Side yard.* In the B-1 business district, no side yards are required, except the minimum side yard setback adjoining or adjacent to a residential or agricultural district shall be ten feet. (Amdmt. No. 90-3, 4-18-90; Amdmt. No. O-02-8, 10-1-02)

(b) *Rear yard.* Each main building or use shall have a minimum rear yard setback of ten feet. (Amdmt. No. 90-3, 4-18-90; Amdmt. No. O-02-8, 10-1-02)

(c) *Distance between structures.* Where more than one main structure or use is permitted on the same lot, there shall be a minimum of ten feet separation between building or use and shall meet the required minimum setbacks for the front, side, and rear yards for a B-1 zone district. (Amdmt. No. O-02-8, 10-1-02)

**Sec. 66-243. Buffering and screening.**

A minimum of ten feet of buffering and screening shall be used to plant or design specifications of the zoning administrator on all subsequent rezoning to business district B-1 for side yards adjacent to a residential district. (Amdmt. No. 90-3, 4-18-90)

**Sec. 66-244. Corner lot setbacks.**

In the B-1 business district, the side yard setback on the side facing an improved side street shall be equal to the front setback for the district in which the lot is located. (Amdmt. No. 92-5, 7-15-92; Amdmt. No. O-02-8, 10-1-02)

**Secs. 66-245—66-270. Reserved.**

**ARTICLE IX. BUSINESS DISTRICT B-2**

**Sec. 66-271. Statement of intent.**

The B-2 business district covers that portion of the community intended for the conduct of general business to which the public requires direct and frequent access, and the district is characterized by heavy traffic and noise and congestion of people and passenger vehicles. This district includes numerous commercial activities serving the needs of the community, such as retail stores, business offices, restaurants and garages, located predominantly on primary arteries. (Amdmt. No. 90-3, 4-18-90)