ARTICLE 2. - DISTRICTS AND DISTRICT MAPS

Section 1. - Establishment of districts.

In order to regulate and restrict the location and use of buildings and land for trade, industry, residence, and other purposes in accordance with the objectives of the comprehensive plan; to regulate and restrict the location, height and size of buildings hereafter erected or structurally altered, the size of yards and other open spaces and the density of population, the following zoning districts are hereby established:

R-2	Single-Family Residential District
R-3	Duplex Residential District
R-3A	Historic Office/Residential ~~Residential~~ District
R-8	Townhouse Residential District
R-15	Apartment Residential District
C-1	Office Commercial District
MC	Mixed Commercial District
C-4	Central Commercial District
CM-1	Local Service Industrial District
M-1	Limited Industrial District
PDH	Planned Development Housing District
X	Transitional District
IP	Institutional and Public Use District
AC	Agricultural Conservancy/Commercial District

The purpose statements which accompany each district are intended to describe in a general way the character of uses to be encouraged in the district, to assist with selection of appropriate districts for application to various conditions of land use, existing or planned, and to assist with interpretation of questions which may arise with respect to particular land uses in particular

locations. In any case of difference between the purpose statement and the use regulations for the district the use regulations shall control.

Section 5. - Interpretation of district boundaries.

A district name, letter or letter-number combination shown on the zoning map indicates that the regulations pertaining to the district designated by that name, letter or letter-number combination extend throughout the whole area in the town bounded by the district boundary lines within which such name, letter or letter-number combination is shown or indicated, except as otherwise provided by this section.

Where uncertainty exists with respect to the boundaries of the various districts as shown on the zoning map accompanying and made a part of these regulations, the following rules apply:

a. In cases where a boundary line is given a position within a road, street or alley, navigable or non-navigable stream, it shall be deemed to be in the center of the right-of-way of the road, street, alley, or stream, and if the actual location of such road, street, alley, or stream varies slightly from the location as shown on the zoning map, then the actual location shall control.

b. In cases where a boundary line is shown as being located a specific distance from a road or street line or other physical feature, this distance shall control.

c. Where the district boundaries are shown on the zoning map to approximately coincide with lot lines or town limit line, the lot lines or town limit line shall be construed to be the district boundary line unless otherwise indicated.

d. In cases where district boundaries as shown on the zoning map do not coincide or approximately coincide with road or street lines, alley lines or lot lines, and no dimensions are shown, the location of such district boundary lines shall be determined by the use of the scale appearing on the map.

e. If, because of error or omission in the zoning map, any property in the jurisdiction of this ordinance is not shown as being in a zoning district, such property shall be classified R-T single-family residential district until changed by amendment and the following regulations shall apply:

1. *Permissible* ~~*Permitted*~~ *uses.* A building or land in this district shall be used only in accordance with *Article 4, Section 1: Use Regulations.* ~~for the following purposes:~~

~~i. Detached single-family dwellings. Accessory dwelling units are permitted as a special exception by the board of zoning appeals under article 9.~~

~~ii. Facilities and structures necessary for rendering public utility service, including poles, wires, transformers, telephone booths and the like for electrical power distribution or communication service, and underground pipelines or conduits for electrical, gas, sewer, or water service.~~

~~iii. Stable, private, or keeping of horses, ponies or other livestock for personal enjoyment and not as a business, provided that any building for keeping of animals shall be located at least 100 feet from any side or rear lot line and provided that no more than one such animal shall be kept for each acre of land on the premises, as a special exception.~~

~~iv. Yard sale or garage sale for the disposal of used household items, provided such sales are not conducted for more than three days per year, and include items~~

~~assembled only from households in the immediate neighborhood. Signs associated with the sale shall comply with the district regulations and shall not be attached to trees or utility poles, and shall be removed by the owner of the sign(s) within 24 hours following the day of the sale. Failure to remove the sign(s)will result in removal by town staff.~~

~~v. Accessory buildings and uses.~~

~~vi. Home occupations.~~

~~vii. Residential day or home child care for five or fewer children subject to article 6, section 7.1.~~

2. *Reserved.* ~~*Uses permitted by special use permit.* The following uses may be permitted by special use permit approved by the town council following a recommendation by the planning commission in accordance with the procedures, guides and standards of article 8.~~

~~i. Convalescent homes, rest homes, nursing homes, homes for the aged or retirement homes.~~

~~ii. Family care homes or foster homes.~~

~~iii. Radio or television transmission or receiving tower not more than 50 feet in height.~~

~~iv. Bed and breakfast.~~

3. *Permitted signs.* Subject to *Article 6, Section 3: General Sign Regulations.* ~~As regulated by the Town Zoning Code.~~

4. *Lot size standards.*

   i. Single-family detached dwellings:

      a. Minimum lot area: With both public water and sewer service—40,000 square feet.

      b. Minimum lot width: With both public water and sewer service—200 feet.

      c. Minimum lot depth: With both public water and sewer service—200 feet.

      d. Minimum street frontage: 25 feet.

   ii. Other uses same as for single-family detached dwelling or as specified in the district regulations.

   iii. Minimum lot area for individual or on-site sewage disposal system is subject to health department requirements.

   iv. Lot width is measured at the front building setback line.

   v. Averaging lot area and cluster subdivisions are permitted in ~~a~~*Article 6, Section 5: Cluster Subdivisions*.

5. *Yard and setback standards.*

   i. Single-family detached dwelling:

      Minimum front yard: 50 feet.

Minimum side yard: 30 feet.

Minimum rear yard: 50 feet.

The minimum front yard shall be measured from the front lot line to the front building setback line. Total width of both side yards shall be 80 feet.

Minimum front yard shall be 70 feet measured from the street centerline if the street right-of-way is less than 50 feet in width.

ii. Other principal structures same as single-family detached dwelling or as required in the district regulations.

iii. Accessory structures attached to the main building shall be considered part of the main building and comply with front, side and rear yard requirements. (For decks see *Article 6, Section 4.7: Accessory Buildings and Structures*~~article 6, section 4~~).

Detached accessory structures shall not be closer than five feet to any property line.

Section 6. - Interim zoning of annexation areas.

Pursuant to Code of Virginia, § 15.2-2286 A.2., land annexed or brought into the town via a boundary line adjustment shall be classified as X Transitional District to provide for the reasonable and orderly interim regulation of use and development and may be amended upon application to the town for a zoning map amendment.

~~follows:~~

~~County AR1~~	~~goes to~~	~~Town X~~
~~County PD-GI~~	~~goes to~~	~~Town CM-1~~
~~County JLMA2~~	~~goes to~~	~~Town X~~
~~County JLMA3~~	~~goes to~~	~~Town X~~
~~County PDH6~~	~~goes to~~	~~Town PDH8*~~
~~County RC~~	~~goes to~~	~~Town X~~

~~*Subject to proffers and/or executed agreements that run with the land.~~

~~Such designations are to provide for the reasonable and orderly interim regulation of use and development and may be amended upon application to the town for a zoning map amendment.~~

ARTICLE 4. - DISTRICT REGULATIONS

Section 1. - Use Regulations. ~~Reserved.~~

1.1 Use table.

The Use Table sets forth the uses allowed within the Town's base zoning districts, subject to compliance with *Section 1.2: Use Standards* below and all other applicable regulations of this Zoning Ordinance. Each use listed in the Use Table is defined in *Article 15: Definitions.*

The symbols used in the Use Table are explained in the following table.

Symbol	Use Type	Meaning
P	Permitted Uses	A "P" in a cell indicates that a use is permitted in the respective zoning district, subject to compliance with all other applicable regulations of this Zoning Ordinance.
SE	Special Exception Uses	A "SE" in a cell indicates that a use is allowed in the respective zoning district only if reviewed and approved in accordance with *Article 9: Board of Zoning Appeals.*
SUP	Uses Permitted by Special Use Permit	A "SUP" in a cell indicates that a use is allowed in the respective zoning district only if reviewed and approved in accordance with *Article 8, Section 1: Special Use Permit.*
PPU	Principal Permitted Uses (PDH District Only)	A "PPU" in a cell indicates that a use is permitted in a PDH district when such use is designated on an approved final development plan prepared in accordance with the provisions of *Article 11, Section 6: Procedures for Review and Approval of All PDH Districts* through *Section 8: Submission Requirements for PDH Districts* and subject to the requirements of *Article 4, Section 12.5: Use Limitations.*
SPU	Secondary Permitted Uses (PDH District Only)	A "SPU" in a cell indicates that a use is permitted in a PDH district, which contains one or more principal uses, when such use is designated on an approved final development plan prepared in accordance with the provisions of *Article 11, Section 6: Procedures for Review and Approval of All PDH Districts* through *Section 8: Submission Requirements for PDH Districts* and subject to the requirements of *Article 4, Section 12.5: Use Limitations.*
	Prohibited Uses	A blank cell (one that does not contain any of the symbols above) indicates that the listed use is not allowed in the respective zoning district.

Use Table

Use	R2	R3	R3A	R8	R15	C1	MC	C4	CM1	M1	PDH	X	IP	AC	RT	Use Standard
Accessory buildings and uses	P	P	P	P	P	P	P	P	P	P	SPU	P	P	P	P	Art. 4, Sec. 1.2.1

Use	R2	R3	R3A	R8	R15	C1	MC	C4	CM1	M1	PDH	X	IP	AC	RT	Use Standard
Adult care center						P		P								
Agriculture/horticulture												P		P		Art. 4, Sec. 1.2.4
Amphitheater							SUP	SUP					SUP			
Assisted living facility - 1-8 individuals	P	P	P	P	P		P	P			PPU	P		P	P	
Assisted living facility - 9 or more individuals	SUP	SUP	SUP	SUP	SUP		SUP	SUP			SPU		SUP		SUP	
Auction house							P		P	P						
Automated teller machine (ATM), accessory						P	P	P	P	P	SPU					
Bed and breakfast	SUP	SUP	P	SUP	SUP		P	P				P		P	SUP	
Brewery, winery or distillery						P	P	P	P	P				P		
Bus depot and maintenance facility									P	P						
Bus shelter	P	P	P	P	P	P	P	P	P	P	PPU	P	P	P	P	Art. 4, Sec. 1.2.17
Car wash						SUP	P		P	P						Art. 4, Sec. 1.2.20
Catering						P	P	P	P	P				P		
Cemetery													SUP			
Child care, commercial						P	P	P			SPU		SUP			Art. 4, Sec. 1.2.24
Child care, residential	P	P	P	P	P		P	P			PPU	P		P	P	Art. 4, Sec. 1.2.27
Church or other place of worship		SUP				SUP	P				SPU	P	P	P		Art. 4, Sec. 1.2.30
Clinic, urgent care						P	P	P	SUP							
College or university											SPU		P			Art. 4, Sec. 1.2.33
Commercial uses of greater than 10,000 square feet						SUP	SUP	SUP								
Communications tower						SUP	SUP	SUP	SUP	SUP		SUP	SUP	SUP	SUP	Art. 4, Sec. 1.2.36
Community garden											SPU	P	P	P		
Community or cultural facility							P	P			SPU		P			
Concrete plant								SUP								Art. 4, Sec. 1.2.40
Conservancy subdivision														P		Art. 4, Sec. 1.2.43
Construction/ landscaping equipment and supply sales and service							P	P	P	P						Art. 4, Sec. 1.2.46
Contractor's office and storage area						P		SUP	P	P						Art. 4, Sec. 1.2.49
Convenience store							P	P			SPU					
Country inn							P	P						P		

Use	R2	R3	R3A	R8	R15	C1	MC	C4	CM1	M1	PDH	X	IP	AC	RT	Use Standard
Drive-through facility						SUP	SUP	SUP	SUP	SUP	SPU					Art. 4, Sec. 1.2.53
Dry cleaning and laundry establishment							P	P								
Dwelling, accessory	SE	SE	SE	SE	SE						SE	SE		SE	SE	Art. 4, Sec. 1.2.56
Dwelling, apartment			P		P		P	P								Art. 4, Sec. 1.2.59
Dwelling, duplex		P		P	P											
Dwelling, multiple-family					P						PPU					Art. 4, Sec. 1.2.62
Dwelling, single-family attached				P	P			SUP			PPU					Art. 4, Sec. 1.2.65
Dwelling, single-family detached	P	P	P	P	P			SUP			PPU	P		P	P	
Dwelling, single-family detached farmhouse														P		
Eating establishment - less than or equal to 6,000 square feet						P	P	P	P	P	SPU			P		Art. 4, Sec. 1.2.69
Eating establishment - greater than 6,000 square feet						SUP	SUP	SUP	SUP	SUP	SPU			SUP		Art. 4, Sec. 1.2.69
Equestrian facility, commercial											SPU			SUP		Art. 4, Sec. 1.2.72
Equestrian facility, residential	P										SPU	P		P	P	Art. 4, Sec. 1.2.75
Farm and community market							P	P			SPU		P	P		Art. 4, Sec. 1.2.78
Farm equipment and supply sales and service							P	P	P	P				SUP		Art. 4, Sec. 1.2.81
Financial institution						P	P	P			SPU					
Fire, rescue or police station									SUP		PPU		P			
Firing range, indoor							SUP		SUP	P						
Fitness center						P	P	P	P	P						
Food processing, retail							P	P								
Food processing, wholesale							SUP		P	P						
Fuel pump, accessory						P	P	P	P	P						Art. 4, Sec. 1.2.91
Fueling station							SUP		SUP	P						Art. 4, Sec. 1.2.94
Funeral home							SUP	SUP								
Government office and assembly room											PPU		P			
Government operations facility											PPU		SUP			
Group home	P	P	P	P	P		P	P			PPU	P		P	P	
Home occupation	P	P	P	P	P		P	P			SPU	P		P	P	Art. 4, Sec. 1.2.101

Use	R2	R3	R3A	R8	R15	C1	MC	C4	CM1	M1	PDH	X	IP	AC	RT	Use Standard
Hospital													SUP			
Hotel						P	P	P								
Kennel						SUP	SUP	SUP	SUP	SUP				SUP		Art. 4, Sec. 1.2.105
Laboratory						P	P	P	P	P						Art. 4, Sec. 1.2.108
Laundromat							P	P								
Library								P			PPU		P			
Lighted sports field												SUP	SUP	SUP		Art. 4, Sec. 1.2.112
Machine shop									P	P						Art. 4, Sec. 1.2.115
Manufacturing, light						SUP			P	P						Art. 4, Sec. 1.2.118
Nature preserve						P								P		
Nursing home	SUP	SUP	SUP	SUP	SUP		SUP	SUP					SUP		SUP	
Office			P			P	P	P	P	P	SPU					Art. 4, Sec. 1.2.122
Outdoor storage lot							SUP	SUP	P	P						Art. 4, Sec. 1.2.125
Park						P					PPU		P	P		
Parking lot, commuter													SUP			
Parking lot, public						P	P	P	P	P	PPU		P			
Parking structure						SUP	SUP	SUP	SUP	SUP			SUP			
Personal services establishment						P	P	P	P		SPU					Art. 4, Sec. 1.2.132
Petroleum, propane, and other flammable liquids, storage, distribution and sales									P	SUP						
Petting farm														P		
Playground	P	P	P	P	P	P	P	P	P		SPU		P	P		
Printing, publishing and engraving						P	P	P	P							
Private club							SUP	SUP			SPU		P	SUP		
Public or government building, facility, or use not otherwise defined											PPU		SUP			
Public utility, major						SUP	SUP	SUP	SUP	SUP	SPU	SUP	SUP	SUP	SUP	
Public utility, minor	P	P	P	P	P	P	P	P	P	P	SPU	P	P	P	P	
Radio or television studio						P	P	P		P						
Recreation facility, commercial indoor - less						P	P	P	P	P				SUP		

Use	R2	R3	R3A	R8	R15	C1	MC	C4	CM1	M1	PDH	X	IP	AC	RT	Use Standard
than or equal to 10,000 square feet																
Recreation facility, commercial indoor - greater than 10,000 square feet						SUP	SUP	SUP	SUP	SUP				SUP		
Recreation facility, commercial outdoor - less than or equal to 20,000 square feet							P	P						SUP		
Recreation facility, commercial outdoor - greater than 20,000 square feet							SUP	SUP						SUP		
Recreation facility, public								P			PPU		SUP	P		
Retail sales, accessory						P	P	P	P	P			P	P		
Retail sales, general						P	P	P	SUP	SUP	SPU					Art. 4, Sec. 1.2.155
School, private							SUP	SUP			SPU		P			Art. 4, Sec. 1.2.158
School, public											PPU	SUP	SUP			
School, special instruction			SUP			P	P	P	P	P	SPU		P			Art. 4, Sec. 1.2.161
School, technical			SUP			P	P	P	P	P	SPU					Art. 4, Sec. 1.2.164
Service/repair establishment							P	P	P	P						
Sign shop						P	P	P	P	P						Art. 4, Sec. 1.2.167
Special event	P	P	P	P	P	P	P	P	P	P	SPU	P	P	P	P	
Storage warehouse									P	P						
Studio			P			P	P	P	P	P				P		Art. 4, Sec. 1.2.171
Temporary food truck/trailer						P	P	P	P	P			P	P		
Temporary stand							P	P								
Theater							SUP	SUP					SUP			
Upholstery shop							P	P	P	P						
Vehicle sales and service							SUP		P	P						Art. 4, Sec. 1.2.178
Vehicle sales storage lot							SUP		P	P						
Veterinary clinic		SUP				P	P	P	P	P	SPU			P		Art. 4, Sec. 1.2.181
Wholesale sales							SUP		P	P						

Use	R2	R3	R3A	R8	R15	C1	MC	C4	CM1	M1	PDH	X	IP	AC	RT	Use Standard
Yard/garage sale	P	P	P	P	P							P		P	P	

1.2 Use standards.

1. *Accessory buildings and uses:*

a. General standards.

i. See *Article 6, Section 4.7: Accessory Buildings and Structures* for supplemental regulations.

b. Reserved.

2-3. *Reserved.*

4. Agriculture/horticulture:

a. General standards.

i. No such use shall be permitted which, because of the nature, location, or manner of operation, is noxious, offensive or dangerous because of noise, odor, fumes, gas, glare, vibration, smoke, emission or particulate matter or effluent, or for other reasons.

b. Reserved.

5-16. *Reserved.*

17. *Bus shelter:*

a. General standards.

i. Only permitted along arterial and collector roads as identified on Figure 2.1, Existing Streets Plan, of the Purcellville Townwide Transportation Plan.

b. Reserved.

18-19. *Reserved.*

20. *Car wash:*

a. General standards.

i. Such uses are required to have a water recycling system operation to minimize the water usage of such a use.

b. Reserved.

21-23. *Reserved.*

24. *Child care, commercial:*

a. General standards.

i. Maximum enrollment of 150 students daily.

ii. In addition to the minimum lot size requirements of the zoning district, the minimum lot area for commercial child care shall be of such size to provide 75 square feet of usable outdoor recreation for each child that may use the space at

any one time. Such area shall be delineated on a plat or site plan submitted at the time the application is filed and shall include only:

1. That area not covered by buildings or required off-street parking spaces.

2. That area which is developable for active outdoor recreation purposes.

3. An area which occupies no more than 80 percent of the combined total areas of the required rear and side yards.

iii. For each child enrolled, indoor recreation space shall be provided at the rate of 25 square feet for active children and 35 square feet for infants.

iv. All such uses shall be located so as to have direct access to an existing or programmed Public Street of sufficient right-of-way and cross-section width to accommodate pedestrian and vehicular traffic to and from the use. To assist the zoning administrator in determining sufficiency of access, each applicant, at the time of application, shall provide an estimate of the maximum expected trip generation, the distribution of these trips by mode and time of day, and the expected service area of the facility. As a general guideline, the size of the use in relation to the appropriate street type should be as follows, subject to the modification and conditions the zoning administrator deems to be necessary:

Number of Persons	Street Type
1-75	Local
76-150	Collector

v. All such uses shall be located so as to permit the pick-up and discharge of all persons on the site.

vi. No such use shall be permitted unless it is determined by the Loudoun County Department of Environmental Health that the location and design does not pose any hazard to the health, safety and welfare of the children.

vii. A landscape and screening plan shall comply with Article 7: Landscaping, Buffering, and Open Space Regulations.

viii. All applications to establish a commercial child care use shall be accompanied by two (2) copies of a plan drawn to scale containing the following information:

1. The dimensions, boundary lines and area of the lot or parcel.

2. The location, dimensions and height of any building, structure, or addition, whether existing or proposed.

3. The distance from all property lines to the existing or proposed building, structure or addition, shown to the nearest foot.

4. The dimensions and size of all outdoor recreation space and the location of such space in relation to all lot lines.

b. District standards.

197 i In the IP district, commercial child care is only allowed as an accessory use to
198 another use allowed in the district.

199 25-26. *Reserved.*

200 27. *Child care, residential*

201 a. General standards.

202 i. All such uses shall be subject to applicable state regulations specifically Code of
203 Virginia, § 63.2-1701 *et seq*.

204 ii. All applications to establish a residential child care use shall be accompanied by
205 two (2) copies of a plan drawn to scale containing the following information:

206 1. The dimensions, boundary lines and area of the lot or parcel.

207 2. The location, dimensions and height of any building, structure or addition,
208 whether existing or proposed.

209 3. The distance from all property lines to the existing or proposed building,
210 structure or addition, shown to the nearest foot.

211 4. The dimensions and size of all outdoor recreation space and the location of
212 such space in relation to all lot lines.

213 b. Reserved.

214 28-29. *Reserved.*

215 30. *Church or other place of worship:*

216 a. General standards.

217 i. An application to establish a church use shall list each accessory use it intends to
218 operate. After the approval of the initial use permit for a church, subsequent
219 applications must be made for any new accessory use or change in an existing
220 accessory use.

221 ii. When considering an application for a church and any accessory uses, the zoning
222 administrator shall consider the following and ensure any impacts are properly
223 mitigated, including by not limited to: traffic; parking; hours of operation; impact
224 on adjacent neighborhoods; types of special events; time limitations for accessory
225 uses such as for shelters; number of students in church schools and daycare;
226 number of inhabitants for shelters.

227 b. Reserved.

228 31-32. *Reserved.*

229 33. *College or university:*

230 a. General standards.

231 i. The minimum aggregate lot area for a college or university shall be 100 acres
232 provided that development shall be permitted to occur in phases of less than 100
233 acres.

234 ii. Colleges and universities must meet the following development standards:

1. The traffic generated by the proposed use shall be adequately and safely served by roads, pedestrian connections and other transportation services.

2. All such uses shall be located so as to have direct access to an existing or programmed public street of sufficient right-of-way and cross-section width to accommodate pedestrian and vehicular traffic to and from the use as determined by the zoning administrator. To assist in making this determination, each applicant, at the time of site plan application, shall provide an estimate of the maximum expected trip generation, the distribution of these trips by mode and time of day, and the expected service area of the facility.

3. A site plan shall be submitted and reviewed in accordance with the requirements and procedures of *Article 11, Section 5: Site Plans* and the requirements set forth in Article 5 of the Land Development and Subdivision Control Ordinance (LDSCO) unless granted a waiver in accordance with Article 5, Section 5.1.B of the LDSCO.

b. Reserved.

34-35. *Reserved.*

36. *Communications tower:*

a. General standards.

i. The maximum tower height is 125 feet.

ii. In the C-4 district, such use may only be located north of the former W&OD railroad right-of-way, as shown on Map 9.1 in *Article 4, Section 9: C-4 Central Commercial District.*

b. Reserved.

37-39. *Reserved.*

40. *Concrete plant:*

a. Reserved.

b. District standards.

i. In the C-4 district, such use may only be located north of the former W&OD railroad right-of-way, as shown on Map 9.1 in *Article 4, Section 9: C-4 Central Commercial District.*

41-42. *Reserved.*

43. *Conservancy subdivision:*

a. General standards.

i. See *Article 4, Section 15.5.2: Conservancy subdivision: Lot, bulk and open space requirements.*

b. Reserved.

44-45. *Reserved.*

46. *Construction/landscaping equipment and supply sales and service:*

a. General standards.

i. All inventory and materials shall be stored under cover, within an enclosed area, screened from view of public streets or within a fully enclosed building.

b. District standards.

i. In the C-4 district, such use may only be located north of the former W&OD railroad right-of-way, as shown on Map 9.1 in *Article 4, Section 9: C-4 Central Commercial District.*

47-48. *Reserved.*

49. *Contractor's office and storage area:*

a. Reserved.

b. District standards.

i. In the C-1 and C-4 districts, any equipment and materials must be stored within an enclosed building.

50-52. *Reserved.*

53. *Drive-through facility:*

a. General standards.

i. Such a use shall have on all sides the same architectural treatment or shall be architecturally compatible with the building group or neighborhood with which it is associated.

ii. Such a use shall be designed so that pedestrian and vehicular circulation is coordinated with that on adjacent properties.

iii. The site shall be designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation. Parking and stacking spaces shall be provided and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the site.

iv. The lot shall be of sufficient area and width to accommodate the use or combination of uses and any such use shall not adversely affect any nearby existing or planned residential areas as a result of the hours of operation, noise generation, parking, glare or other operational factors.

v. Drive-through stacking lanes shall be a minimum 100 feet from any residential lot. The planning commission may modify or waive this requirement if it determines that the impacts to nearby residences will be minimal.

vi. Speakers in drive-through areas shall not be audible from adjacent residential uses. Sound attenuation walls, landscaping or other mitigation measures may be required as necessary.

vii. Pedestrian walkways should not intersect the drive-through aisles, but where there is no alternative, they shall have clear visibility.

viii. Drive-through aisles shall have a minimum 12-foot width on curves and a minimum 11-foot width on straight sections.

ix. Drive-through aisles shall provide sufficient stacking area behind the menu board for drive-through eating establishments and behind the service window for other drive-through uses to accommodate a minimum of six (6) cars (approximately 114 feet).

x. No drive-through aisles shall exit directly into a public right-of-way. Aisles shall be integrated with the on-site circulation and shall merge with the driveway.

xi. Drive-through aisles shall be separated from landscaping areas by a six-inch high, poured in place, concrete curb or other suitable protective device approved by the Zoning Administrator.

xii. Landscaping shall screen drive-through aisles from the public right-of-way and shall be used to minimize the visual impacts of menu board signs and directional signs.

b. District standards.

i. In the C-4 district, such use may only be located north of the former W&OD railroad right-of-way, as shown on Map 9.1 in *Article 4, Section 9: C-4 Central Commercial District.*

54-55. *Reserved.*

56. *Dwelling, accessory:*

a. General standards.

i. The owner of a property with an accessory dwelling must reside in either the primary dwelling or the accessory dwelling.

ii. An accessory dwelling shall not exceed 25 percent of the total floor area of the main dwelling nor contain less than 500 square feet of floor area.

iii. Whether the accessory dwelling is a subordinate dwelling unit in the primary building or located in an accessory building, the general appearance of a single-family dwelling lot shall be maintained.

iv. No exterior stairways to a second floor shall be constructed at the front of the main building.

v. At least three (3) off-street parking spaces must be available on the property for use by the owner-occupant and the tenant.

vi. If the accessory dwelling is located in an accessory structure, such structure must have the following minimum setbacks from side and rear property lines:

1. Side yard: Same as principal structure;

2. Rear yard: Same as side yard for principal structure, but not less than ten (10) feet

b. Reserved.

57-58. *Reserved.*

59. *Dwelling, apartment:*

a. Reserved.

b. District standards.

i. In the MC and C-4 districts, apartment units may be served by ground floor entrances or lobbies, but no greater than 50 percent of the gross floor area of the ground floor may be used for residential living space, provided that such residential living space is at the rear of the building and the front half of the ground floor is habitable space used for other, non-residential permitted uses.

60-61. *Reserved.*

62. *Dwelling, multiple-family:*

a. General standards.

i. The minimum area requirement for a multiple-family dwelling shall be two (2) acres.

ii. Overall project density shall not exceed 15 dwelling units per acre, exclusive of public rights-of-way.

iii. The development or project shall be designed to promote harmonious relationships with surrounding adjacent and nearby developed properties, particularly in larger developments or projects where more than one building is involved, and to this end may employ such design techniques as may be appropriate, including use of building types, orientation, spacing and setback of buildings, careful use of topography, maintenance of natural vegetation, location of access points, recreation areas, open spaces, and parking areas, grading, landscaping, and screening.

iv. The principal means of access to an apartment development or project containing more than 24 dwelling units shall be from an arterial or collector thoroughfare of adequate physical and functional design to handle anticipated traffic needs. Secondary access to a local street will be permitted only in cases where there are overriding factors of health or safety for future residents of the project or where the arrangement and conditions of the minor streets are such that the projected increase in traffic will not substantially affect the use and enjoyment of the street by present or future residents.

v. No apartment building shall contain more than 12 dwelling units.

vi. No apartment building shall be located closer than 35 feet from any public right-of-way or closer than 15 feet from a private drive, access road or open common parking area whether oriented to the front, sides or rear of the buildings, except that parking areas may be located within five feet and private drives may be located within ten feet of any blank or windowless wall.

vii. No apartment building shall be located closer than 25 feet from a side or rear property line. This regulation does not apply to existing buildings which are converted to apartment use.

viii. A minimum distance of 25 feet shall separate any two buildings or groups of apartment buildings from any other abutting use or building type.

ix. The maximum lot coverage shall be 40 percent.

x. At least 400 square feet of commonly usable open space shall be provided for each dwelling unit.

xi. Where community refuse containers are provided as accessory uses to apartment developments, such containers shall be conveniently located for pick-up vehicle access and completely screened from view by means of a fence or wall and an appropriately designed gate which can be latched open and closed.

xii. Each apartment dwelling unit shall contain at least 600 square feet of livable floor area, exclusive of garages, carports, cellars, basements, attics, open porches, patios, or breezeways, except that up to ten percent of the units may be constructed with less floor area than this minimum.

b. Reserved.

63-64. *Reserved.*

65. *Dwelling, single-family attached:*

a. General standards.

i. The minimum project area shall be 2.0 acres. The overall project design shall preserve natural topography and vegetation and minimize the adverse impact of moving and parked vehicles within the development and its surroundings by means of town-scale grid and curved streets, clustered building groups, careful distribution of open space, interior screened parking, interrupted parking bays or courts, landscape screening, and other design features.

ii. A maximum density of eight units per gross acre, excluding floodplain and slopes exceeding 25 percent, shall be permitted.

iii. A minimum of six dwellings are required for each development.

iv. The minimum lot area per dwelling unit shall be 2,000 square feet. The minimum lot width shall be 20 feet for interior lots and 30 feet for end and corner lots. Lots may be delineated by dashed lines and need not be sold separately in qualified condominium projects.

v. A common green area may be provided in lieu of a part of the minimum lot area, subject to the following provisions:

1. When a common green area is provided, the minimum lot area may be reduced below 2,000 square feet where the reduction results in usable, common open space and the provision of active recreational facilities such as swimming pools, tot lots, multipurpose courts or playing fields. In no event, however, shall the minimum lot area be reduced below 1,500 square feet or maximum density be increased above eight units per gross acre.

2. When a common green area is provided, the maximum lot coverage may be increased in proportion to the reduction in the minimum lot area, but in no event may the lot coverage, including dwelling and accessory buildings, exceed 50 percent.

3. The common green area may be utilized only for lawns, trees, planting area, ornamental pools, similar landscaping uses, swimming pools, and areas for passive recreation uses. No part of the common green area may be utilized for automobile driveways or parking areas, for sidewalks or paved play areas, or for other similar paved areas.

4. Townhouse developments shall have provisions ensuring that nonpublic common green areas remain for use and enjoyment of occupants and shall be properly maintained without expense to the Town of Purcellville in accordance with the Condominium Act, §§ 55-79.39 *et seq*. Code of Virginia, as amended.

vi. The minimum front yard per dwelling unit shall be 15 feet. The minimum rear yard shall be 25 feet. The minimum side yard for end and corner lots shall be ten feet.

vii. Every dwelling unit shall have a minimum gross floor area of 1,200 square feet with a minimum of 600 square feet per floor, exclusive of attic and exclusive of basements which are more than 50 percent underground.

viii. Maximum building height for townhouses shall be 35 feet.

ix. The maximum lot coverage shall be 40 percent.

x. Rear access may be required for emergency vehicles as determined by the fire marshal.

xi. No motor vehicle shall be parked on any lot upon which a townhouse has been or is to be erected unless a garage is provided as part of the unit. No townhouse shall have a garage or carport attached to its exterior facade. No garage shall be converted to living area.

xii. Townhouse dwellings abutting each other shall have complementary but not identical facades.

xiii. There shall be at least three but no more than eight townhouse dwellings continuously connected; provided that the average number of units continuously connected shall not exceed six. There shall be an open space of at least 20 feet between any two such groups of continuously connected buildings.

xiv. No more than two abutting townhouse dwellings shall have the same front yard setbacks. Building setback variations as required shall be at least three feet. No more than two abutting townhouses shall have a common roof line.

xv. Soundproof and fireproof walls shall be provided between adjoining dwellings at least up to and including the underside of the roof.

xvi. Service areas and rear yards visible from a street shall be appropriately screened as approved by the Zoning Administrator.

xvii. Each lot containing a townhouse shall provide a private rear yard at least 300 square feet in area and at least 15 feet in depth enclosed visually by uniform fences or walls.

xviii. Each dwelling shall be self-contained as to heating, air conditioning and utilities.

xix. The developer shall provide front yard areas and common areas with lawn and appropriate shrubbery planting except on areas designated for walks and driveways. The lawn and shrubbery planting shall be subject to approval by the zoning administrator.

xx. Common refuse bins shall be completely screened from view by means of a fence or wall, and a gate which can be latched open and closed.

xxi. Each development site shall have a publicly-dedicated or approved private street throughout the development so as to adjoin all private parking lots and access courts. Townhouse lots, which abut a private street and/or parking lot or access court, shall meet the following criteria:

1. Private streets, parking lots and access courts shall be constructed in conformance with the standards set forth in *Article 6, Section 1: Off-Street Parking Requirements* and Article 3 of the Land Development and Subdivision Control Ordinance.

2. A homeowner's association shall be formed to ensure maintenance of private streets, parking lots and access courts.

3. No more than 25 lots shall abut a parking lot or access court. For the purpose of this regulation, an access court is a series of parking spaces served directly by a private accessway which has only an access connection to a public or private street and which is connected to no more than one other access court so that the two together have two access connections to public or private streets and together serve no more than 50 lots.

4. All private streets, parking lots and access courts shall provide permanent pedestrian and vehicular access between the lots created and a public street.

5. Parking lots and access courts shall be landscaped according to *Article 7: Landscaping, Buffering, and Open Space Regulations.*

6. Private streets, parking lots and access courts shall be clearly identified as private. A single sign, not to exceed two square feet in area, shall be posted at the entrance of each such street or parking court, displaying only the words "Private Drive" and the addresses of any residences utilizing the private street or parking court.

7. All private streets shall be at least 30 feet in width, shall be of a paved surface and constructed in accordance with then applicable Virginia Department of Transportation pavement design standards and in accordance with the subdivision ordinance. All private streets abutting dwellings shall also provide a sidewalk between the private street and such dwellings. All private cul-de-sacs shall conform to the recommendations of the fire marshal.

xxii. Accessory structures shall not exceed ten feet in height and shall be located only to the rear of the main structure and shall be no closer than one foot from the side or rear property line or ten feet from the outside line of end and corner lots, unless it constitutes part of a fence or wall.

b. Reserved.

66-68. *Reserved.*

69. *Eating establishment:*

a. Reserved.

b. District standards.

i. In the C-1 district, any such use shall be limited to not more than 15 percent of the total floor area of a multiple-use development, as defined in *Article 15: Definitions,*

520 on a lot of no less than two acres. The division of the site into lots of less than two
521 acres may be permitted after approval of a multiple-use development.

522 70-71. *Reserved.*

523 72. *Equestrian facility, commercial:*

524 a. General standards.

525 i. Any building for the keeping of animals shall be located at least 100 feet from any
526 side or rear lot line.

527 b. Reserved.

528 73-74. *Reserved.*

529 75. *Equestrian facility, residential*:

530 a. General standards.

531 i. Any building for the keeping of animals shall be located at least 100 feet from any
532 side or rear lot line.

533 ii. No more than one such animal shall be kept for each acre of land on the premises.

534 b. Reserved.

535 76-77. *Reserved.*

536 78. *Farm and community market:*

537 a. General standards.

538 i. See Chapter 18, Article 4 of the Town Code for additional regulations.

539 b. District standards.

540 i. In the AC district, the regulations of *Article 4, Section 15.9: Additional Standards for*
541 *Certain Uses,* shall apply.

542 79-80. *Reserved.*

543 81. *Farm equipment and supply sales and service:*

544 a. General standards.

545 i. May include storage of fertilizer in bags or in tanks (dry only) or in a completely
546 enclosed building.

547 b. District standards.

548 i. In the C-4 district, such use may only be located north of the former W&OD railroad
549 right-of-way, as shown on Map 9.1 in *Article 4, Section 9: C-4 Central Commercial*
550 *District.*

551 82-90. *Reserved.*

552 91. *Fuel pump, accessory:*

553 a. Reserved.

554 b. District standards.

i. In the C-4 district, such use may only be located north of the former W&OD railroad right-of-way, as shown on Map 9.1 in *Article 4, Section 9: C-4 Central Commercial District.*

92-93. *Reserved.*

94. *Fueling station:*

a. General standards.

i. Fueling stations shall be limited to not more than eight fuel pumps for the sale and dispensing of fuel.

ii. Bulk storage of flammable liquids must be in accordance with federal and state regulations.

iii. No lighting fixture may extend to a height greater than 15 feet.

iv. Temporary storage of wrecked or inoperative vehicles or storage or rental of luggage trailers, campers, vans, or similar equipment is not permitted.

b. Reserved.

95-100. *Reserved.*

101. *Home occupation:*

a. General standards.

i. See *Article 3, Section 8: Home occupations* for additional regulations.

b. Reserved.

102-104. *Reserved.*

105. *Kennel:*

a. General standards.

i. A kennel shall be maintained within a completely enclosed, soundproof building, and shall be operated in such a way as to produce no objectionable noise or odors outside its walls.

b. Reserved.

106-107. *Reserved.*

108. *Laboratory*:

a. General standards.

i. Such use shall be free of dust, smoke, fumes, odors, or unusual vibrations or noise.

b. Reserved.

109-111. *Reserved.*

112. *Lighted sports field:*

a. General standards.

i. See *Article 6, Section 9: Lighting Requirements* for lighting standards applicable to lighted sports fields.

b. Reserved.

113-114. *Reserved*.

115. *Machine shop:*

a. General standards.

i. Punch presses exceeding 40-ton rated capacity and drop hammers are prohibited.

b. Reserved.

116-117. *Reserved*.

118. *Manufacturing, light*:

a. Reserved.

b. District standards.

i. In the C-1 district, such use shall be limited to the onsite production of stairs and similar goods made of wood.

119-121. *Reserved*.

122. *Office:*

a. Reserved.

b. District standards.

i. In the R-3A district, such use shall only be allowed in conjunction with residential use of the property and shall comply with the regulations of *Article 4, Section 3A.4 Use Limitations.*

123-124. *Reserved*.

125. *Outdoor storage lot:*

a. Reserved.

b. District standards.

i. In the C-4 district, such use may only be located north of the former W&OD railroad right-of-way, as shown on Map 9.1 in *Article 4, Section 9: C-4 Central Commercial District.*

126-131. *Reserved*.

132. *Personal services establishment:*

a. Reserved.

b. District standards.

i. In the C-1 district, any such use shall be limited to not more than 15 percent of the total floor area of a multiple-use development, as defined in *Article 15: Definitions.*

133-154. *Reserved*.

155. *Retail sales, general:*

a. Reserved.

b. District standards.

627 i. In the C-1 district, any such use shall be limited to not more than 15 percent of the
628 total floor area of a multiple-use development, as defined in *Article 15: Definitions.*

629 156-157. *Reserved.*

630 158.*School, private:*

631 a. General standards.

632 i. In addition to complying with the minimum lot size requirements of the zoning
633 district in which it is located, the minimum lot area for a private school of general
634 education shall be of such size that.

635 1. Two hundred square feet of usable outdoor recreation shall be provided for
636 each child in grades K—3 that may use the space at any one time, and

637 2. Four hundred thirty square feet of usable outdoor recreation area shall be
638 provided for each child in grades 4—12 that may use the space at any one
639 time. Such usable outdoor recreation area shall be delineated on a plat or site
640 plan submitted at the time the application is filed and shall include only:

641 a. That area not covered by buildings or required off-street parking spaces.

642 b. That area outside the limits of the required front yard.

643 c. That area which is developable for active outdoor recreation purposes.

644 d. An area which occupies no more than 80 percent of the combined total
645 areas of the required rear and side yards.

646 ii. All other regulations relative to bulk shall be complied with.

647 iii. For each person enrolled, indoor recreation space shall be provided at the rate of
648 25 square feet and such other requirements as determined by the Loudoun County
649 Department of Environmental Health and the Commonwealth of Virginia.

650 iv. All such uses shall be located so as to have direct access to an existing or
651 programmed public street of sufficient right-of-way and cross-section width to
652 accommodate pedestrian and vehicular traffic to and from the use. Each applicant,
653 at the time of application, shall provide a reasonable estimate of the expected trip
654 generation, the distribution of these trips by mode and time of day, and the
655 expected service area of the facility. As a general guideline, the size of the use in
656 relation to the appropriate street type should be as follows, subject to whatever
657 modification and conditions the zoning administrator deems to be necessary:

658

Number of Persons	Street Type
1-75	Local
76-150	Collector

659

660 v. All such uses shall be located so as to permit the pick-up and discharge of all
661 persons on the site.

vi. No such use shall be permitted unless it is determined by the Loudoun County Department of Environmental Health that the location and design does not pose any hazard to the health, safety and welfare of the children.

vii. All applications to establish a private school use shall be accompanied by two copies of a plan drawn to scale containing the following information:

1. The dimensions, boundary lines and area of the lot or parcel.

2. The location, dimensions and height of any building, structure, or addition, whether existing or proposed.

3. The distance from all property lines to the existing or proposed building, structure or addition, shown to the nearest foot.

4. The dimensions and size of all outdoor recreation space and the location of such space in relation to all lot lines.

b. District standards.

i. In the C-4 district, such use may only be located north of the former W&OD railroad right-of-way, as shown on Map 9.1 in *Article 4, Section 9: C-4 Central Commercial District.*

159-160. *Reserved.*

161.*School, special instruction:*

a. General standards.

i. All such uses shall be located so as to have direct access to an existing or programmed public street of sufficient right-of-way and cross-section width to accommodate pedestrian and vehicular traffic to and from the use. Each applicant, at the time of application, shall provide a reasonable estimate of the expected trip generation, the distribution of these trips by mode and time of day, and the expected service area of the facility. As a general guideline, the size of the use in relation to the appropriate street type should be as follows, subject to whatever modification and conditions the zoning administrator deems to be necessary:

Number of Persons	Street Type
1-75	Local
76-150	Collector

ii. All such uses shall be located so as to permit the pick-up and discharge of all persons on the site.

iii. All applications to establish a special instruction school use shall be accompanied by two copies of a plan drawn to scale containing the following information:

1. The dimensions, boundary lines and area of the lot or parcel.

2. The location, dimensions and height of any building, structure, or addition, whether existing or proposed.

3. The distance from all property lines to the existing or proposed building, structure or addition, shown to the nearest foot.

4. The dimensions and size of all outdoor recreation space and the location of such space in relation to all lot lines.

b. Reserved.

162-163. *Reserved*.

164.*School, technical:*

a. General standards.

i. All such uses shall be located so as to have direct access to an existing or programmed public street of sufficient right-of-way and cross-section width to accommodate pedestrian and vehicular traffic to and from the use. Each applicant, at the time of application, shall provide a reasonable estimate of the expected trip generation, the distribution of these trips by mode and time of day, and the expected service area of the facility. As a general guideline, the size of the use in relation to the appropriate street type should be as follows, subject to whatever modification and conditions the zoning administrator deems to be necessary:

Number of Persons	Street Type
1-75	Local
76-150	Collector

ii. All such uses shall be located so as to permit the pick-up and discharge of all persons on the site.

iii. All applications to establish a technical school use shall be accompanied by two copies of a plan drawn to scale containing the following information:

1. The dimensions, boundary lines and area of the lot or parcel.

2. The location, dimensions and height of any building, structure, or addition, whether existing or proposed.

3. The distance from all property lines to the existing or proposed building, structure or addition, shown to the nearest foot.

165-166. *Reserved*.

167.*Sign shop:*

a. Reserved.

b. District standards.

i. In the C-1, MC and C-4 districts, any equipment and materials must be stored within an enclosed building.

168-170. *Reserved*.

171.*Studio:*

a. Reserved.

b. District standards.

i. In the R-3A district, such use shall only be allowed in conjunction with residential use of the property and shall comply with the regulations of *Article 4, Section 3A.4: Use Limitations.*

172-177. *Reserved.*

178. *Vehicle sales and service:*

a. General standards.

i. Storage of equipment or materials or damaged vehicles shall be inside a fully enclosed building and all major repairs shall be conducted within a fully enclosed building.

ii. The parking of vehicles for sale by individual owners at strategic locations in shopping centers to maximize exposure to major thoroughfares and the traveling public is prohibited. The owners of the retail and service commercial shopping center shall be responsible for the posting of the property to prohibit such activity. Owners of the shopping center are responsible for enforcement of these provisions, but, if posting has occurred, the owners of the vehicles for sale will bear the burden of the violation unless it is proven the shopping center owners have not actively enforced their restrictions on the parking of vehicles for sale.

b. Reserved.

179-180. *Reserved.*

181. *Veterinary clinic:*

a. General standards.

i. The clinic and any treatment rooms, cages, or pens, shall be maintained within a completely enclosed, soundproof building, and such clinic shall be operated in such a way as to produce no objectionable noise or odors outside its walls.

b. Reserved.

Section 2. - R-2 Single-family residential district.

2.1 Purpose of the district.

The purpose of this district is to provide for low-density single-family detached residential development together with those public and semi-public uses and accessory uses as may be necessary or are normally compatible with residential surroundings. Certain special care facilities and certain governmental, educational, recreational and utility uses are permitted by special use permit subject to such restrictions and requirements as will ensure compatibility with residential surroundings.

An alternative to the basic area and dimensional regulations of this district may be employed to permit cluster development with the objective of improved use of the land and more economical provision of streets and utilities in accordance with *Article 6, Section 5: Cluster Subdivisions*~~article 6, section 5~~.

2.2 Permissible ~~Permitted~~ uses.

A building or land in this district shall be used only in accordance with *Article 4, Section 1: Use Regulations.* ~~for the following purposes:~~

~~1. Detached single-family dwellings. Accessory dwelling units are permitted as a special exception by the board of zoning appeals under article 9.~~

~~2. Facilities and structures necessary for rendering public utility service, including poles, wires, transformers, telephone booths and the like for electrical power distribution or communication service, and underground pipelines or conduits for electrical, gas, sewer, or water service.~~

~~3. Stable, private, or keeping of horses, ponies or other livestock for personal enjoyment and not as a business, provided that any building for keeping of animals shall be located at least 100 feet from any side or rear lot line and provided that no more than one such animal shall be kept for each acre of land on the premises, as a special exception.~~

~~4. Yard sale or garage sale for disposal of used household items, provided such sales are not conducted for more than three days per year, and include items assembled only from households in the immediate neighborhood. Signs associated with the sale shall comply with the district regulations and shall not be attached to trees or utility poles, and shall be removed within 24 hours.~~

~~5. Accessory buildings and uses.~~

~~6. Home occupations as defined in article 3, section 8.~~

~~7. Residential day or home child care for five or fewer children subject to article 6, section 7.1. (Adopted 1/12/93)~~

2.3 Reserved. ~~Uses permitted by special use permit.~~

~~The following uses may be permitted by special use permit approved by the town council following report by the planning commission in accordance with the procedures, guides and standards of article 8.~~

~~1. Convalescent homes, rest homes, nursing homes or homes for the aged.~~

~~2. Family care homes or foster homes.~~

~~3. Radio or television transmission or receiving tower not more than 50 feet in height.~~

~~4. Bed and breakfast.~~

2.4 Permitted signs. ~~on residential lots and commercial lots in residential districts.~~

Subject to *Article 6, Section 3: General Sign Regulations*~~the general sign regulations of article 6~~.

2.5 Lot size standards.

1. Single-family detached dwelling:

   Minimum lot area:

   a. With both public water service and public sewer service: 15,000 square feet.

   b. With public water service but not public sewer service: 17,500 square feet.

c. Without public sewer service or public water service: 20,000 square feet.

Minimum lot width:

a. With both public water service and public sewer service: 100 feet.

b. With public water service but not public sewer service: 100 feet.

c. Without public sewer service or public water service: 100 feet.

Minimum lot depth:

a. With both public water service and public sewer service: 100 feet.

b. With public water service but not public sewer service: 125 feet.

c. Without public sewer service or public water service: 150 feet.

Minimum street frontage: 25 feet for single-family detached dwellings.

Other uses same as for single-family detached dwelling or as specified in the district regulations.

Minimum lot area for individual or on-site sewage disposal systems is subject to health department requirements.

Lot width is measured at the front building setback line.

Averaging lot area and cluster subdivisions are permitted in *Article 6, Section 5: Cluster Subdivisions*~~article 6~~.

2.6 Yard and setback standards.

1. Single-family detached dwelling:

   Minimum front yard: 25 feet.

   Minimum side yard: Ten feet. Total width of both side yards shall be at least 25 feet.

   Minimum rear yard: 25 feet.

   The minimum front yard shall be measured from the front lot line to the front building setback line.

   Minimum front yard shall be 40 feet measured from the street centerline if street right-of-way is less than 50 feet in width.

2. Other principal structures same as single-family detached dwelling or as required in the district regulations.

3. Accessory structures attached to the main building shall be considered part of the main building and comply with front, side, and rear yard requirements. (For decks see *Article 6, Section 4.7: Accessory Buildings and Structures*~~article 6, section 4~~.)

   Detached accessory structures shall not be closer than five feet to any property line.

2.7 Reserved. ~~*Special provisions for corner lots.*~~

~~1. Each corner lot shall have two front yards and two side yards. Those yards abutting the street shall be considered the front.~~

~~2. Where a front yard is provided fences, signs, landscaping, shrubbery, evergreens and trees in excess of three feet in height are not permitted within 15 feet of the corner of a lot at intersecting streets.~~

2.8 Height standards.

1. Buildings may be erected up to 2½ stories and 35 feet in height except that:

   a. 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 at least 15 feet plus one foot or more for each side yard for each additional foot of building height over 35 feet upon granting of a special exception by the board of zoning appeals under *Article 9: Board of Zoning Appeals*~~article 9~~.

   b. A public or semi-public building, such as a school, church, or library, 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.

   c. Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, and flag poles of any height, and television antennas up to 50 feet in height, are exempt from height regulations. Parapet walls may be up to four feet above the height of the building on which the walls rest.

   d. No accessory structure which is within ten feet of any party lot line shall be more than one story in height. All accessory structures shall be of less height than the main buildings on the lot.

2.9 Off-street parking and loading standards.

Subject to *Article 6, Section 1: Off-street Parking Requirements* and *Article 6, Section 2: Off-street Loading Requirements.* ~~Off-street parking and loading standards and space requirements for particular uses are contained in article 6.~~

2.10 Landscaping, screening and open space.

Regulations for landscaping, screening and open space are contained in *Article 7: Landscaping, Buffering, and Open Space Regulations*~~article 7~~.

Section 3. ~~-~~– R-3 ~~[~~Duplex~~]~~ ~~R~~residential district.

3.1 Purpose of the district.

The purpose of this district is to provide for low medium-density, single-family detached and duplex residential development together with those public and semi-public uses and accessory uses as may be necessary or are normally compatible with residential surroundings. In general, urbanization is planned and utilities and public services exist or are planned to be adequate for the type or types of development contemplated. Accessory dwellings ~~units~~ are permitted by special exception approved by the board of zoning appeals. In addition, certain special care facilities and certain governmental, educational, recreational and utility uses are permitted by special use permit subject to such restrictions and requirements as will ensure compatibility with residential surroundings.

An alternative to the basic area and dimensional regulations of this district may be employed to permit cluster development with the objective of improved use of the land and more economical

provision of streets and utilities in accordance with *Article 6, Section 5: Cluster Subdivisions*. ~~(See article 6.5. [article 6, section 5])~~

3.2 Permissible ~~Permitted~~ uses.

A building or land in this district shall be used only in accordance with *Article 4, Section 1: Use Regulations.* ~~for the following purposes:~~

~~1. Detached single-family dwellings. An accessory dwelling unit in an accessory building is permitted as a special exception by the board of zoning appeals under article 9.~~

~~2. Duplex dwellings, detached or semi-detached, subject to the special regulations below. (Dwellings in accessory buildings are not permitted if there are two dwelling units in the main building or if the main building is semi-detached.)~~

~~3. Facilities and structures necessary for rendering public utility service, including poles, wires, transformers, telephone booths and the like for electrical power distribution or communication service, and underground pipelines or conduits for electrical, gas, sewer, or water service.~~

~~4. Yard sale or garage sale for disposal of used household items, provided such sales are not conducted for more than three days per year, and include items assembled only from households in the immediate neighborhood. Signs associated with the sale shall comply with the district regulations and shall not be attached to trees or utility poles, and shall be removed within 24 hours.~~

~~5. Accessory buildings and uses, including but not limited to accessory private garages, swimming pools, home occupations, accessory storage, accessory off-street parking and loading spaces, and accessory signs as herein regulated. (Revised 4/14/92)~~

~~6. Home occupations as defined in article 3, section 8.~~

~~7. Residential day care or home child care for six or fewer children subject to article 6, section 7.1. (Adopted 1/12/93)~~

3.3 Reserved. ~~Uses permitted by special use permit or commission permit.~~

~~The following uses may be permitted by special use permit approved by the town council following report by the planning commission in accordance with the procedures, guides and standards of article 8:~~

~~1. Bed and breakfast facility.~~

~~2. Convalescent homes, rest homes, nursing homes or homes for the aged.~~

~~3. Family care homes or foster homes.~~

~~4. Hospital or clinic for humans.~~

~~5. Nursery schools, kindergartens, child care centers, day nursery, or day care centers subject to article 6, section 7.2, special regulations for residential day care or home child care, nursery schools, kindergartens, child care centers, day nursery or day care centers. (Revised 1/12/93)~~

~~6. Private schools, colleges, or universities subject to the standards contained in article 6, section 7.3. (Revised 1/12/93)~~

~~7. Radio or television transmission or receiving tower not more than 50 feet in height.~~

~~8. Recreational uses or facilities for a private membership, such as clubs and lodges, golf courses, game courts, swimming pools, archery range, fishing or boating lakes, picnic grounds, or similar activities, and accessory facilities, including sale of food, beverages, incidentals, supplies and equipment.~~

~~9. Churches and other places of worship, and their accessory uses associated therewith. Accessory uses may include daycare, "“soup kitchens,"” temporary shelters, special camps and other services provided by the congregation but which are considered by this ordinance to be secondary to the primary function of the church for religious services.~~

~~9a. Veterinary clinic or hospital for small animals.~~

~~When filing an application for a special use permit for a church the applicant must list each accessory use it intends to operate. Permits for churches may be approved without all the proposed accessory uses. After the approval of the initial use permit for a church, subsequent applications must be made for any new accessory use or change in an existing accessory use.~~

~~When considering a request for a special use permit for a church and any accessory uses, the planning commission and council may consider the following and impose those conditions necessary to mitigate impacts: traffic; parking; hours of operation; impact on adjacent neighborhoods; types of special events; time limitations for accessory uses such as for shelters; number of students in church schools and daycare; number of inhabitants for shelters. (Revised 4/14/92)~~

~~The following uses require a commission permit approved in accord with article 8 of this ordinance and Code of Virginia, § 15.1-456:~~

~~10. Public or governmental buildings and uses, including governmental offices, libraries, schools, fire stations (volunteer or otherwise), parks, parkways and playgrounds, except those which have been approved as part of a subdivision or site plan. (Revised 4/14/92)~~

~~11. Public utility or public service or transportation uses, treatment plants, water storage tanks, pumping stations or regulator stations, utility storage yards, substations and major transmission lines. (Revised 4/14/92)~~

3.4 Permitted signs.

Subject to *Article 6, Section 3: General Sign Regulations*~~the general sign regulations of article 6~~.

3.5 Lot size standards.

1. Single-family detached dwelling:

   Minimum lot area:

   a. With both public water service and public sewer service: 10,000 square feet.
   b. With public water service but not public sewer service: 12,000 square feet.
   c. Without public sewer service or public water service: 20,000 square feet.

   Minimum lot width:

   a. With both public water service and public sewer service: 75 feet.

b. With public water service but not public sewer service: 85 feet.

c. Without public sewer service or public water service: 100 feet.

Minimum lot depth:

a. With both public water service and public sewer service: 100 feet.

b. With public water service but not public sewer service: 125 feet.

c. Without public sewer service or public water service: 150 feet.

2. Duplex dwelling: Duplex dwellings are permitted only on lots with both public sewer and water service. All requirements below are per dwelling unit.

Minimum lot area: 8,500 square feet.

Minimum lot width: 75 feet.

Minimum lot depth: 100 feet.

Minimum street frontage: 25 feet per dwelling unit for detached single-family and duplex dwellings.

Other uses same as for single-family detached dwelling or as specified in the district regulations.

Minimum lot area for individual or on-site sewage disposal systems is subject to health department requirements.

Lot width is measured at the front building setback line.

Cluster subdivisions are permitted in *Article 6, Section 5: Cluster Subdivisions*~~article 6~~.

The dwelling units and individual lots of a duplex dwelling may be sold separately if separate utilities systems are provided and if separate lots for the dwelling units in a building are created in conformance with the subdivision regulations.

3.6 Yard and setback standards.

1. Single-family detached and duplex dwellings:

Minimum front yard: 25 feet.

Minimum side yard:

Single-family detached dwelling: Ten feet. Total width of both side yards shall be at least 25 feet.

Duplex dwelling: No requirement for interior lot line for dwelling units with common vertical wall and separate lots; minimum side yard on lot line without common wall shall be 12.5 feet.

Minimum rear yard: 25 feet.

The minimum front yard shall be measured from the front lot line to the front building setback line.

Minimum front yard shall be 40 feet measured from the street centerline if street right-of-way is less than 50 feet.

3.7 Reserved.

3.8 Height standards.

1. Buildings may be erected up to 2½ stories and 35 feet in height except that:

   a. 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 at least 15 feet plus one foot or more for each side yard for each additional foot of building height over 35 feet, upon granting of a special exception by the board of zoning appeals under *Article 9: Board of Zoning Appeals*~~article 9~~.

   b. A public or semi-public building, such as a school, church, library, or general hospital, may be erected to a height of 60 feet provided that required front, side and rear yards shall be increased one foot for each foot in height over 35 feet.

   c. Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, and flag poles of any height, and television antennas up to 50 feet in height, are exempt from height regulations. Parapet walls may be up to four feet above the height of the building on which the walls rest.

   d. Except as provided in *Article 6, Section 4.7: Accessory Buildings and Structures*~~article 6, section 4~~, no accessory structure which is at least five feet but less than ten feet from any lot line shall be more than 20 feet in height. Accessory Structures at least ten feet from any lot line may be up to 28 feet in height.

3.9 Off-street parking and loading standards.

Subject to *Article 6, Section 1: Off-street Parking Requirements* and *Article 6, Section 2: Off-street Loading Requirements.* ~~Off-street parking and loading design standards and space requirements for particular uses are contained in article 6.~~

3.10 Landscaping, screening and open space.

Regulations for landscaping, screening and open space are contained in *Article 7: Landscaping, Buffering, and Open Space Regulations*~~article 7~~.

Section 3A. - R-3A Historic office/residential district.

3A.1 Purpose.

The purpose of this zoning district is to provide the option for limited professional office use in conjunction with established residential uses in areas recommended by the Town Comprehensive Plan for Historic Office/Residential uses in order to maintain the integrity of existing historic properties while providing opportunities for alternative development compatible with the historic character of the area and the residential character of the neighborhood. The residential appearance and historic character of existing structures shall be preserved. Likewise any new construction shall maintain a residential appearance compatible with the historic architectural character of the Purcellville Historic District.

3A.2 Permissible ~~Permitted~~ uses.

A building or land in this district shall be used only in accordance with *Article 4, Section 1: Use Regulations.*

~~a. Single-family dwelling.~~

~~b. Office - business, professional, or administrative offices, in conjunction with residential uses of the property.~~

~~c. Offices - medical or dental, in conjunction with residential uses of the property, provided that such offices do not exceed a maximum of 1,600 square feet in floor area.~~

~~d. Multi family dwelling provided that it is in conjunction with the permitted non-residential use of the structure in which it is located.~~

~~e. Artist studios in conjunction with residential uses of the property~~

~~f. Retail sales, internet only, via electronic advertisement with remote storage and shipment, in conjunction with residential uses of the property. No significant storage of inventory shall be permitted on the premises with the exception of prototypes and models.~~

~~g. Bed and breakfast facilities of not more than four guest bedrooms.~~

~~h. Accessory buildings and uses, including but not limited to accessory garages, home occupations, accessory storage, accessory off-street parking and loading spaces, and accessory signs.~~

3A.3 Reserved. ~~Uses permitted by special use permit.~~

~~a. Bed and breakfast facility.~~

~~b. Nursing home.~~

~~c. School of special instruction.~~

~~d. School - technical, trade or business.~~

3A.4 Use limitations.

~~a~~1. Non-residential uses shall not exceed 50 percent of the above ground (i.e., non-basement) floor area of all principal structures on the property, provided however that the town council, after the recommendation of the planning commission, may as a part of a zoning map amendment permit non-residential use of up to 60 percent of the above ground floor area of a principal structure. A floor plan, which indicates the mix of residential and non-residential uses in each structure on the property, shall be submitted with a zoning map amendment application. Once a zoning map amendment has been approved, the Zoning Administrator may approve a revised floor plan as a part of a zoning permit application, provided that the approved ratio of residential to non-residential uses on the property does not change.

~~b~~2. Notwithstanding ~~a~~Article 6, ~~s~~Section 4.3.2, principal uses may be permitted in accessory structures.

~~c~~3. The residential and historic appearance and character shall be maintained in the case of existing structure(s).

~~d~~4. In the event new structures are proposed, such structures shall maintain the residential and historic character of the area and be architecturally compatible with the other principal structures on the property.

~~e~~5. Off-street parking shall be located to the rear or side of the structure located closest to the street and large parking areas shall not be conspicuous from the street. If located to the side, the parking area ~~screening~~ shall be screened from the street and structures on neighboring lots ~~provided at the lot line~~ by landscaping or decorative walls or fences to a minimum height of six feet.

~~f~~6. For the purposes of this ordinance, the commercial area of a bed and breakfast shall be determined as any area used exclusively for the bed and breakfast (including, but not limited to, guest bedrooms, bathrooms, and separate living areas). Areas which are shared (including, but not limited to, dining areas and shared living areas) shall be considered residential.

3A.5 Permitted signs.

Subject to *Article 6, Section 3: General Sign Regulations.* ~~One freestanding, wall, projecting, or awning sign per property no more than six square feet in area shall be permitted. Free standing signs shall be no higher than five feet above ground and shall be set back at least five feet from all property lines. Signs shall not be illuminated past 10:00 p.m.~~

3A.6 Lot size standards.

~~a~~1. Minimum Lot width: 70 feet.

~~b~~2. Minimum Lot depth: 100 feet.

~~c~~3. Minimum Lot area: 8,000 square feet.

3A.7 Yard and setback standards.

The following provisions shall apply only to new construction, including modifications to existing structures.

~~a~~1. ~~Principal structures: F~~Minimum front yard: Ten feet ~~or such other greater distance established in the zoning map amendment~~.

~~b~~2. ~~Principal structures: S~~Minimum side yard: Ten feet.

~~c~~3. ~~Principal structures: R~~Minimum rear yard: 25 feet.

~~d~~4. Accessory structures attached to a principal structure shall be considered part of the principal structure for the purpose of determining setbacks. Detached accessory structures shall be setback by at least half of the distances specified in paragraphs a. through c. above.

The town council may, as a part of a concept plan for a zoning map amendment application, approve specified non-residential uses in any existing structure which cannot meet the setback requirements established by this ordinance, including accessory structures.

3A.8 Reserved. ~~*Special provisions for corner lots.*~~

~~Shall be the same as for R-3.~~

3A.9 Height standards.

The following provisions shall apply only to new construction, including modifications to existing structures.

~~a~~1. Principal structures: 35 feet.

~~b~~2. Accessory structures (other than signs): No accessory structure that is within ten feet of any property line shall be more than 15 feet in height. However, a maximum height of 20 feet shall be permitted if the accessory structure is setback an additional one foot for every foot increase in height over 15 feet.

3A.10 Off-street parking and loading standards.

Subject to *Article 6, Section 1: Off-street Parking Requirements* and *Article 6, Section 2: Off-street Loading Requirements.* ~~Off-street parking requirements shall be as prescribed by article 6, provided however, that the number of required off street parking spaces specified by article 6 shall be considered both minimum and maximum parking requirements for any non-residential use in this district.~~

3A.11 Landscaping, screening and open space.

Shall be as prescribed by *Article 7: Landscaping, Buffering, and Open Space Regulations*~~article 7~~.

Section 4. - R-8 Townhouse residential district.

4.1 Purpose of the district.

The purpose of this district is to provide for medium-density single-family detached and duplex residential development and medium-density townhouse residential development together with those public and semi-public uses and accessory uses as may be necessary or are normally compatible with residential surroundings. In general, urbanization is planned and utilities and public services exist or are planned to be adequate for the type or types of development contemplated. Certain special care facilities and certain governmental, educational, recreational and utility uses are permitted by special use permit subject to such restrictions and requirements as will ensure compatibility with residential surroundings.

An alternative to the basic area and dimensional regulations of this district may be employed to permit cluster development with the objective of improved use of the land and more economical provision of streets and utilities in accordance with *Article 6, Section 5: Cluster Subdivisions*. ~~(See article 6.5 [article 6, section 5].)~~

4.2 Permissible ~~Permitted~~ uses.

A building or land in this district shall be used only in accordance with *Article 4, Section 1: Use Regulations.* ~~for the following purposes:~~

~~1. Detached single-family dwellings and accessory dwelling units subject to the regulations of the R-3 duplex residential district.~~

~~2. Duplex dwellings, detached or semi-detached, subject to the regulations of the R-2 [R-3] duplex residential district.~~

~~3. Attached single-family dwellings (townhouses) subject to the special regulations of section 4.11 below.~~

~~[4. Reserved.]~~

~~5. Facilities and structures necessary for rendering public utility service, including poles, wires, transformers, telephone booths and the like for electrical power distribution or communication service, and underground pipelines or conduits for electrical, gas, sewer, or water service.~~

~~6. Yard sale or garage sale for disposal of used household items, provided such sales are not conducted for more than three days per year, and include items assembled only from households in the immediate neighborhood. Signs associated with the sale shall comply with the district regulations and shall not be attached to trees or utility poles, and shall be removed within 24 hours.~~

~~7. Accessory buildings and uses, including but not limited to accessory private garages, swimming pools, home occupations, accessory storage, accessory off-street parking and loading spaces, and accessory signs as herein regulated. (Amended 4/14/92)~~

~~8. Home occupations as defined in article 3, section 8.~~

~~9. Residential day care or home child care for five or fewer children subject to article 6, section 7.1. (Adopted 1/12/93)~~

4.3 Reserved. ~~Uses permitted by special use permit.~~

~~The following uses may be permitted by special use permit approved by the town council following report by the planning commission in accordance with the procedures, guides and standards of article 8:~~

~~1. Convalescent homes, rest homes, nursing homes or homes for the aged.~~

~~2. Family care homes or foster homes.~~

~~3. Radio or television transmission or receiving tower not more than 50 feet in height.~~

4.4 Permitted signs.

Subject to *Article 6, Section 3: General Sign Regulations*~~the general sign regulations of article 6~~.

4.5 Lot size standards.

1. Single-family detached dwelling and duplex dwelling:

   For minimum lot area, minimum lot width and minimum depth see R-3 regulations.

2. ~~Attached s~~Single-family attached dwellings (townhouses) public water and sewer required.

   Minimum lot area: 2,000 square feet, not to exceed eight units per acre.

   Minimum lot width: 20 feet.*

   Minimum lot depth: 100 feet.

   *See *Article 4, ~~s~~Section 1.2~~4.11~~: Use Standards* ~~below~~ for special regulations for ~~townhouses~~ single-family attached dwellings.

Lot width is measured at the front building setback line.

Minimum lot width shall be 30 feet for end and corner lots. All townhouse dwellings except end dwellings and corner lots shall occupy the full width of the lot.

Other uses same as for single-family detached ~~or two-family~~ dwellings or as specified in the district regulations.

Minimum street frontage is 25 feet for ~~detached~~ single-family detached and duplex dwellings.

Minimum lot area for individual or on-site sewage disposal systems is subject to health department requirements.

Cluster subdivisions are permitted in *Article 6, Section 5: Cluster Subdivisions*~~article 6~~. Special provisions for single-family attached dwellings~~townhouse projects~~ are found in *Article 4, Section 1.2: Use Standards*~~section 4.11 [of this article]~~.

4.6 Yard and setback standards.

1. Single-family detached and duplex dwellings: ~~(~~See R-3 district regulations~~)~~.
2. ~~Attached s~~Single-family attached dwellings (townhouses):

Minimum front yard: 15 feet.

Minimum side yard: Ten feet.*

Minimum rear yard: 25 feet.

*Minimum side yards for end lots only.

Minimum front yard shall be 40 feet from the street centerline if street right-of-way is less than 50 feet in width.

The minimum front yard shall be measured from the front lot line to the front building setback line.

Other principal structures same as single-family detached dwelling or as required in the district regulations.

Accessory structures attached to the main building shall be considered part of the main building and comply with front, side and rear yard requirements. (For decks see *Article 6, Section 4.7: Accessory Buildings and Structures*~~article 6, section 4~~.)

Detached accessory structures shall not be closer than five feet to any property line.

See *Article 4, Section 1.2: Use Standards* ~~section 4.11 below~~ for special regulations for single-family attached dwellings ~~townhouses~~ and accessory structures.

4.7 Reserved.

4.8 Height standards.

1. Buildings may be erected up to 2½ stories and 35 feet in height except that:

a. Townhouses may include three stories but may not exceed 35 feet in height.

b. The height limit for dwellings other than townhouses 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 at least 15 feet plus one foot or more for each side yard for each additional foot of building height over 35 feet.

c. A public or semi-public building, such as a school, church, library, or general hospital, may be erected to a height of 60 feet provided that required front, side and rear yards shall be increased one foot for each foot in height over 35 feet.

d. Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, and flag poles of any height, and television antennas up to 50 feet in height, are exempt from height regulations. Parapet walls may be up to four feet above the height of the building on which the walls rest.

e. No accessory structure which is within ten feet of any party lot line shall be more than one story in height. All accessory structures shall be of less height than the main buildings on the lot.

4.9 Off-street parking and loading standards.

Subject to *Article 6, Section 1: Off-street Parking Requirements* and *Article 6, Section 2: Off-street Loading Requirements.* ~~Off-street parking and loading design standards and space requirements for particular uses are contained in article 6.~~

4.10 Landscaping, screening and open space.

Regulations for landscaping, screening and open space are contained in *Article 7: Landscaping, Buffering, and Open Space Regulations*~~article 7~~.

4.11 Reserved. ~~*Special regulations for townhouses.*~~

~~1. The minimum project area shall be 2.0 acres. The overall project design shall be prepared to preserve natural topography and vegetation and to minimize the adverse impact of moving and parked vehicles within the development and its surroundings by means of town-scale grid and curved streets, clustered building groups, careful distribution of open space, interior screened parking, interrupted parking bays or courts, landscape screening, and other design features.~~

~~2. A maximum density of eight units per gross acre, excluding floodplain and slopes exceeding 25 percent, shall be permitted.~~

~~3. Minimum lot and yard requirements for townhouses shall comply with the requirements of sections 4.5 and 4.6 above. Lots may be delineated by dashed lines and need not be sold separately in qualified condominium projects.~~

~~4. Every dwelling unit shall have a minimum gross floor area of 1,200 square feet with a minimum of 600 square feet per floor, exclusive of attic and exclusive of basements which are more than 50 percent underground.~~

~~5. Maximum building height for townhouses shall comply with the requirements of section 4.8 above.~~

~~6. The maximum lot coverage shall be 40 percent.~~

7. A minimum of six dwellings are required for each development.

8. Rear access may be required for emergency vehicles as determined by the fire marshal.

9. A common green area may be provided in lieu of a part of the minimum lot area, subject to the following provisions:

   a. When a common green area is provided, the minimum lot area may be reduced below 2,000 square feet where the planning commission and town council find that such reduction results in usable, common open space and the provision of active recreational facilities such as swimming pools, tot lots, multipurpose courts or playing fields. In no event, however, shall the minimum lot area be reduced below 1,500 square feet or maximum density be increased above eight units per gross acre.

   b. When a common green area is provided, the maximum lot coverage specified may be increased in proportion to the reduction in the minimum lot area, but in no event may the lot coverage including dwelling and accessory buildings exceed 50 percent.

   c. The common green area may be utilized only for lawns, trees, planting area, ornamental pools, similar landscaping uses, and swimming pools. No part of the common green area may be utilized for automobile driveways or parking areas, for sidewalks or paved play areas, or for other similar paved areas.

   d. In connection with townhouse developments, provisions satisfactory to the town council shall be met by the developer to assure that nonpublic common green areas for use and enjoyment of occupants, shall be properly maintained without expense to the Town of Purcellville in accordance with the Condominium Act, Code of Virginia, as amended.

10. No motor vehicle shall be parked on any lot upon which a townhouse has been or is to be erected unless a garage is provided as part of the unit. No townhouse shall have a garage or carport attached to its exterior facade. No garage shall be converted to living area.

11. Townhouse dwellings abutting each other shall have complementary but not identical facades.

12. There shall be at least three but no more than eight townhouse dwellings continuously connected; provided that the average number of units continuously connected shall not exceed six. There shall be an open space of at least 20 feet between any two such groups of continuously connected buildings.

13. No more than two abutting townhouse dwellings shall have the same front yard setbacks. Building setback variations as required shall be at least three feet. No more than two abutting townhouses shall have a common roof line.

14. Soundproof and fireproof walls shall be provided between adjoining dwellings at least up to and including the underside of the roof.

15. Each lot containing a townhouse shall provide a private rear yard at least 300 square feet in area and at least 15 feet in depth enclosed visually by uniform fences or walls.

16. Each dwelling shall be self-contained as to heating, air conditioning and utilities.

17. The developer shall provide front yard areas and common areas with lawn and appropriate shrubbery planting except on areas designated for walks and driveways. The lawn and shrubbery planting shall be subject to review and approval by the zoning administrator.

~~18. Common refuse bins shall be completely screened from view by means of a fence or wall, and an appropriately designed gate which can be latched open and closed.~~

~~19. Each development site shall have a publicly-dedicated or approved private street throughout the development so as to adjoin all private parking lots and access courts. Townhouse lots which abut a private street and/or parking lot or access court shall meet the following criteria:~~

~~a. Private streets, parking lots and access courts shall be constructed in conformance with the standards set forth in article 6 of this ordinance.~~

~~b. A homeowner's association shall be formed to ensure maintenance of private streets, parking lots and access courts.~~

~~c. No more than 25 lots shall abut a parking lot or access court. For the purpose of this regulation, an access court is a series of parking spaces served directly by a private accessway which has only an access connection to a public or private street and which is connected to no more than one other access court so that the two together have two access connections to public or private streets and together serve no more than 50 lots.~~

~~d. All private streets, parking lots and access courts shall provide permanent pedestrian and vehicular access between the lots created and a public street.~~

~~e. Parking lots and access courts shall be landscaped according to article 7 of this ordinance.~~

~~f. Private streets, parking lots and access courts shall be clearly identified as private. A single sign, not to exceed two square feet in area, shall be posted at the entrance of each such street or parking court, displaying only the words "Private Drive" and the addresses of any residences utilizing the private street or parking court.~~

~~g. All private streets shall be at least 30 feet in width, shall be of a paved surface and constructed in accordance with then applicable Virginia Department of Transportation pavement design standards and in accordance with the subdivision ordinance. All private streets abutting dwellings shall also provide a sidewalk between the private street and such dwellings. All private cul-de-sacs shall conform to the recommendations of the fire marshal.~~

~~20. Accessory structures shall not exceed ten feet in height and shall be attached to the fence so as not to create an unserviceable area.~~

4.12 Repealed.

Section 5. - R-15 Apartment residential district.

5.1 Purpose of the district.

The purpose of this district is to provide for medium to high density residential use and to provide for variety in housing types and densities as well as for those public and semi-public uses and accessory uses as may be necessary or are normally associated with residential surroundings. In general, urbanization is planned and utilities and public services exist or are planned to be adequate for the type or types of development contemplated. Certain special care facilities and certain governmental, educational, recreational and utility uses are permitted by special use permit subject to such restrictions and requirements as will ensure compatibility with residential surroundings.

An alternative to the basic area and dimensional regulations of this district may be employed to permit cluster and/or planned housing development with the objective of improved use of the land and more economical provision of streets and utilities in accordance with *Article 6, Section 5: Cluster Subdivisions*. ~~(See article 6.5 [article 6, section 5].)~~

5.2 Permissible ~~Permitted~~ uses.

A building or land in this district shall be used only in accordance with *Article 4, Section 1: Use Regulations.* ~~for the following purposes:~~

~~1. Detached single-family dwellings and accessory dwelling units subject to the regulations of the R-3 duplex residential district. An accessory unit in an accessory building is permitted as a special exception by the board of zoning appeals. (Revised 5/12/92)~~

~~2. Two-family or duplex dwellings, detached or semi-detached, subject to the regulations of the R-3 duplex residential district.~~

~~3. Attached single-family dwellings (townhouses) subject to the regulations of section 5.12 below.~~

~~4. Multiple-family dwellings subject to the special regulations of section 5.13 below.~~

~~5. Facilities and structures necessary for rendering public utility service, including poles, wires, transformers, telephone booths and the like for electrical power distribution or communication service, and underground pipelines or conduits for electrical, gas, sewer, or water service.~~

~~6. Yard sale or garage sale for disposal of used household items, provided such sales are not conducted for more than three days per year, and include items assembled only from households in the immediate neighborhood. Signs associated with the sale shall comply with the district regulations and shall not be attached to trees or utility poles, and shall be removed within 24 hours.~~

~~7. Accessory buildings and uses, including but not limited to accessory private garages, swimming pools, home occupations, accessory storage, accessory off-street parking and loading spaces, and accessory signs as herein regulated. (Revised 4/14/92)~~

~~8. Home occupations as defined in article 3, section 8.~~

~~9. Residential day care or home child care for five or fewer children subject to article 6, section 7.1. (Revised 1/12/93)~~

5.3 Reserved. ~~Uses permitted by special use permit.~~

~~The following uses may be permitted by special use permit approved by the town council following report by the planning commission in accordance with the procedures, guides and standards of article 8:~~

~~1. Bed and breakfast facility.~~

~~2. Convalescent homes, rest homes, nursing homes or homes for the aged.~~

~~3. Family care homes and foster homes.~~

~~4. Radio or television transmission or receiving tower not more than 50 feet in height.~~

5.4 Permitted signs.

Subject to *Article 6, Section 3: General Sign Regulations*~~the general sign regulations of article 6~~.

5.5 Lot size standards.

1. Single-family detached dwellings: ~~(~~See R-3 district regulations~~)~~.
2. Duplex dwellings: ~~(~~See R-3 district regulations~~)~~.
3. ~~Attached s~~Single-family attached dwellings (townhouses) public water and public sewer required:

   Minimum lot area: 2,000 square feet, not to exceed eight units per acre.

   Minimum lot width: 20 feet.

   Minimum lot depth: 100 feet.

   See *Article 4, Section 1.2: Use Standards* ~~section 5.12 below~~ for special regulations for single-family attached dwellings~~townhouses~~.

4. Multiple-family dwellings ~~Three families or more,~~ public water and public sewerage required:

   Minimum lot area: Two acres.

   Minimum lot width: 100 feet.

   Minimum lot depth: 125 feet.

   ~~Dwellings for the elderly and handicapped same as for other multiple-family dwellings except that above three units density shall not exceed 30 units per acre.~~

   Other uses same as for single-family detached dwelling or as specified in the district regulations.

   Minimum lot area for individual or on-site sewage disposal systems is subject to health department requirements.

   Lot width is measured at the front building setback line.

   Minimum street frontage is 25 feet for detached dwellings and duplexes.

   Cluster subdivisions are permitted in *Article 6, Section 5: Cluster Subdivisions*~~article 6~~.

   See *Article 4, Section 1.2: Use Standards* ~~sections below~~ for special regulations for single-family attached dwellings~~townhouses~~, and multiple-family dwellings.

5.6 Yard and setback standards.

Single-family detached and duplex dwellings: ~~(~~See R-3 district regulations~~)~~.

See *Article 4, Section 1.2: Use Standards* ~~sections below~~ for special regulations for single-family attached dwellings~~townhouses~~ and multiple-family dwellings.

The minimum front yard shall be measured from the front lot line to the front building setback line.

Other principal structures same as single-family detached dwelling or as required in the district regulations.

Accessory structures attached to the main building shall be considered part of the main building and comply with front, side and rear yard requirements. (For decks see *Article 6, Section 4.7: Accessory Buildings and Structures*~~article 6, section 4~~.)

Detached accessory structures shall not be closer than five feet to any property line.

5.7 Reserved.

5.8 Height standards.

1. Buildings may be erected up to 2½ stories and 35 feet in height except that:

   a. The height limit for dwellings other than townhouses 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 at least 15 feet plus one foot or more for each side yard for each additional foot of building height over 35 feet, upon granting of a special exception by the board of zoning appeals under *Article 9: Board of Zoning Appeals.*~~article 9~~

   b. A public or semi-public building, such as a school, church, library, or general hospital, may be erected to a height of 60 feet provided that required front, side and rear yards shall be increased one foot for each foot in height over 35 feet.

   c. Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, and flag poles of any height, and television antennas up to 50 feet in height, are exempt from height regulations. Parapet walls may be up to four feet above the height of the building on which the walls rest.

   d. No accessory structure which is within ten feet of any party lot line shall be more than one story in height. All accessory structures shall be of less height than the main buildings on the lot.

5.9 Off-street parking and loading standards.

Subject to *Article 6, Section 1: Off-street Parking Requirements* and *Article 6, Section 2: Off-street Loading Requirements.* ~~Off-street parking and loading design standards and space requirements for particular uses are contained in article 6.~~

5.10 Landscaping, screening and open space.

Regulations for landscaping, screening and open space are contained in *Article 7: Landscaping, Buffering, and Open Space Regulations*~~article 7~~.

5.11 Reserved.

5.12~~–~~ *Reserved.* ~~*Special regulations for townhouses.*~~

~~1. The minimum project area shall be 2.0 acres. The overall project design shall be prepared to preserve natural topography and vegetation and to minimize adverse impact of moving and parked vehicles within the development and its surroundings by means of town-scale~~

~~grid and curved streets, clustered building groups, careful distribution of open space, interior screened parking, interrupted parking bays or courts, landscape screening, and other design features.~~

~~2. A maximum density of eight units per gross acre, excluding floodplain and slopes exceeding 25 percent, shall be permitted upon approval of a special use permit. (Revised 4/9/91)~~

~~3. The minimum lot area per dwelling unit shall be 2,000 square feet. The minimum lot width shall be 20 feet for interior lots and 30 feet for end and corner lots. Lots may be delineated by dashed lines and need not be sold separately in qualified condominium projects. (Revised 4/9/91)~~

~~4. The minimum front yard per dwelling unit shall be ten feet. The minimum rear yard shall be 25 feet. The minimum side yard for end and corner lots shall be ten feet.~~

~~5. Every dwelling unit shall have a minimum gross floor area of 1,200 square feet with a minimum of 600 square feet per floor, exclusive of attic and exclusive of basements which are more than 50 percent underground. (Revised 4/9/91)~~

~~6. Maximum building height for townhouses shall comply with the requirements of section 5.8 above.~~

~~7. Maximum lot coverage shall be 40 percent.~~

~~8. All townhouse dwellings except end dwellings and corner lots shall occupy the full width of the lot.~~

~~9. A minimum of six dwellings is required for each development.~~

~~10. Rear access may be required for emergency vehicles as determined by the fire marshal.~~

~~11. A common green area may be provided in lieu of a part of the minimum lot area or to meet maximum project density requirements, subject to the following provisions:~~

~~a. When a common green area is provided, the minimum lot area may be reduced below 2,000 square feet where the planning commission and town council find that such reduction results in usable, common open space and the provision of active recreational facilities such as swimming pools, tot lots, multipurpose courts or playing fields. In no event, however, shall the minimum lot area be reduced below 1,500 square feet or maximum density be increased above eight units per gross acre or lot coverage including dwelling and accessory buildings exceed 50 percent.~~

~~b. The common green area may be utilized only for lawns, trees, planting area, ornamental pools, similar landscaping uses, and swimming pools. No part of the common green area may be utilized for automobile driveways or parking areas, for sidewalks or paved play areas, or for other similar paved areas.~~

~~c. In connection with townhouse developments, provisions satisfactory to the town council shall be met by the developer to assure that nonpublic common green areas for use and enjoyment of occupants, shall be properly maintained without expense to the Town of Purcellville in accordance with the Condominium Act, Code of Virginia, as amended.~~

~~12. No motor vehicle shall be parked on any lot upon which a townhouse has been or is to be erected unless a garage is provided as part of the unit. No townhouse shall have a garage or carport attached to its exterior facade. Only one-car garages shall be permitted and no garage shall be converted to living area.~~

13. ~~Townhouse dwellings abutting each other shall have complementary but not identical facades.~~

14. ~~There shall be at least three but no more than eight townhouse dwellings continuously connected; provided that the average number of units continuously connected shall not exceed eight. There shall be an open space of at least 15 feet between any two such groups of continuously connected buildings.~~

15. ~~No more than two abutting townhouse dwellings shall have the same front yard setbacks. Building setback variations as required shall be at least two feet. No more than two abutting townhouses shall have a common roof line.~~

16. ~~Soundproof and fireproof walls shall be provided between adjoining dwellings at least up to and including the underside of the roof.~~

17. ~~Service areas and rear yards visible from a street shall be appropriately screened as approved by the town council.~~

18. ~~Each lot containing a townhouse shall provide a private rear yard at least 200 square feet in area and at least 15 feet in depth.~~

19. ~~Each dwelling shall be self-contained as to heating, air conditioning and utilities.~~

20. ~~The developer shall provide front yard areas and common areas with lawn and appropriate shrubbery planting except on areas designated for walks and driveways. The lawn and shrubbery planting shall be subject to review and approval by the zoning administrator.~~

21. ~~Common refuse bins shall be completely screened from view by means of a fence or wall, and an appropriately designed gate which can be latched open and closed.~~

22. ~~Each development site shall have a publicly-dedicated or approved private street throughout the development so as to adjoin all private parking lots and access courts. Townhouse lots which abut a private street and/or parking lot or access court shall meet the following criteria:~~

    a. ~~Private streets, parking lots and access courts shall be constructed in conformance with the standards set forth in article 6 of this ordinance.~~

    b. ~~A homeowner's association shall be formed to ensure maintenance of private streets, parking lots and access courts.~~

    c. ~~No more than 25 lots shall abut a parking lot or access court. For the purpose of this regulation, an access court is a series of parking spaces served directly by a private accessway which has only an access connection to a public or private street and which is connected to no more than one other access court so that the two together have two access connections to public or private streets and together serve no more than 50 lots.~~

    d. ~~All private streets, parking lots and access courts shall provide permanent pedestrian and vehicular access between the lots created and a public street.~~

    e. ~~Parking lots and access courts shall be landscaped according to article 7 of this ordinance.~~

    f. ~~Private streets, parking lots and access courts shall be clearly identified as private. A single sign, not to exceed two square feet in area, shall be posted at the entrance of each such street or parking court, displaying only the words "Private Drive" and the addresses of any residences utilizing the private street or parking court.~~

~~g. All private streets shall be at least 30 feet in width, shall be of a paved surface and constructed in accordance with then applicable Virginia Department of Transportation pavement design standards and in accordance with the subdivision ordinance. All private streets abutting dwellings shall also provide a sidewalk between the private street and such dwellings. All private cul-de-sacs shall conform to the recommendations of the fire marshal.~~

~~23. Accessory structures shall not exceed ten feet in height and shall be located only to the rear of the main structure and shall be no closer than one foot from the side or rear property line or ten feet from the outside line of end and corner lots, unless it constitutes part of a fence or wall.~~

5.13~~–~~ Reserved. ~~Special regulations for multiple-family dwellings.~~

~~1. The minimum area requirement for a multiple-family dwelling shall be two acres. (Adopted 10/12/93)~~

~~2. Overall project density shall not exceed 15 dwelling units per acre, exclusive of public rights-of-way.~~

~~3. The development or project shall be designed to promote harmonious relationships with surrounding adjacent and nearby developed properties, particularly in larger developments or projects where more than one building is involved, and to this end may employ such design techniques as may be appropriate to a particular case, including use of building types, orientation, spacing and setback of buildings, careful use of topography, maintenance of natural vegetation, location of access points, recreation areas, open spaces, and parking areas, grading, landscaping, and screening.~~

~~4. The principal means of access to an apartment development or project containing more than 24 dwelling units shall be from an arterial or collector thoroughfare of adequate physical and functional design to handle anticipated traffic needs. Secondary access to a local street will be permitted only in cases where there are overriding factors of health or safety for future residents of the project or where the arrangement and conditions of the minor streets are such that the projected increase in traffic will not substantially affect the use and enjoyment of the street by present or future residents.~~

~~5. No apartment building shall contain more than 12 dwelling units and no more than three apartment buildings shall be contiguous. This standard does not apply to housing for the elderly and handicapped.~~

~~6. No apartment building shall be located closer than 35 feet from any public right-of-way or closer than 15 feet from a private drive, access road or open common parking area whether oriented to the front, sides or rear of the buildings, except that parking areas may be located within five feet and private drives may be located within ten feet of any blank or windowless wall.~~

~~7. No apartment building shall be located closer than 25 feet from a side or rear property line. This regulation does not apply to existing buildings which are converted to apartment use.~~

~~8. A minimum distance of 25 feet shall separate any two buildings or groups of apartment buildings from any other abutting use or building type.~~

~~9. The maximum lot coverage shall be 40 percent.~~

~~10. At least 400 square feet of commonly useable open space shall be provided for each dwelling unit; at least 200 square feet for each dwelling unit for the elderly and handicapped.~~

~~11. Where community refuse containers are provided as accessory uses to apartment developments, such containers shall be conveniently located for pick-up vehicle access and completely screened from view by means of a fence or wall and an appropriately designed gate which can be latched open and closed.~~

~~12. Each apartment dwelling unit shall contain at least 600 square feet of livable floor area, exclusive of garages, carports, cellars, basements, attics, open porches, patios, or breezeways, except that up to ten percent of the units may be constructed with less floor area than this minimum. This standard does not apply to dwelling units for the elderly and handicapped.~~

5.14 –Reserved.

5.15– Reserved.

Section 6. - C-1 Office commercial district.

6.1 Purpose of the district.

The purpose of this district is to provide for planned office parks or for offices and similar business buildings and limited office support uses, in attractive surroundings with types of uses, structures, plantings, and signs so controlled as to be generally compatible with medium density or low density residential surroundings. ~~The district can be applied to large or small areas if development standards are complied with. (Revised 4/9/91 and 8-12-08)~~

6.2 Permissible ~~Permitted~~ uses.

A building or land in this district shall be used only in accordance with *Article 4, Section 1: Use Regulations.* ~~for the following purposes:~~

~~1. Accessory uses, as follows:~~

~~a. Coin-operated and vending machines for food, tobacco, ice, soft drinks, and sundries inside a building and for the use of occupants thereof.~~

~~b. Cafeteria, lunchroom or snack bar for the use of employees who work in the building where such facility is located, provided such facility has no exterior entrances or exits or signs.~~

~~c. Storage of office supplies or merchandise normally carried in stock or used in connection with a permitted use, subject to applicable district regulations and provided such storage area does not exceed 25 percent of the total floor area of the building.~~

~~2. Adult care center.~~

~~3. Child care center, subject to the provisions of article 6, 7.2.~~

~~4. Clinics, medical or dental.~~

~~5. Commercial recreation facilities, indoor and/or outdoor, of not more than 10,000 square feet.~~

~~6. Eating establishment, provided that any such freestanding use be limited to not more than 15 percent of the total floor area of a unified, mixed-use development plan on a lot of no less~~

than two acres. Nothing here shall prohibit the division of the site into lots of less than two acres after approval of the unified, mixed-use development plan.

7. Financial institutions, without drive-through or drive-in facilities.

8. Fitness centers of not more than 10,000 square feet.

9. Funeral home or undertaking establishment.

10. Hotel, motel or suites hotel.

11. Offices and office buildings, business, professional, or administrative.

12. Parks, and other public facilities as identified in the comprehensive plan.

13. Personal service establishments, provided that any such freestanding use be limited to not more than 15 percent of the total floor area of a unified, mixed-use development plan.

14. Pharmacies, without drive-through facilities.

15. Printing, publishing and engraving establishment, blueprinting, photocopying and similar uses provided that no use permitted in this item shall occupy more than 5,000 square feet of floor area.

16. Radio or television broadcasting studios or offices or telephone, or radio or television communications center.

17. School, special instruction.

18. School, technical, trade or business.

19. Veterinary hospital.

20. Brewery, winery or distillery provided all such facilities are open to the public on a regular basis for tastings, tours or retail sales.

6.3 Reserved. Uses permitted by special use permit or commission permit.

The following uses may be permitted by special use permit approved by the town council following report by the planning commission in accordance with the procedures, guides and standards of article 8:

1. Car wash.

2. Churches and other places of worship and their accessory uses associated therewith. Accessory uses may include daycare, "soup kitchens," temporary shelters, special camps and other services provided by the congregation but which are considered by this ordinance to be secondary to the primary function of the church for religious services.

3. Commercial recreation facilities, indoor and/or outdoor of greater than 10,000 square feet.

4. Drive-in or drive-through facilities for financial institutions, pharmacies or eating establishments, subject to the standards of Section 4.6.10.

5. Fitness centers of greater than 10,000 square feet.

6. Hospital for humans.

7. Medical offices.

8. Radio or television transmission or receiving tower more than 60 feet in height, measured from grade, provided that for portions of the structure greater than 35 feet in height,

~~required front, side and rear yards shall be increased one foot for each foot in height over 35 feet.~~

~~9. Manufacture of stairs and similar wood products.~~

6.4 Permitted signs.

Subject to *Article 6, Section 3: General Sign Regulations*~~the general sign regulations of article 6~~.

6.5 Lot size standards.

1. For permitted uses the minimum lot size shall be 20,000 square feet.
2. Minimum street frontage is 50 feet.

6.6 Yard and setback standards.

1. Minimum front yard: 35 feet.
2. Minimum side yard: none, except 15 feet when a lot abuts a residential district.
3. Minimum rear yard: 20 feet; 40 feet if adjacent to a residential district.
4. Minimum setback and buffer from streams: a planted buffer strip of at least 100 feet in width must be provided between any existing stream that drains a watershed area of 100 or more acres, and all proposed buildings and paved parking areas. However, the developer may submit a plan for approval by the zoning administrator to reduce the buffer to not less than 50 feet, provided that the plan includes alternative measures that would achieve the same level of protection for water quality and wildlife habitat as would a 100-foot wide buffer.
5. Building coverage shall be limited to a maximum of 40 percent of lot area.
6. Maximum total lot coverage of building and parking is 60 percent.
7. The zoning administrator may grant an administrative modification of these setback requirements upon recommendation of the board or architectural review, which shall include a written explanation of how any such modification will better accomplish the purpose and intent of the district.

6.7 Special regulations for offices and other business buildings.

1. Site plan required. Site development plan approval is required. An office park or office buildings or other buildings shall be designed to promote harmonious relationships with surrounding adjacent and nearby properties, developed and undeveloped, including providing a coordinated appearance when viewed from adjacent highways, and to this end may employ such design techniques as may be appropriate to a particular area~~case~~, including location of permitted uses, orientation, spacing and setback of buildings, maintenance of natural vegetation, location of access points, size and location of signs, open spaces, and parking areas, grading, landscaping and servicing.

6.8 Height standards.

Buildings may be erected up to 45 feet in height provided that:

1. Any building or part of a building which is located within 50 feet of an R-2 or R-3 residential district shall not exceed two stories and 35 feet in height.

2. Principal structures may be erected to a height of 60 feet from grade provided that for portions of the building greater than 45 feet in height, required front, side and rear yards shall be increased one foot for each foot in height over 45 feet.

3. Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, and flag poles of any height, and television antennas up to 60 feet in height, are exempt from height regulations. Parapet walls may be up to four feet above the height of the building on which the walls rest.

4. No accessory structure which is within ten feet of any adjoining owner lot line shall be more than one story or 15 feet high. All accessory structures shall be of less height than the main buildings on the lot.

6.9 Additional design standards for all uses.

1. New commercial developments incorporating multiple buildings shall be designed to provide a cohesive appearance, using materials, detailing and colors to provide overall similarity and compatibility among structures. Design features of individual buildings, structures or storefronts shall be subordinate to the overall design of the development as a whole.

2. Projects containing many buildings or a variety of functions shall provide variety in building size and massing. A general transition from small or low buildings along street frontages to larger and taller buildings on the interior of the site shall be achieved.

3. On large commercial sites of greater than two acres, development of several smaller buildings to create visual interest, human scale and variety, shall be achieved, rather than a single large building. The use of smaller buildings, appropriately positioned and sited as a means of breaking up large parking expanses shall be achieved.

4. Solid walls, dull or minimal facades shall be avoided along public streets or pedestrian ways.

5. Parking shall be designed to the rear of the lot when possible. Shared entrances shall be used wherever possible and, when parking lots are adjacent, the lots shall be connected to parking areas on adjacent sites and integrated with each other whenever possible.

6. Vehicular entrances/exits shall be consolidated and shared among adjacent properties to minimize traffic conflicts. Individual points of access along major roadways shall be avoided. Access shall be provided by secondary roads and common driveways wherever possible.

7. Parking lots shall be screened from view through the use of such elements as landscaping and/or street trees.

8. Mechanical equipment, including rooftop equipment, such as generators and air conditioning units, shall be screened from public view in a manner compatible with the site and using material similar to the buildings and harmonious with the overall design.

9. Loading and service areas shall be oriented away from public views.

6.10 Additional standards and requirements for special permit uses.

In addition to the general standards set forth in *Article 8, Section 1: Special Use Permit*~~article 8, section 2~~, all developments requiring a special use permit~~s~~ shall be reviewed for compliance with ~~the additional design standards of section 7.9~~ *Section 6.9: Additional Design Standards for All Uses* above,

the Town of Purcellville Design Guidelines and *Article 4, Section 1.2: Use Standards.* ~~the following additional requirements:~~

~~1. Drive-in financial institutions, drive-through pharmacies, drive-in or drive-through eating establishments, and other permissible drive-in uses requiring a special use permit shall meet the following additional standards:~~

~~a. Such a use shall have on all sides the same architectural treatment or shall be architecturally compatible with the building group or neighborhood with which it is associated.~~

~~b. Such a use shall be designed so that pedestrian and vehicular circulation is coordinated with that on adjacent properties.~~

~~c. The site shall be designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation. Parking and stacking spaces shall be provided and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the site.~~

~~d. In reviewing such a use or combination of uses, it shall be determined that the lot is of sufficient area and width to accommodate the use and that any such use will not adversely affect any nearby existing or planned residential areas as a result of the hours of operation, noise generation, parking, glare or other operational factors.~~

~~e. For a drive-through pharmacy, signs shall be required to be posted in the vicinity of the stacking area stating the limitations on the use of the window service and/or drive-through lane. Such signs shall not exceed two square feet in area or be located closer than five feet to any lot line.~~

~~f. Drive-through stacking lanes shall be a minimum 100 feet from any residential lot. The planning commission may modify or waive this requirement if it determines that the impacts to nearby residences will be minimal.~~

~~g. Speakers in drive-through areas shall not be audible from adjacent residential uses. Sound attenuation walls, landscaping or other mitigation measures may be required as necessary.~~

~~h. Pedestrian walkways should not intersect the drive-through aisles, but where there is no alternative, they shall have clear visibility.~~

~~i. Drive-through aisles shall have a minimum 12-foot width on curves and a minimum 11-foot width on straight sections.~~

~~j. Drive-through aisles shall provide sufficient stacking area behind the menu board for drive-through restaurants and behind the service window for other drive-through uses to accommodate a minimum of six cars (approximately 114 feet).~~

~~k. No drive-through aisles shall exit directly into a public right-of-way. Aisles shall be integrated with the on-site circulation and shall merge with the driveway.~~

~~l. Drive-aisles shall be separated from landscaping areas by a six-inch high, poured in place, concrete curb or other suitable protective device meeting town approval.~~

~~m. Landscaping shall screen drive-through aisles from the public right-of-way and shall be used to minimize the visual impacts of menu board signs and directional signs.~~

~~2. A traffic impact analysis shall be required as part of any special use permit application, including but not limited to proposed traffic flow, sight visibility for emerging vehicles, roadway capacity for turning movements, and other public safety factors, as well as proposed actions necessary to mitigate adverse impacts. The requirement for a traffic impact analysis may be waived or reduced in scope by the town public works director if he or she determines in writing that the level of impact does not warrant such study.~~

6.11 Off-street parking and loading standards.

Subject to *Article 6, Section 1: Off-street Parking Requirements* and *Article 6, Section 2: Off-street Loading Requirements.* ~~Off-street parking and loading standards and space requirements for particular uses are contained in article 6.~~

6.12 Landscaping, screening and open space.

Regulations for landscaping, screening and open space are contained in *Article 7: Landscaping, Buffering, and Open Space Regulations*~~article 7~~.

Section 7. - MC Mixed commercial district.

7.1 Purpose of the district.

The purpose of this district is to provide sufficient space in appropriate locations for a variety of retail shopping, office uses and miscellaneous recreational and service activities, generally serving the town, its neighborhoods and the surrounding area of the county and to implement the town's comprehensive plan. These uses should be developed as compact centers in or near developed areas where retail and service activities now exist or are planned. Since these areas are generally located along major thoroughfares and at the major gateways to the town, the district includes ~~side~~ site design standards to minimize traffic congestion and conflict and landscaping and sign standards to minimize distracting visual clutter and to enhance the appearance of the district. To enhance the general character of the district, its function of local and neighborhood service, and its compatibility with surrounding uses, the size of certain by-right uses is limited and special standards are included to address automobile intensive uses. ~~In accord with the provisions of article 5, section 4, non-conforming uses may be re-established within two years after discontinuing operation, and may appeal to be re-established after ceasing operation for up to three years.~~

7.2 Permissible ~~Permitted~~ uses.

A building or land in this district shall be used only in accordance with *Article 4, Section 1: Use Regulations.*

~~1. Bakeries, retail.~~

~~2. Financial institutions without drive-in facilities, or with drive-in facilities subject to the provisions of article 4, section 7.13, Use limitations.~~

~~3. Personal service establishment.~~

~~4. Bed and breakfast facility.~~

~~5. Repair service establishment (excluding motor vehicle repair).~~

~~6. Catering.~~

~~7. Offices, medical or dental.~~

~~8. Offices, professional, business or administrative.~~

~~9. Funeral home or undertaking establishment.~~

~~10. Veterinary clinic or hospital for small animals.~~

~~11. Laundries, laundromats or dry-cleaning establishments of not more than 2,500 square feet.~~

~~12. Printing, publishing, and engraving establishments, photographic processing or blueprinting of not more than 5,000 square feet.~~

~~13. Radio and television stations and studios or recording studios, but not towers.~~

~~14. Rental of household items, tools, and appliances, subject to the provisions of article 4, section 7.13.~~

~~15. Eating establishments, without drive-through or drive-in service, not to exceed 4,000 square feet.~~

~~16. Retail sales establishment of not more than 10,000 square feet.~~

~~17. Studios or shops for artists, photographers, writers, teachers, jewelers, weavers or other crafts, sculptors or musicians.~~

~~18. Temporary stands, or outdoor areas for sale of produce, Christmas trees, wreaths, holly, and the like.~~

~~19. Accessory uses.~~

~~20. Churches and other places of worship.~~

~~21. Public or government buildings and uses, including governmental offices, libraries, schools, fire stations (volunteer or otherwise), parks, parkways and playgrounds, subject to the provisions of article 8 regarding commission permits, as applicable.~~

~~22. Public utility, minor.~~

~~23. Farm and community market.~~

~~24. Brewery, winery or distillery provided all such facilities are open to the public on a regular basis for tastings, tours or retail sales.~~

~~25. Indoor commercial recreation facilities.~~

~~26. Health club or fitness center.~~

7.3 Reserved. ~~Uses permitted by special use permit.~~

~~1. Automobile service station, subject to the provisions of article 4, section 7.13.~~

~~2. Automobile or truck sales, service, and repair, including body or fender repair, but not auto salvage or junk, subject to the provisions of article 4, section 7.13.~~

~~3. Automobile or truck parts sales, wholesale, but not junk.~~

~~4. Automobile storage lot, new or used cars, but not storage or sale of junk.~~

~~5. Automobile used car lot, or used truck sales, subject to the provisions of article 4, section 7.13.~~

~~6. Boat and boat trailer sales and storage.~~

7. Car-wash or automobile laundry, automatic, or attended, or self-service. Such uses are required to have a water recycling system operating to minimize the water usage of such a use.

8. Eating establishment exceeding 4,000 square feet.

9. Eating establishments, with drive-through or drive-in service, subject to the limitations of section 7.14 below.

10. Farm supply and service establishments, implement sales, rental and service, feed and seed store, including custom milling of grain and feed.

11. Hotel, motel, motor lodge, or tourist home.

12. Institutions, educational or philanthropic, including museums and art galleries.

13. Monument sales establishments with incidental processing to order, but not including the shaping of headstones.

14. Motorcycle or off-road vehicle sales and service.

15. Nursery schools, kindergartens, child care centers, day nurseries, or day care centers, subject to article 6, section 7.2.

16. Private club, lodge, meeting or assembly hall, or fraternal organization or sorority.

17. Plumbing and electrical supply sales, subject to the provisions of article 4, section 7.13.

18. Printing, publishing, and engraving establishments, photocopying, photographic processing or blueprinting, over 5,000 square feet.

19. Private schools, business or technical schools, colleges or universities subject to the standards contained in article 6, section 7.3.

20. Recreational uses or facilities for a private membership, such as clubs and lodges, golf courses, game courts, swimming pools, archery range, fishing or boating lakes, picnic grounds, or similar activities, and accessory facilities, including sale of food, and beverages, bait, incidentals, supplies and equipment.

21. Rental or sale of luggage trailers and pick-up truck caps but not including truck trailer bodies except campers and travel trailers.

22. Taxidermists.

23. Outdoor commercial recreation facilities.

24. Lawn mower, yard and garden equipment, rental, sales and service.

25. Lumber and building supply subject to the provisions of article 4, section 7.13, Use limitations.

26. Nurseries for growing plants, trees, and shrubs.

27. Green houses, commercial, wholesale, or retail.

28. Laundries, laundromats or dry-cleaning establishments over 5,000 square feet.

29. Drive-in facilities not listed or addressed above, including but not limited to drive through pharmacies, photo processing, dry-cleaning, video, free standing unmanned teller machines and uses not otherwise addressed in this district.

~~30. Any other permitted or permissible freestanding, commercial used listed in section 7.2 of 10,000 square feet or greater.~~

~~31. Multi-family residential dwellings, provided that such units are located only on the second floor above first floor non-residential uses and do not exceed 12 dwelling units per gross acre. Such multi-use buildings shall not exceed two stories.~~

7.4 Reserved. ~~Public uses requiring a commission permit.~~

~~Unless a public use, including a park or other public area, public building or public structure, public utility facility, or public service corporation facility other than railroad facility, whether publicly or privately owned, is already shown on the adopted comprehensive plan, a commission permit must be obtained from the planning commission before such use is constructed, established or authorized in accordance with the provisions of article 8 in order to establish that the general location or approximate location, character, and extent of the use is substantially in accord with the adopted comprehensive plan.~~

~~Widening, narrowing, extension, enlargement, vacation or change of use of public buildings or areas shall also require the issuance of a commission permit in accordance with the provision of article 8.~~

~~The following specific uses may be permitted in this district by a commission permit approved by the planning commission in accordance with the procedures, guides and standards of article 8:~~

~~1. Local, state and federal government operations consisting of one or more of the following: warehouses, storage yards and substations, distribution and facility maintenance operations, and accessory buildings.~~

~~2. Public utility, major.~~

~~3. Accessory buildings or structures associated with uses requiring a commission permit.~~

7.5 Lot size standards.

1. Minimum lot area: 20,000 square feet.
2. Minimum lot width: 100 feet. Lot width is measured at the minimum front yard building restriction line.
3. Minimum lot depth: 150 feet.
4. Minimum street frontage: 50 feet.
   a. Exception to minimum street frontage: The minimum street frontage may be reduced to a minimum of 30 feet for one lot of a two-lot subdivision provided that any resulting lot with frontage less than 50 feet shall not require new individual access to a public street for ingress and egress of vehicular traffic, but rather shall share use of a previously existing legal access to a public street with a contiguous parcel.

7.6 Yard and setback standards.

1. Minimum front yard: Ten feet. See *Article 6: Supplementary Regulations*~~article 6~~ for exception for signs and certain other structures.
2. Minimum side yard: 15 feet, if adjacent to a residential district.

3. Minimum rear yard: 20 feet; 40 feet if adjacent to a residential district.

4. Refer to *Article 6: Supplementary Regulations*~~article 7~~ for additional provisions that may qualify the minimum yard requirements set forth above.

7.7 Reserved.

7.8 Height and bulk regulations.

1. Maximum building height: 45 feet and not in excess of three stories except that:

   a. For office buildings and financial institutions, any building or part of a building which is located within 200 feet of an R-2 or R-3 residential district shall not exceed two stories or 30 feet in height.

   b. A public or semi-public building, such as a school, church, or library, may be erected to a height of 60 feet from grade provided that the setback from the property line for that portion of the building exceeding 45 feet shall be increased one foot for each foot in height over 35 feet.

   c. Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, and flagpoles of any height, and television and radio antennas up to 50 feet in height, are exempt from height regulations. Parapet walls may be up to four feet above the height of the building on which the walls rest.

   d. No accessory structure which is within ten feet of any adjoining property line shall be more than one story high. All accessory structures shall be of less height ~~of~~ than the main buildings on the lot.

2. Maximum lot coverage: 40 percent of the lot area.

3. a. Minimum landscaped open space for parcels of two acres or less: 15 percent.

   b. Minimum landscaped open space for parcels greater than two acres and less than six acres: 20 percent.

   c. Minimum landscaped open space for parcels six acres or greater: 25 percent.

4. Maximum floor area ratio: 0.6.

7.9 Additional design standards for all uses.

1. Site plan. Where approval of a site plan is required, the plan shall be designed to promote sensitive use of topography and to promote harmonious relationships with adjacent and nearby residential properties, developed or undeveloped, and to this end shall provide effective screening along side and rear properties lines by means of fences, walls, hedges, planting screen or natural vegetation in accordance with the requirements of this ordinance.

2. Refuse. Refuse containers and refuse storage shall be located in a paved area and hidden from general public view, either from within or outside the premises, by means of fences, walls, or landscape planting.

3. Drainage. Provision shall be made for proper stormwater drainage from parking and loading areas. Water shall not be permitted to drain from such areas onto adjacent property except into a natural watercourse or a drainage easement. Provision shall be made for protection against erosion and sedimentation in accordance with applicable town ordinances.

4. New commercial developments incorporating multiple buildings shall be designed to provide a cohesive appearance, using materials, detailing and colors to provide overall similarity and compatibility among structures. Design features of individual buildings, structures or storefronts shall be subordinate to the overall design of the development as a whole.

5. Projects containing many buildings or a variety of functions shall provide variety in building size and massing. A general transition from small or low buildings along street frontages to larger and taller buildings on the interior of the site shall be achieved.

6. On large commercial sites, development of several smaller buildings to create visual interest, human scale and variety, shall be achieved, rather than a single large building. The use of smaller buildings, appropriately positioned and sited as a means of breaking up large parking expanses shall be achieved.

7. Solid walls, dull or minimal facades shall be avoided along public streets or pedestrian ways.

8. Parking shall be designed to the rear of the lot when possible. Shared entrances shall be used wherever possible and, when parking lots are adjacent, the lots shall be connected to parking areas on adjacent sites and integrated with each other whenever possible.

9. Vehicular entrances/exits shall be consolidated and shared among adjacent properties to minimize traffic conflicts. Individual points of access along major roadways shall be avoided. Access shall be provided by secondary roads and common driveways wherever possible.

10. Parking lots shall be screened from view through the use of such elements as earthen berms, landscaping and/or street trees.

11. Mechanical equipment, including rooftop equipment, such as generators and air conditioning units, shall be screened from public view in a manner compatible with the site and using material similar to the buildings and harmonious with the overall design.

12. Loading and service areas shall be oriented away from public views.

7.10 Off-street parking and loading standards.

Subject to *Article 6, Section 1: Off-street Parking Requirements* and *Article 6, Section 2: Off-street Loading Requirements.* ~~Off-street parking and loading design standards and space requirements for particular uses are contained in article 6.~~

7.11 Landscaping, screening and open space.

Regulations for landscaping, screening and open space are contained in *Article 7: Landscaping, Buffering, and Open Space Regulations*~~article 7~~.

7.12 Permitted signs.

Subject to *Article 6, Section 3: General Sign Regulations*~~the general sign regulations of article 6~~.

7.13 Reserved. ~~*Use limitations for specific permitted and permissible uses.*~~

~~1. Automotive service stations:~~

a. Automotive service stations shall be limited to an office and a retail sales area not to exceed a total of 1,500 square feet, and not more than eight fuel pumps for the sale and dispensing of fuel.

b. Bulk storage of flammable liquids must be underground.

c. No lighting fixture may extend to a height greater than 15 feet.

d. Temporary storage of wrecked or inoperative vehicles or storage or rental of luggage trailers, campers, vans, or similar equipment will not be permitted.

2. Automobile sales (new or used), service and repair:

a. Storage of equipment or materials or damaged vehicles shall be inside a fully enclosed building and all major repairs shall be conducted within a fully enclosed building.

b. The parking of vehicles for sale by individual owners at strategic locations in shopping centers to maximize exposure to major thoroughfares and the traveling public is prohibited. The owners of the retail and service commercial shopping center shall be responsible for the posting of the property to prohibit such activity. Responsibility for the enforcement of these provisions will bear upon the owners of the shopping center, but if posting has occurred the owners of the vehicles for sale will bear the burden of the violation unless it is proven the shopping center owners have not actively enforced their restrictions on the parking of vehicles for sale.

3. Drive-in financial institutions shall be permitted by right in accordance with the following:

a. Drive-in financial institutions shall be permitted by right when such use is located within a building of a shopping center with a building footprint of at least 25,000 square feet which contains at least six other uses which are not drive-in or drive-through eating establishments, drive-in financial institutions or vehicle light service establishments and when all uses within that building are connected by party walls or partitions to form one continuous structure; and

b. Vehicular access to all such uses shall be provided only via the internal circulation system of the shopping center; and

c. The shopping center and the building in which such drive-in financial institution is located shall be subject to an approved unified site plan; and

d. No more than two such drive-in or drive-through uses shall be permitted per shopping center.

4. Drive-in financial institutions which do not meet the limitations of article 4, section 7.13.3 above may be allowed by special use permit in accordance with the provisions of article 8 and the zoning district requirements.

5. Farm supply and service establishments, implement sales, rental and service and feed and seed stores may include storage of fertilizer in bags or in tanks (dry only) or in a completely enclosed building.

6. Lumber and building supply, plumbing supply and electrical supply uses shall be required to store all inventory and materials under cover, within an enclosed area, screened from view of public streets or within a fully enclosed building.

7. Rental of household items, tools and appliances shall be conducted in an enclosed structure and all storage of inventory and supplies shall be within an enclosed structure.

7.14 Additional standards and requirements for special permit uses.

In addition to the general standards set forth in *Article 8, Section 1: Special Use Permit*~~article 8, section 2~~, all developments requiring a special use permit~~s~~ shall be reviewed for compliance with *Section 7.9: Additional Design Standards for All Uses* ~~the additional design standards of section 7.9~~ above, the Town of Purcellville Design Guidelines and *Article 4, Section 1.2: Use Standards.* ~~the following additional requirements:~~

~~1. Drive-in financial institutions, drive-through pharmacies, drive-in or drive-through eating establishments, and other permissible drive-in uses requiring a special use permit shall meet the following additional standards:~~

~~a. Such a use shall have on all sides the same architectural treatment or shall be architecturally compatible with the building group or neighborhood with which it is associated.~~

~~b. Such a use shall be designed so that pedestrian and vehicular circulation is coordinated with that on adjacent properties.~~

~~c. The site shall be designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation. Parking and stacking spaces shall be provided and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the site.~~

~~d. In reviewing such a use or combination of uses, it shall be determined that the lot is of sufficient area and width to accommodate the use and that any such use will not adversely affect any nearby existing or planned residential areas as a result of the hours of operation, noise generation, parking, glare or other operational factors.~~

~~e. For a drive-through pharmacy, signs shall be required to be posted in the vicinity of the stacking area stating the limitations on the use of the window service and/or drive-through lane. Such signs shall not exceed two square feet in area or be located closer than five feet to any lot line.~~

~~f. Drive-through stacking lanes shall be a minimum 100 feet from any residential lot. The planning commission may modify or waive this requirement if it determines that the impacts to nearby residences will be minimal.~~

~~g. Speakers in drive-through areas shall not be audible from adjacent residential uses. Sound attenuation walls, landscaping or other mitigation measures may be required as necessary.~~

~~h. Pedestrian walkways should not intersect the drive-through aisles, but where there is no alternative, they shall have clear visibility.~~

~~i. Drive-through aisles shall have a minimum 12-foot width on curves and a minimum 11-foot width on straight sections.~~

~~j. Drive-through aisles shall provide sufficient stacking area behind the menu board for drive-through restaurants and behind the service window for other drive-through uses to accommodate a minimum of six cars (approximately 114 feet).~~

~~k. No drive-through aisles shall exit directly into a public right-of-way. Aisles shall be integrated with the on-site circulation and shall merge with the driveway.~~

~~l. Drive-aisles shall be separated from landscaping areas by a six-inch high, poured in place, concrete curb or other suitable protective device meeting town approval.~~

~~m. Landscaping shall screen drive-through aisles from the public right-of-way and shall be used to minimize the visual impacts of menu board signs and directional signs.~~

~~2. A traffic impact analysis shall be required as part of any special use permit application, including but not limited to proposed traffic flow, sight visibility for emerging vehicles, roadway capacity for turning movements, and other public safety factors, as well as proposed actions necessary to mitigate adverse impacts.~~

Section 8. - Reserved.

Section 9. - C-4 Central commercial district.

9.1 Purpose of the district.

The purpose of this district is to provide for an appropriate variety of uses in the historic center for commercial, financial, professional, governmental, recreation, entertainment, and cultural activities, in accordance with the purposes and goals of the comprehensive plan. It is intended to promote a convenient and relatively compact arrangement of uses and buildings that enhance the sense of place and pedestrian orientation of the downtown area, and to this end required yards are minimal and permitted building bulk and coverage is relatively high. Medium density residential development is permitted to encourage housing convenient to places of shopping and work. Signing and outdoor storage are restricted in order to promote an attractive and stable urban environment.

9.2 Permissible ~~Permitted~~ uses.

A building or land in this district shall be used only in accordance with *Article 4, Section 1: Use Regulations.* ~~for the following purposes:~~

~~1. Accessory buildings and uses.~~

~~2. Adult care center.~~

~~3. Apartments within the upper stories of a building or group of buildings containing offices, retail or other commercial uses. Apartment units may be served by ground floor entrances or lobbies, but no greater than 50 percent of the gross floor area of the ground floor may be used for residential living space, provided that such residential living space is at the rear of the building and the front half of the ground floor is habitable space used for other, non-residential permitted uses.~~

~~4. Bakeries, retail.~~

~~5. Child care center, subject to the provisions of article 6, [section] 7.2.~~

~~6. Commercial recreation facilities, indoor and outdoor.~~

~~7. Eating establishments without drive-in or drive-through facilities.~~

~~8. Feed, seed and garden stores, with accessory outdoor storage and display.~~

~~9. Financial institutions without drive-in or drive-through facilities.~~

~~10. Fitness center.~~

~~11. Funeral home or undertaking establishment.~~

~~12. Garage, parking, but not auto or truck repair.~~

~~13. Hotel, inn, or bed and breakfast facility.~~

~~14. Indoor theater.~~

~~15. Institutions, educational or philanthropic, including museums, libraries and art galleries.~~

~~16. Laundries, laundromats or dry-cleaning establishments.~~

~~17. Medical or dental clinics.~~

~~18. Offices, general business or professional.~~

~~19. Parking lots.~~

~~20. Personal service establishments.~~

~~21. Printing, publishing, and engraving establishments, photocopying, photographic processing or blueprinting.~~

~~22. Radio and television stations and studios or recording studios, but not towers.~~

~~23. Retail sales establishments.~~

~~24. School, special instruction.~~

~~25. School, technical, trade, or business.~~

~~26. Single-family detached dwellings. (Revised 4/14/92)~~

~~27. Structured parking garage.~~

~~28. Temporary stands, or outdoor areas for sale of produce, Christmas trees, wreaths, holly, and the like.~~

~~29. Veterinary hospital.~~

~~30. Farm and community market.~~

~~31. Brewery, winery or distillery provided all such facilities are open to the public on a regular basis for tastings, tours or retail sales.~~

9.3 Reserved. ~~Uses permitted by special use permit.~~

~~The following uses may be permitted by special use permit approved by the town council following report by the planning commission in accordance with the procedures, guides and standards of article 8:~~

~~1. Concrete plants.~~

~~2. Contractor's office with accessory warehouse and outdoor storage yard.~~

~~3. Drive-in or drive-through facility accessory to a financial institution.~~

~~4. Private clubs, lodge, meeting or assembly hall, fraternal organization or sorority. (Adopted 4/9/02)~~

~~5. Rental of household items, tools and appliances subject to the provisions of article 4, section 7.13.~~

~~6. Sand, gravel and landscaping materials sales and storage.~~

~~7. Wholesale sales with accessory warehouse storage.~~

9.4 Permitted signs.

Subject to *Article 6, Section 3: General Sign Regulations*~~the general sign regulations of article 6~~.

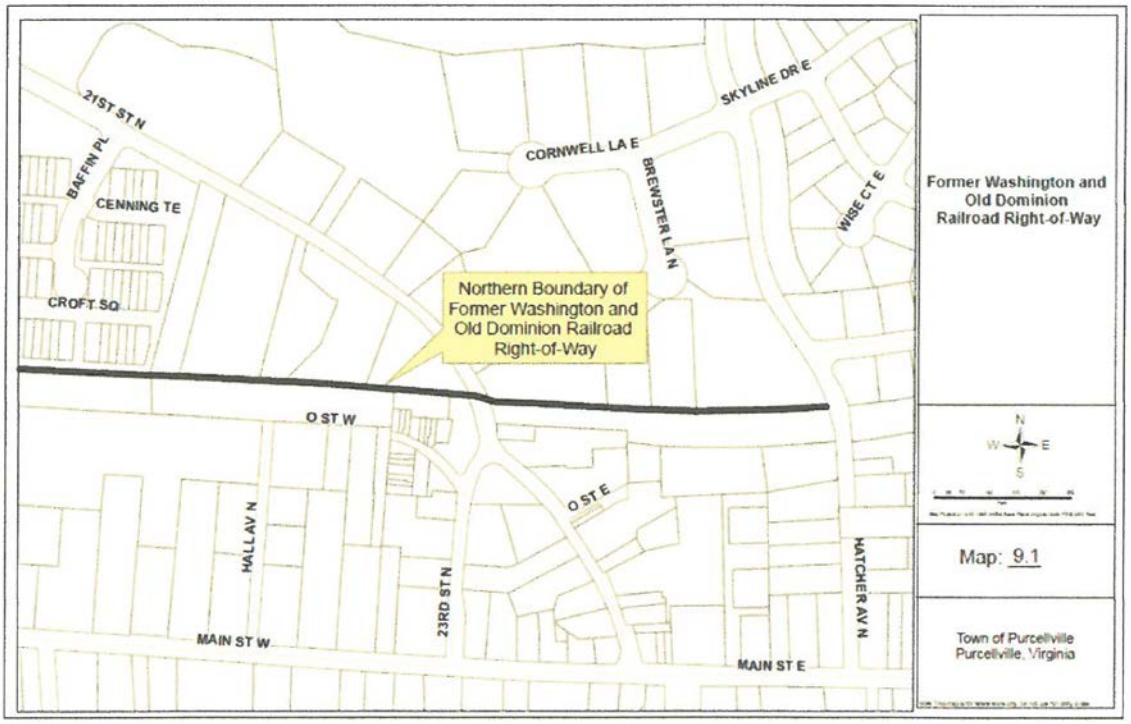
9.5 Lot size standards.

There are no minimum lot size standards for dwellings or business uses in the C-4 central commercial district.

9.6 Yard and setback standards for all structures and on-site parking.

1. Minimum front yard: None.
2. Maximum front yard: No greater than 15 feet, with the following exceptions:
   a. That permitted outdoor public use spaces such as outdoor cafe seating are exempt from this requirement, and
   b. For expansions to existing principal structures, the setback may be greater than 15 feet as long as it is bringing the existing setback into equal or greater conformity with the regulations than the existing structure.
   c. All lots zoned C-4 and located north of the former W&OD railroad right-of-way, as shown on Map 9.1, are excepted from this provision.
3. Minimum side yard: None, except that for the side of a lot abutting a residential district there shall be a side yard of at least ten feet.
4. Minimum rear yard: None, except that for business and mixed use buildings, no rear yard is required at the first floor level except on the rear of a lot abutting a residential district there shall be a rear yard of 20 feet. For dwellings there shall be a rear yard of at least 20 feet and for all buildings there shall be a rear yard of at least 20 feet at and above the second floor level.
5. New on-site surface parking lots may not be located closer to the front lot line than the front facade of any new principal structure, with the following exceptions:
   a. That not more than one row of parallel or angled parking is permitted in the front yard if the sidewalk is between such parking and any new principal structure and such parking directly abuts an approved public street without any intervening open space or physical improvements, and
   b. Existing areas of existing parking lots are exempt from this provision.
   c. One expansion of not more than nine new parking spaces to an existing parking lot is exempt from these provisions.
   d. All lots zoned C-4 and located north of the former W&OD railroad right-of-way, as shown on Map 9.1. are excepted from this provision.

Map 9.1



6. The front facade of the principal structure must extend across at least 50 percent of the lot width at the front setback, unless less frontage is required due to required driveway access or to preserve existing vegetation. The front facade must enclose a full height, habitable interior space. However, existing parcels with existing principal structures and front lot widths of more than 80 feet at the time of adoption of these standards, need only have front facades across 35 percent of the front lot width. Properties to the north of the W&OD trail shall be exempt from either of these requirements.

7. The zoning administrator may grant an administrative modification of these setback requirements upon recommendation of the board of~~r~~ architectural review, which shall include a written explanation of how any such modification will better accomplish the purpose and intent of the district.

9.7 Special regulations for business and commercial buildings.

1. Similar uses permitted. Other commercial, financial, professional, governmental, recreation, entertainment, cultural and service uses which, in the opinion of the zoning administrator, are of the same general character as those ~~permitted~~ uses permitted in the district ~~listed above~~, shall be permitted, provided that these ~~and the above specified~~ uses shall be permitted only in accordance with the development standards of this ordinance.

2. Enclosed buildings. Except as provided in the regulations for this district, all uses shall be conducted within completely enclosed buildings of permanent and durable construction, with no open storage of raw, in process, or finished products or material and supplies or waste material, except products on temporary display for sale. This provision does not preclude outdoor eating areas accessory to a permitted use.

9.8 Height standards.

Buildings may be erected up to 45 feet in height as measured to the top eave of the façade provided that:

1. Any business building or part of such building which is located within 50 feet of any residential district shall not exceed 35 feet in height as measured to the top eave of the façade.
2. Any building may be erected to a height of 60 feet as measured to the top eave of the façade.
3. Notwithstanding the provisions of ~~[section]~~ Section 9.8.2., for properties in common ownership that exceed an aggregate of two contiguous acres in size and that abut North 21st Street, the building height at the front façade or the front property line, whichever is the greater distance from the public street, may be up to 35 feet in height; and up to 50 percent of the width of the front façade may be up to 65 feet in height.

For adjacent properties in common ownership that exceed an aggregate of two contiguous acres in size located in the C-4 district that abut East "O" Street, the maximum building height is 65 feet.

4. The maximum roof pitch shall be no steeper than 12/12 and the maximum top gable peak shall not exceed 75 feet in height.
5. Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, and flag poles of any height, and television antennas up to 125 feet in height, are exempt from height regulations. Parapet walls may be up to four feet above the height of the building on which the walls rest.

9.9 Off-street parking and loading standards.

Subject to *Article 6, Section 1: Off-street Parking Requirements* and *Article 6, Section 2: Off-street Loading Requirements.* ~~Off-street parking and loading design standards and space requirements for particular uses are contained in article 6.~~

9.10 Landscaping, screening and open space.

Regulations for landscaping, screening and open space are contained in *Article 7: Landscaping, Buffering, and Open Space Regulations*~~article 7~~.

Section 10. - CM-1 Local service industrial district.

10.1 Purpose of the district.

The purpose of this district is to provide for a wide variety of local and farm service industrial operations, including repair services, building supplies, and open or enclosed storage of products, supplies and equipment, but to restrict or prohibit those service industries which have characteristics likely to produce serious adverse effects within or beyond the limits of the district, in accordance with the purposes and goals of the comprehensive plan. Limited manufacturing is also permitted, including open storage of products and materials. In order to preserve the land for industry, to reduce extraneous traffic, and avoid future conflicts between industry and other uses, retail and business service uses are limited primarily to those which will be useful to employees in the district and future residential uses are restricted.

10.2 Permissible ~~Permitted~~ uses.

A building or land in this district shall be used only in accordance with *Article 4, Section 1: Use Regulations.* ~~for the following purposes:~~

~~1. Accessory buildings and uses, including but not limited to the following:~~

~~a. Any accessory use permitted in the R-2 residential district.~~

~~b. Coin-operated vending machines for food, tobacco, ice, soft drinks, and sundries inside a building and primarily for the use of occupants thereof.~~

~~c. Storage of supplies, merchandise, equipment, or goods normally carried in stock, used or produced in connection with a permitted office, business, commercial or industrial use subject to applicable district regulations.~~

~~2. Automobile, motorcycle, off-road vehicle, bus or truck sales, service or repair, assembly, painting, upholstering, or body or fender work or rebuilding, but not a salvage or wrecking yard.~~

~~3. Business service establishments.~~

~~4. Farm implement and tractor sales, service and repair.~~

~~5. Feed and seed sales and storage, blending or packaging.~~

~~6. Living quarters for resident watchmen and caretakers employed on the premises.~~

~~7. Monuments and architectural stone.~~

~~8. Nursery or landscaping service.~~

~~9. Offices and office buildings, studios and the like, business, professional or administrative.~~

~~10. Plumbing and electrical supplies, manufacture, sale or storage.~~

~~11. Printing, publishing and engraving establishment, photographic processing, blueprinting, photocopying and similar uses. (Adopted 1/13/98)~~

~~12. Retail or wholesale sales and service incidental to a permitted manufacturing, processing, storing or distributing use, not exceeding 30 percent of the area of the principal use.~~

~~13. Rug, carpet and flooring sales, cleaning and storage.~~

~~14. Sign fabricating and painting.~~

~~15. Self-service storage compartments commonly known as mini-warehouses including the storage of recreational trailers/vehicles, campers, luggage trailers, boats and boat trailers and similar recreational equipment. (Amended 2/9/99)~~

~~16. Temporary stands, or outdoor areas or temporary truck parking, for sale of produce, Christmas trees, wreaths, holly, and the like.~~

~~17. Trade or business school.~~

~~18. Veterinary hospital or clinic for small animals, dogs, cats, birds, and the like, provided that such hospital or clinic and any treatment rooms, cages, pens, or kennels, be maintained within a completely enclosed, soundproof building, and that such hospital or clinic be operated in such a way as to produce no objectionable noise or odors outside its walls. (Revised 10/8/96)~~

~~19. Wholesale merchandising or storage warehouse or distribution center but not a truck or freight terminal.~~

~~20. Brewery, winery or distillery provided all such facilities are open to the public on a regular basis for tastings, tours or retail sales.~~

~~21. Indoor commercial recreation facilities.~~

~~22. The above ground and below ground storage, distribution, but not refining, of petroleum, propane and other flammable liquids; the parking and storage of vehicles designed to distribute such liquids off site; the fueling of propane fueled vehicles; and, the outside or inside storage of propane tanks.~~

10.3 *Reserved.* ~~*Uses permitted by special use permit.*~~

~~The following uses may be permitted by special use permit approved by the town council following report by the planning commission in accordance with the procedures, guides and standards of article 8:~~

~~1. Automobile service station.~~

~~2. Building materials (cement, lime in bags or container, sand, gravel, stone, lumber, hardware, structural or reinforcing steel, pipe and the like) storage and sales, open or enclosed, but not manufacture or steel fabricating or junk storage.~~

~~3. Child care center, subject to the provisions of article 6, [section] 7.2.~~

~~4. Clinics, medical or dental.~~

~~5. Outdoor commercial recreational facility. (Adopted 5/10/05; Amended 7/19/12)~~

~~6. Contractor's equipment storage yard or plant or rental of equipment commonly used by contractors.~~

~~7. Eating establishment, drive-in or otherwise.~~

~~8. Fitness center. (Adopted 5/10/05)~~

~~9. Financial institutions.~~

~~10. Radio, television or other communications tower more than 125 feet in height.~~

~~11. Facilities and structures necessary for rendering utility service, including poles, wires, transformers, telephone booths and the like for normal electrical power distribution or communication service, and pipelines or conduits for electrical, gas, sewer, or water service.~~

~~12. Lumber yard.~~

~~13. Private schools, colleges or universities subject to the standards contained in article 6, section 7.3.~~

~~14. Retail establishments~~

~~15. School, special instruction.~~

~~16. Well drilling establishment, water, gas or oil, offices, storage or service of supplies and equipment.~~

~~17. Welding and soldering shops; machine shop.~~

10.4 Permitted signs.

Subject to *Article 6, Section 3: General Sign Regulations*~~the general sign regulations of article 6~~.

10.5 Lot size standards.

There are no minimum lot size standards in the CM-1 district.

10.6 Yard and setback standards.

All structures:

1. Minimum front yard: 20 feet[a]
2. Minimum side yard: Ten feet[b]
3. Minimum rear yard: 20 feet[b]

[a]See ~~a~~*Article 6: Supplementary Regulations* for exceptions for signs and certain other structures.

[b]No structure shall be located closer than 50 feet to the boundary of a residential district.

4. The zoning administrator may grant an administrative modification of these setback requirements upon recommendation of the board of~~r~~ architectural review, which shall include a written explanation of how any such modification will better accomplish the purpose and intent of the district.

10.7 Special regulations for commercial and industrial buildings.

1. *Site plan*. Where approval of a site plan is required, the plan shall be designed to promote harmonious relationships with adjacent and nearby residential and business properties, developed or undeveloped, and to this end may provide effective screening along side and rear property lines by means of fences, walls, hedges, planting screen or natural vegetation in accordance with the requirements of this ordinance.
2. *Fencing*. All fencing shall have a uniform and durable character and shall be properly maintained.
3. *Hazardous materials and chemicals*. A list of hazardous materials and chemicals shall be provided at the time an occupancy permit is applied for. The list will be referred to the office of the fire marshal who shall determine special storage and handling requirements and any other requirements as may be required by SARA Title III and applicable state regulations. ~~(Adopted 3/12/96)~~
4. *Enclosed buildings*. All uses shall be conducted within a completely enclosed building of permanent and durable construction, with no open storage of waste material. Products or equipment used, manufactured or maintained on the premises may be stored in the open if screened from the street or from a residential district by landscaping, fences or walls.
5. *Landscaping*. Any part of the front yard not used for parking or accessways shall be landscaped with grass, trees, shrubs or pedestrian walks.
6. *Refuse.* Refuse containers or refuse storage shall be located in a paved area and hidden from general public view, either from within or outside the premises, by means of fences, walls, or landscaping planting.

7. *Drainage.* Provision shall be made for proper stormwater drainage from parking and loading areas. Water shall not be permitted to drain from such areas onto adjacent property except into a natural watercourse or a drainage easement. Provision shall be made for protection against erosion and sedimentation in accordance with applicable town ordinances.

10.8 Height standards.

Buildings may be erected up to 60 feet in height provided that:

a. A building or part thereof may be erected to a height of 75 feet provided that the portions of the building higher than 35 feet are set back from any lot line at least one foot for each additional foot of height above 35 feet.

b. Cupolas, monuments, water towers, chimneys flues, and flag poles of any height, and television antennas up to 125 feet in height, are exempt from height regulations. Parapet walls may be up to four feet above the height of the building on which the walls rest.

c. The board of zoning appeals may grant exceptions to height limits under *Article 9: Board of Zoning Appeals*~~article 9~~.

10.9 Off-street parking and loading standards.

Subject to *Article 6, Section 1: Off-street Parking Requirements* and *Article 6, Section 2: Off-street Loading Requirements.* ~~Off-street parking and loading design standards and space requirements for particular uses are contained in article 6.~~

10.10 Landscaping, screening and open space.

Regulations for landscaping, screening and open space are contained in *Article 7: Landscaping, Buffering, and Open Space Regulations*~~article 7~~.

Section 11. - M-1 Limited industrial district.

11.1 Purpose of the district.

The purpose of this district is to provide for a variety of light manufacturing, fabricating, processing, wholesale distributing and warehousing uses appropriately located for access by highways and providing a controlled environment within which signing is limited, uses are to be conducted generally within completely enclosed buildings or within screened areas, and a moderate amount of landscaping is required, in accordance with the purposes and goals of the comprehensive plan. In order to preserve the land for industry, to reduce extraneous traffic, and avoid future conflicts between industry and other uses, business and service uses are limited primarily to those which will be useful to employees in the district and future residential uses are restricted.

11.2 Permissible ~~Permitted~~ uses. ~~(Amended 3/14/00)~~

~~In cases of doubt regarding the nature of a process or use, the administrator may require an engineering report describing the process or use and the probable impact thereof at property lines in terms of the factors listed above or other significant factors as may be associated with a particular process or use.~~

A building or land in this district shall be used only in accordance with *Article 4, Section 1: Use Regulations.* ~~for the following purposes:~~

~~1. Accessory buildings and uses, including but not limited to the following:~~

~~a. Any accessory use permitted in the R-2 residential district.~~

~~b. Coin-operated vending machines for food, tobacco, ice, soft drinks, and sundries inside a building and primarily for the use of occupants thereof.~~

~~c. Storage of supplies, merchandise, equipment, or goods normally carried in stock, used or produced in connection with a permitted office, business, commercial or industrial use subject to applicable district regulations.~~

~~2. General agriculture, farming and forestry, including tilling the soil, raising of crops, truck gardens, field crops, orchards or nurseries for growing or propagation and harvesting of plants, turf, trees and shrubs and in general uses commonly classified as general agriculture; provided that temporary open air stands not exceeding 200 square feet in area for seasonal sales of products raised on the premises, and the raising of large animals, such as pigs, cows, horses, sheep, or goats, on a farm of ten acres or more, or the raising for sale of birds, bees, fish, rabbits, or other small animals on a lot of two acres or more shall be permitted only as a special exception; and provided no retail or wholesale business office or store is permanently maintained on the premises, and not including commercial slaughtering or processing of animals or poultry.~~

~~3. Automobile painting, upholstering, repairing, rebuilding, reconditioning, body and fender work, truck repairing or overhauling, and automobile service station provided all storage tanks are underground.~~

~~4. Building materials sales yards.~~

~~5. Bus depot and associated maintenance facilities.~~

~~6. Contractor's equipment storage yards, plants or rental of equipment commonly used by contractors.~~

~~7. Facilities and structures necessary for rendering utility service, including poles, wires, transformers, telephone booths and the like for normal electrical power distribution or communication service, and pipelines or conduits for electrical, gas, sewer, or water service.~~

~~8. Farm implement and tractor sales, service and repair.~~

~~9. Feed and seed stores.~~

~~10. Greenhouse or nursery, commercial, wholesale or retail.~~

~~11. Laboratories, research, experimental or testing, but not testing explosives.~~

~~12. Living quarters for resident watchmen and caretakers employed on the premises.~~

~~13. Manufacturing - any use permitted by-right in the CM-1 local service industrial district, and manufacturing of a generally light nature, such as sheet-metal products, bottling, medical equipment, fabrics, furniture, pharmaceutical and ceramics and similar uses which do not create any more danger to health and safety in surrounding areas and which do not create any more offensive noise, vibration, smoke, dust, lint, odor, heat, glare, or electrical impulse than that which is generally associated with such light industries.~~

~~14. Monumental stone works.~~

~~15. Radio or television broadcasting studios and offices, and transmission and receiving towers of height not greater than 125 feet.~~

~~16. Retail or wholesale sales and service incidental to a permitted manufacturing, processing, storing or distributing use on the same site.~~

~~17. Rug and carpet cleaning and storage with incidental sales of rugs and carpets.~~

~~18. Self-service storage.~~

~~19. Sheet metal shop.~~

~~20. Sign fabricating and painting.~~

~~21. School, special instruction.~~

~~22. School, technical, trade or business, but not including instruction in heavy trucks or heavy construction or materials handling equipment or similar vehicles and equipment.~~

~~23. Temporary stands, or outdoor areas or temporary truck parking, for sale of produce, Christmas trees, wreaths, holly, and the like.~~

~~24. Welding or machine shop excluding punch presses exceeding 40-ton rated capacity and drop hammers.~~

~~25. Wholesale merchandising or storage warehouse or distribution center but not a truck or freight terminal or package distribution center.~~

~~26. Indoor commercial recreation facilities.~~

~~27. Brewery, winery or distillery provided all such facilities are open to the public on a regular basis for tastings, tours or retail sales.~~

11.3 Reserved. ~~Uses permitted by special use permit.~~

~~The following uses may be permitted by special use permit approved by the town council following report by the planning commission in accordance with the procedures, guides and standards of article 8:~~

~~1. Outdoor commercial recreational facility. (Adopted 5/10/05; Amended 7/19/12)~~

~~2. Eating establishments, without drive-in.~~

~~3. Fitness center. (Adopted 5/10/05)~~

~~4. Private club, lodge, meeting hall, labor union or fraternal organization or sorority.~~

~~5. Radio, television or other communications tower more than 125 feet in height.~~

~~6. Retail establishments.~~

11.4 Permitted signs.

Subject to *Article 6, Section 3: General Sign Regulations*~~the general sign regulations of article 6~~.

11.5 Lot size standards.

1. For permitted uses the minimum lot size shall be 20,000 square feet with a minimum lot width of 100 feet and minimum lot depth of 150 feet.
2. Building coverage shall be limited to 50 percent of lot area.

Lot width is measured at the building line.

Minimum street frontage is 50 feet.

11.6 Yard and setback standards.

All structures:

Minimum front yard: 25 feet[a]

Minimum side yard: 15 feet[b]

Minimum rear yard: 40 feet[b]

[a]See *Article 6: Supplementary Regulations*~~article 6~~ for exceptions for signs and certain other structures.

[b]No structure shall be located closer than 50 feet to the boundary of a residential district.

11.7 Special regulations for manufacturing and commercial buildings.

1. *Similar uses permitted*. Other manufacturing uses which, in the opinion of the zoning administrator, are of the same general character as those ~~permitted~~ uses permitted in the district ~~listed above~~ shall be permitted. All uses shall be conducted so as not to produce hazardous, objectionable or offensive conditions at property line boundaries by reason of odor, dust, smoke, cinders, fumes, noise, vibration, heat, glare, wastes, fire or explosion.
2. *Enclosed buildings*. All uses shall be conducted within a completely enclosed building of permanent and durable construction, with no open storage of waste material. Products or equipment used, manufactured or maintained on the premises may be stored in the open if screened from the street or from a residential district by landscaping, fences or walls.
3. *Landscaping*. Any part of the front yard not used for parking or accessways shall be landscaped with grass, trees, shrubs or pedestrian walks.
4. *Site plan.* Where approval of a site plan is required, the plan shall be designed to promote careful use of topography and to promote harmonious relationships with adjacent and nearby residential and business properties, developed or undeveloped, and to this end may provide effective screening along side and rear property lines by means of fences, walls, hedges, planting screen or natural vegetation in accordance with the requirements of this ordinance.
5. *Refuse.* Refuse containers or refuse storage shall be located in a paved area and hidden from general public view, either from within or outside the premises, by means of fences, walls, or landscaping planting.
6. *Drainage.* Provision shall be made for proper stormwater drainage from parking and loading areas. Water shall not be permitted to drain from such areas onto adjacent property except into a natural watercourse or a drainage easement. Provision shall be made for protection against erosion and sedimentation in accordance with applicable town ordinances.
7. *Fencing.* All fencing shall have a uniform and durable character and shall be properly maintained.

8. *Hazardous materials and chemicals.* A list of all hazardous materials and chemicals shall be provided at the time an occupancy permit is applied for. The list will be referred to the office of the fire marshal who shall determine special storage and handling requirements and any other requirements as may be required by SARA Title III and applicable state regulations.

11.8 Height standards.

1. Buildings may be erected up to 45 feet in height provided that:

   a. A building or part thereof may be erected to a height of 60 feet provided that it is located at least 100 feet from any lot line.

   b. Cupolas, monuments, water towers, chimneys, flues, and flag poles of any height, and television antennas up to 125 feet in height, are exempt from height regulations. Parapet walls may be up to four feet above the height of the building on which the walls rest.

   c. The board of zoning appeals may grant exceptions to height limits under *Article 9: Board of Zoning Appeals*~~article 9~~.

11.9 Off-street parking and loading standards.

Subject to *Article 6, Section 1: Off-street Parking Requirements* and *Article 6, Section 2: Off-street Loading Requirements.* ~~Off-street parking and loading design standards and space requirements for particular uses are contained in article 6.~~

11.10 Landscaping, screening and open space.

Regulations for landscaping, screening and open space are contained in *Article 7: Landscaping, Buffering, and Open Space Regulations*~~article 7~~.

Section 12. - PDH Planned development housing district. ~~**(Adopted 2/13/96)**~~

12.1 Purpose of the district.

The purpose of the PDH district is to encourage innovative and creative design and to facilitate use of the most advantageous construction techniques in the development of land for residential and other selected secondary uses. The district regulations are designed to ensure ample provision and efficient use of open space to promote high standards in the layout, design and construction of residential development; to promote balanced developments of mixed housing types; to encourage the provision of affordable housing and otherwise implement the stated purpose and intent of this ordinance.

To these ends, rezoning to and development under this district will be permitted only in accordance with a development plan prepared and approved in accordance with the provisions of *Article 11: Administration and Enforcement*~~article 11~~.

12.2 Permissible ~~*Principal permitted*~~ *uses.*

A building or land in this district shall be used only in accordance with *Article 4, Section 1: Use Regulations.* ~~The following principal uses shall be permitted subject to the approval of a final development plan prepared in accordance with the provisions of article 11, and subject to the use limitations as prescribed by section 12.6 below:~~

~~1. Dwellings, single-family detached.~~

~~2. Dwellings, single-family attached.~~

~~3. Dwellings, multiple-family.~~

~~4. Dwellings, mixture of types listed above.~~

~~5. Affordable dwelling units.~~

~~6. Public uses.~~

12.3 *Reserved.* ~~*Secondary permitted uses.*~~

~~The following secondary uses shall be permitted only in a PDH district which contains one or more principal uses; only when such uses are designated on an approved final development plan prepared in accordance with the provisions of article 11; and subject to the use limitations as set forth in section 12.5 below:~~

~~1. Accessory uses, accessory service uses and home occupations as permitted by article 3.~~

~~2. Bank teller machines, unmanned, located within a multiple-family dwelling.~~

~~3. Commercial uses of special impact limited to:~~

~~a. Drive-in banks.~~

~~b. Quick service food stores.~~

~~4. Community uses including community recreation centers.~~

~~5. Eating establishments, restaurants.~~

~~6. Financial institutions.~~

~~7. Institutional use.~~

~~8. Light public utility uses including electric substations.~~

~~9. Offices.~~

~~10. Outdoor recreation uses limited to:~~

~~a. Golf courses, commercial.~~

~~b. Riding and boarding stables.~~

~~c. Veterinary hospitals, but only ancillary to riding and boarding stables.~~

~~11. Personal service establishments.~~

~~12. Quasi-public uses limited to:~~

~~a. Alternate use of public facilities (adaptive reuse).~~

~~b. Child care centers and nursery schools.~~

~~c. Churches, chapels, temples, synagogues and other such places of worship which may contain a child care center or nursery.~~

~~d. Colleges, universities or technical schools.~~

~~e. Cultural center, museums and similar facilities.~~

~~f. Housing for the elderly.~~

~~g. Private clubs and public benefit associations.~~

~~h. Private schools of general education.~~

~~i. Private schools of special education.~~

~~13. Retail sales establishment.~~

12.4 Reserved. ~~Special exception uses.~~

~~1. Accessory dwelling units.~~

~~2. Temporary uses as defined by article 9, section 5.1.~~

~~3. Garages and accessory buildings in a front yard except when shown on an approved development plan.~~

12.5 Use limitations.

1. All secondary uses shall be in conformance as to location and size, with the adopted comprehensive plan for the area in which the property is located.

2. All uses shall conform to the standards ~~as~~ set forth in *Article 4, Section 1: Use Regulations*~~article 11, section 5~~.

3. All uses shall comply with the ~~performance~~ additional standards ~~as~~ set forth in *Article 6, Section 8: Performance Standards* and *Article 11, Section 7: Development Plans, Standards for All PDH Districts*~~article 11, section 7~~.

4. All uses submitted as secondary uses individually or as a group shall comply with the standards ~~as~~ prescribed by *Article 8, Section 1: Special Use Permit*~~article 8 (special use permits)~~ and *Article 9, Section 5: Special Exceptions*~~*article 9 (special exceptions)*~~. If these uses are not designated on an approved development plan, an amendment to the development plan will be required.

5. All uses permitted pursuant to the approval of a final development plan shall be in substantial conformance with the final development plan as provided for in *Article 11, Section 6: Procedures for Review and Approval of All PDH Districts*~~article 11~~.

6. Secondary uses of a commercial and office nature ~~and outdoor recreation (commercial)~~ shall require a minimum district size of five acres.

7. Secondary uses of a commercial nature except ~~outdoor recreation (commercial) and~~ office uses shall be designed to serve primarily the needs of the residents of the planned development in which they are located, and such uses, including offices, shall be designed so as to maintain and protect the residential character of the planned development and adjacent residential neighborhoods as well. In order to accomplish these purposes:

   a. Commercial and office uses shall be conducted within a completely enclosed building with no outside display except those uses which by their nature must be conducted outside a building.

   b. When located within the same building as residential uses, commercial and office uses shall be limited to the lowest two floors.

   c. The maximum total land area, including all at grade off-street parking and loading areas in connection therewith, devoted to commercial and office uses~~, except commercial recreation uses,~~ shall be as follows:

For each district PDH-1 through PDH-3, PDH-5, PDH-8 and PDH-15: 50 square feet of commercial space per dwelling unit but not to exceed a total area of 10,000 square feet.

8. Signs shall be permitted only in accordance with the provisions of *Article 6, Section 3: General Sign Regulations*~~article 6~~. Parking and off-street loading facilities shall be provided in accordance with *Article 6, Section 1: Off-street Parking Requirements* and *Article 6, Section 2: Off-street Loading Requirements.*~~article 6~~.

9. Veterinary clinics ~~hospitals~~ shall be within a completely enclosed building, such building being adequately soundproofed and constructed so there will be no emission of odor or noise detrimental to other property in the area.

12.6 Lot size requirements.

1. *Minimum district size:* Five acres and only when the purpose and intent and all the standards and requirements of the PDH district can be satisfied.

2. *Minimum lot area:* No requirement for each use or building provided that a privacy yard having a minimum area of 200 square feet, shall be provided on each single-family dwelling unit lot unless waived by the town council in conjunction with the approval of a development plan.

3. *Minimum lot width:* No requirement for each use or building.

12.7 Bulk regulations.

The maximum building height, minimum yard requirements and maximum floor area ratio shall be controlled by the standards set forth in *Article 11, Section 7: Development Plans, Standards for All PDH Districts*~~article 11, section 5~~.

12.8 Maximum density.

1. For purposes of computing density, the PDH district is divided into subdistricts in which the residential density is limited as set forth below:

Subdistrict	Density
PDH-1	1 dwelling unit per acre
PDH-2	2 dwelling units per acre
PDH-3	3 dwelling units per acre
PDH-5	5 dwelling units per acre
PDH-8	8 dwelling units per acre
PDH-15	15 dwelling units per acre

2. The town council, may at its discretion, increase the maximum number of units in a PDH district in accordance with and when the conceptual and final development plan includes one or more of the following, but in no event shall such an increase be permitted when such features were used to meet the development criteria in the adopted comprehensive plan and the minimum requirements for the applicable district and in no event shall the total number of dwellings exceed 125 percent of the district maximum density:

   a. Design features, amenities, open space and/or recreational facilities in the planned development which in the opinion of the town council are features which achieve an exceptional and high quality development—As determined by the town council but not to exceed five percent.

   b. Preservation and restoration of buildings, structures, or premises which have historic or architectural significance—As determined by the town council but not to exceed five percent.

   c. Development of the subject property in conformance with the comprehensive plan with a less intense use or density than permitted by the current zoning district—As determined by the town council but not to exceed five percent.

12.9 Open space.

1. The following minimum open space shall be provided in each PDH district:

Subdistrict	Open Space
PDH-1	25 percent of the gross area
PDH-2	20 percent of the gross area
PDH-3	20 percent of the gross area
PDH-5	35 percent of the gross area
PDH-8	25 percent of the gross area
PDH-15	35 percent of the gross area

2. As part of the open space to be provided in accordance with the provisions of ~~[~~subsection~~]~~ 1. above, there shall be a requirement to provide developed recreational facilities in all PDH districts. Such requirements shall be based on a minimum expenditure of $300.00 per dwelling unit for such facilities, and either the facilities shall be provided by the developer in conformance with the approved final development plan, or the cash shall be provided for such facilities in conformance with a duly executed public improvements agreement. ~~Notwithstanding the above, the requirement for $300.00 per dwelling unit shall not apply to affordable dwelling units.~~

12.10 Additional regulations.

1. Refer to *Article 11: Administration and Enforcement*~~article 11~~ for standards and development plan regulations.

2. Refer to *Article 3: General Provisions*~~article 3, general regulations,~~ for provisions which may qualify or supplement the regulations presented above.

Section 13. - X Transitional ~~zoning~~ district. ~~(Adopted 10/8/91)~~

13.1 Purpose of the district.

The purpose of this district is to provide for the reasonable and orderly interim regulation of use and development of land annexed or brought into the town via a boundary line adjustment~~within the said annexation area which was previously zoned county AR1, JLMA2, JLMA3, PD-GI, RC, PDH6~~.

13.2 Permissible ~~Permitted~~ uses.

A building or land in this district shall be used only in accordance with *Article 4, Section 1: Use Regulations.*

~~for the following purposes:~~

~~1. Uses permitted below shall be modified by the existing county zoning as it applies to the PDH-6 and PD-GI. Those parcels zoned PD-GI shall be permitted the uses designated for the town zoning classification of CM-1. Those parcels zoned PDH-6 shall be permitted the uses designated for the town PDH-8 zoning classification subject to proffers and/or executed agreements that run with the land. (Adopted 8/28/96)~~

~~2. Agriculture, forestry, and fisheries, provided however, that no such use shall be permitted which, because of the nature, location, or manner of operation, is noxious, offensive, or dangerous because of noise, odor, fumes, gas, glare, vibration, smoke, emission or particulate matter or effluent, or for other reasons.~~

~~2[a].Detached, single-family dwellings.~~

~~3. Private schools for not over 15 pupils.~~

~~4. Circuses, carnivals, or similar temporary activities when organized or sponsored by nonprofit organizations.~~

~~5. Noncommercial fairgrounds.~~

~~6. Game preserves, wildlife sanctuaries and the like.~~

~~7. Dwelling or lodging units for persons employed on the premises, provided that if in a separate structure not more than one such dwelling or lodging unit shall be permitted for each three acres in the principal use.~~

~~8. Wayside stands for display and sale of products produced on the premises.~~

~~9. Guest house (not to exceed 90 days).~~

~~10. Home occupations.~~

~~11. Bed and breakfast home stay establishments.~~

~~12. Church, parish house, convent, monastery.~~

13.3 *Reserved.* ~~*Uses permitted by special use permit or commission permit.*~~

~~The following uses may be permitted by special use permit approved by the town council following report by the planning commission in accordance with the procedures, guides and standards of article 8:~~

~~1. Commercial stable.~~

~~2. Kennel.~~

~~3. Veterinary service; animal hospital.~~

~~4. Guest farms or ranches.~~

~~5. Cemetery.~~

~~6. Wayside bus shelters.~~

~~7. Structures for exhibits and/or demonstrations operated by nonprofit organizations.~~

~~8a. Manufactured home for use as a tenant house for an agricultural, forestal, or fisheries operation.~~

~~8b. Manufactured home for use during the construction of permanent dwelling.~~

~~9. Private airport, heliport, flight strip.~~

~~10. Day camp, boarding camp.~~

~~11. Private club or lodge.~~

~~12. Private school for over 15 pupils.~~

~~13. Recreational structures or uses related to outdoors recreation, commercial or noncommercial.~~

~~14. Rest home, nursing home, convalescent home, orphanage, or similar institution.~~

~~15. Community centers.~~

~~16. Volunteer fire and/or rescue squad structures or uses.~~

~~17. Greenhouse or nursery, commercial, wholesale or retail.~~

~~18. Hospitals.~~

~~19. Country inns.~~

~~20. Farm machinery sales and service. (The following specific guides and standards shall be applied.)~~

~~a. The establishment shall be located on a paved, state maintained road not more than 1,000 feet from a primary state road.~~

~~b. The structures and parking areas and/or the perimeter of the property shall have a landscaped screen sufficient to protect adjacent residential properties.~~

~~c. Buildings shall be setback a minimum of 75 feet from all property lines.~~

~~d. Parking, driveways (other than entrance) and storage yards shall be setback a minimum 75 feet from the property line along the state road entrance frontage, and a minimum of 50 feet from all other property lines.~~

~~e. Sites for such establishments shall not be less than five nor more than ten acres.~~

~~f. Accessory retail sales shall be strictly limited to farm and garden equipment parts and related tools and accessories. In no case shall the floor area devoted to the display and sale of such related tools and accessories be more than 15 percent of the floor area of the building site. No other nonfarm equipment sales shall be permitted, including, but not limited to lumber, hardware, building materials, or like items.~~

~~g. No structure shall be located within 500 feet of an existing residential structure.~~

~~h. The town will encourage the structures to be designed and sited so as to emulate a typical traditional complex of buildings on a farmstead.~~

~~21. Public or governmental buildings and uses, including governmental offices, libraries, schools, fire stations (volunteer or otherwise), parks, parkways and playgrounds, except those which have been approved as part of a subdivision or site plan.~~

~~22. Public utility or public service or transportation uses, treatment plants, water storage tanks, pumping stations or regulator stations, utility storage yards, substations and major transmission lines.~~

13.4 Permitted signs.

Subject to *Article 6, Section 3: General Sign Regulations*~~the general sign regulations of article 6~~.

13.5 Lot size standards.

Minimum lot area: Three acres.

Minimum lot width: 200 feet.

Length/width ratio: For lots hereafter created, length shall not exceed 3.5 times width.

Other uses same as for single-family detached dwelling or as specified in the district regulations.

Minimum lot area for individual or on-site sewage disposal systems is subject to health department requirements.

Lot width is measured at the front building setback line.

13.6 Yard and setback standards.

Minimum front yard: 35 feet.

Minimum side yard: 12 feet.

Minimum rear yard: 25 feet.

The minimum front yard shall be measured from the front lot line to the front building setback line.

Minimum front yard shall be 55 feet measured from the street centerline if street right-of-way is less than 50 feet in width.

Other principal structures same as single-family detached dwelling or as required in the district regulations.

Accessory structures attached to the main building shall be considered part of the main building and comply with front, side, and rear yard requirements.

Detached accessory structures shall not be closer than five feet to any property line.

13.7 Height standards.

1. Buildings may be erected up to 2½ stories and 35 feet in height except that:
   a. There are no restrictions for buildings used exclusively for agricultural purposes.
   b. 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 at least 15 feet plus one foot or more for each side yard for each additional foot of building height over 35 feet upon granting of a special exception by the board of zoning appeals under *Article 9: Board of Zoning Appeals*~~article 9~~.
   c. A public or semi-public building such as a school, church, or library, 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.
   d. Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, and flag poles of any height, and television antennas up to 50 feet in height, are exempt from height regulations. Parapet walls may be up to four feet above the height of the building on which the walls rest.
   e. No accessory structure which is within ten feet of any party lot line shall be more than one story in height. All accessory structures shall be of less height than the main buildings on the lot.

13.8 Off-street parking and loading standards.

Subject to *Article 6, Section 1: Off-street Parking Requirements* and *Article 6, Section 2: Off-street Loading Requirements.* ~~Off-street parking and loading standards and space requirements for particular uses are contained in article 6.~~

13.9 Landscaping, screening and open space.

Regulations for landscaping, screening and open space are contained in *Article 7: Landscaping, Buffering, and Open Space Regulations*~~article 7~~.

Section 14. - Institutional and public use district.

14.1 Purpose of the district.

This district is intended to permit the location and growth of public and private educational, institutional, public, and semi-public uses in areas appropriate for such uses. The district is intended to encourage the retention or adaptive reuse of larger public and institutional uses on

sites identified for such uses in the adopted comprehensive plan. The regulations within this district are intended to achieve the following specific purposes:

- 1. Recognize the unique needs of institutional and public uses and their relationship with neighboring land uses;
- 2. Minimize the potential for adverse impacts of institutional and public uses on adjacent land uses, including traffic congestion, adequate parking, and pedestrian linkages;
- 3. Facilitate the creation of a convenient and harmonious development of buildings, parking, and open spaces for individual institutional and public uses; and
- 4. Facilitate Ensure the proper functioning of such institutional and public uses.

14.2 Permissible Permitted uses.

A building or land in this district shall be used only in accordance with *Article 4, Section 1: Use Regulations.* for the following purposes:

1. Church or place of worship.
2. Government offices and assembly rooms.
3. Accessory buildings, uses and structures.
4. Community center and senior center.
5. Community garden.
6. Fire, rescue or police station.
7. Library.
8. Museum and art gallery.
9. Park, playground and playfields, unlighted.
10. Public and private schools, K-12.
11. Public utility, minor.
12. Indoor performing arts center or theater.
13. Farm and community market.
14. Colleges and universities subject to article 6, section 7.4.

14.3. Reserved. Public, private or semi-public uses permitted by special use permit.

The following specific uses may be permitted in this district by special use permit approved by the town council following report by the planning commission in accordance with the procedures, guides and standards of article 8:

1. Transmitting and receiving facilities for cellular communications systems and similar facilities.
2. Lighted playing fields.
3. Outdoor performing arts center or amphitheater.
4. Commuter parking lot. Parking lots or structures designed for short term parking of vehicles, the occupants of which transfer to public transit to continue their trips.

14.4 Reserved.

14.5 Lot size standards.

1. Lot area. Ten thousand square feet for any parcel with a structure for human occupancy, such as offices, meeting rooms, places of assembly, but not including storage buildings, restrooms, or gazebos. No minimum lot area for parcels without a substantial structure, such as well sites, park sites, and public streets.

14.6 Yard and setback standards.

1. Front yards. ~~There shall be n~~No setbacks are required, except yards adjacent to a residential district shall have a setback equal to the setback of the adjoining residential district or, in built-up areas, may match the average setback of adjacent structures.
2. Side and rear yards. No side or rear yard are ~~shall be~~ required, except where such use abuts a residential district there shall be a minimum ten-foot side and/or rear yard.
3. Notwithstanding the above, for additions to an existing building, the yard requirement for the addition may match the existing yard for the existing building.

14.7 Reserved. ~~Special provisions for corner lots.~~

~~Where a front yard is provided, fences, signs, landscaping, shrubbery, evergreens and trees in excess of three feet in height are prohibited within 15 feet from the corner of a lot at intersections streets.~~

14.8 Height standards.

1. Within 50 feet of any residential district, the maximum height of the nearest residential district shall apply.
2. A public or semi-public building, such as a school, church, or library, may be erected to a height of 60 feet provided that required front, side and rear yards shall be increased one foot for each foot in height over 50 feet.
3. Church spires, belfries, cupolas, monuments, water towers, chimneys, and flues are exempt from height regulations.

14.9 Additional design standards for all uses.

In addition to the above standards, all projects shall be reviewed for compliance with the Town of Purcellville Design Guidelines and the following general building and site design principles:

1. *Site design.*
   (a) Where approval of a site plan is required, the plan shall be designed to promote sensitive use of topography and to promote harmonious relationships with adjacent and nearby properties, developed or undeveloped, and to this end shall provide effective screening along side and rear property lines by means of fences, walls, hedges, planting screen or natural vegetation in accordance with the requirements of this ordinance.
2. *Building design.*
   (a) Projects incorporating multiple buildings shall be designed to provide a cohesive appearance, using materials, detailing and colors to provide overall similarity and

compatibility among structures. Design features of individual buildings and structures shall be subordinate to the overall design of the development.

(b) Projects containing many buildings or a variety of functions shall provide variety in building size and massing. A general transition from small or low buildings along street frontages to larger and taller buildings on the interior of the site shall be achieved.

(c) On large sites, development of several smaller buildings to create visual interest, human scale and variety, shall be achieved, rather than a single large building. The use of smaller buildings, appropriately positioned and sited as a means of breaking up large parking expanses shall be achieved.

(d) Buildings shall be finished and have on all sides the same architectural features or shall be architecturally compatible with the building group or neighborhood with which they are~~it is~~ associated.

3. *Parking and access.*

(a) Shared entrances shall be used wherever possible and, when parking lots for uses permitted in this district are adjacent, the lots shall be connected to parking areas on adjacent sites and integrated with each other whenever possible.

(b) Parking lots shall be screened from view through the use of such elements as earthen berms, landscaping and/or street trees.

(c) Access shall be provided by secondary roads and common driveways wherever~~ever~~ possible.

(d) Pedestrian and vehicular circulation shall be coordinated with that on adjacent properties. The site shall be designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation. Parking and stacking spaces shall be provided and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the site.

4. *Utilities and HVAC equipment.*

(a) All utility lines, electric, telephone, cable television lines, etc., and shall be placed underground.

(b) Mechanical equipment, including rooftop equipment, such as generators and air conditioning units, shall be screened from public view in a manner compatible with the site and using material similar to the buildings and harmonious with the overall design.

5. *Refuse and loading.*

(a) Refuse containers or refuse storage shall be located in a paved area and hidden from general public view, either from within or outside the premises, by means of fences, walls, or landscape planting.

(b) Loading and service areas shall be oriented away from public views.

14.11 Off-street parking and loading standards.

Subject to *Article 6, Section 1: Off-street Parking Requirements* and *Article 6, Section 2: Off-street Loading Requirements.* ~~Off-street parking and loading areas for permitted uses in accordance with sections 6.1 and 6.2 [article 6, sections 1 and 2] of this ordinance.~~

14.12 Landscaping, screening and open space.

~~All projects must comply with the r~~Regulations for landscaping, screening and open space are contained in *Article 7: Landscaping, Buffering, and Open Space Regulations*~~article 7~~.

14.13 Permitted signs.

Signs are permitted in accordance with *Article 6, Section 3: General Sign Regulations*~~the general sign regulations of article 6~~.

Section 15. ~~-~~ AC Agricultural conservancy/commercial ~~zoning~~ district ~~(A-C District)~~.

15.1 Purpose of the district.

This district is designed to accommodate and encourage the continuation of agricultural uses within the town, to permit clustered single-family residential development, to permit certain low-intensity non-residential uses that would maintain the majority of open space in these areas, and to accommodate uses that would complement and enhance the historic character of the town. It is intended that uses in this district will be designed in a manner that:

1. Conserves open land around the town's periphery, including those areas containing historic resources or sensitive natural features such as woodlands, prime farmland, steep slopes, streams, floodplains and wetlands, by setting them aside from development;
2. Promotes agricultural and equestrian uses; Protects productive agricultural soils for continued or future agricultural use and conserves blocks of land large enough to allow for efficient farm operations;
3. Reduces erosion and sedimentation by the retention of existing vegetation;
4. Provides for the maintenance of open land within the town which can help to provide opportunities for recreation, protect scenic and historic views, minimize the visual impact of new development from existing roads, and preserve the historic rural setting surrounding the town;
5. Promotes a traditional development pattern that is compatible with the existing historic character of the town and which is connected to the existing fabric of the town; and
6. Provides greater design flexibility and efficiency in the siting of infrastructure, including the opportunity to reduce street lengths, utility runs, and the amount of paving.
7. Provides for commercial development compatible with agricultural and horticultural uses to serve as a transition toward more dense commercial development within the town.

15.2~~.~~ Permissible ~~Permitted~~ uses.

A building or land in this district shall be used only in accordance with *Article 4, Section 1: Use Regulations.* ~~The following uses are permitted in this district:~~

~~1. Agriculture, including crop farms, horse farms, livestock farms, but excluding hog and poultry farms, commercial stockyards and feed lots;~~

~~2. Horticulture and plant nurseries, including the growing of fruits, vegetables, flowers, or ornamental plants; vineyards, and commercial greenhouses with on-site wholesale and/or retail sales.~~

~~3. Farm co-op.~~

~~4. Farm market, subject to the use limitations of section 15.9.~~

~~5. Conservancy subdivision.~~

~~6. Equestrian facilities, indoor or unlighted outdoor, non-spectator.~~

~~7. Art gallery, craft gallery or similar.~~

~~8. Bakery.~~

~~9. Bed and breakfast facility.~~

~~10. Catering.~~

~~11. Churches and other places of worship.~~

~~12. Country inn.~~

~~13. Eating establishment, sit-down or carry out, 4,000 square feet or less of gross floor area.~~

~~14. Ice cream shop.~~

~~15. Library, public or private.~~

~~16. Nature preserve, such as wildlife sanctuary or conservation area, arboretum, or botanical garden, but not a petting zoo.~~

~~17. Nursery.~~

~~18. Offices, professional, business or administrative.~~

~~19. Studio space – Artist, crafts person, writer, etc.~~

~~20. Winery, with related retail sales.~~

~~21. Public or parks, without lighted playing fields; community gardens.~~

~~22. Single-family detached farmhouse with no more than one tenant house located on a parcel of at least one acre with an active, permitted agricultural, horticultural or vineyard use.~~

~~23. Public parks and public recreational facilities, unlighted.~~

15.3~~.~~ Reserved. ~~Accessory uses and structures.~~

~~The following accessory uses and structures are permitted in this district:~~

~~1. Home occupations.~~

~~2. Accessory uses and structures customarily appurtenant to a permitted or approved special exception use, including barns and bona fide farm buildings, private and farm garages, and greenhouses without on-site sales. Except for wayside stands, accessory structures shall only be located in the side or rear yards.~~

15.4~~.~~ Reserved. ~~Special use permit uses.~~

~~The following uses are permitted in this district subject to securing a special use permit as provided in articles 8 and 11 and subject to the additional standards of sections 15.7 — 15.9:~~

~~1. Animal hospital.~~

~~2. Cemetery.~~

~~3. Community utility facility, provided any such facility is located on public property.~~

~~4. Conference center.~~

~~5. Corporate retreat.~~

~~6. Cultural center, including only museums and botanical gardens of historic, cultural, scientific or educational interest.~~

~~7. Equestrian facilities, lighted outdoor and/or spectator.~~

~~8. Farm machinery sales and service.~~

~~9. Commercial recreation facility, outdoor.~~

~~10. Commercial recreation facility, indoor.~~

~~11. Eating establishment, sit-down or carry-out, greater than 4,000 square feet of gross floor area.~~

~~12. Farm supply and service establishments, implement sales, rental and service, feed and seed store, including custom milling of grain and feed.~~

~~13. Lawn mower, yard and garden equipment, rental, sales and service.~~

~~14. Health club or fitness center.~~

~~15. Pet farm.~~

~~16. Private club, lodge, meeting or assembly hall.~~

~~17. Winery, with related retail sales and special events.~~

~~18. Public parks, with lighted playing fields.~~

15.5. Lot, bulk, and open space requirements.

15.5.1: Height requirements. All uses.

1. *Building height:*
   a. *Principal building:*
      i. Residential: 35 feet.
      ii. Non-residential: 45 feet, except no restriction for buildings used exclusively for agriculture or horticulture.
   b. *Accessory structures:* Residential: 15 feet; Non-residential: 25 feet.

15.5.2: Conservancy subdivision: Lot, bulk and open space requirements.

1. *Purpose and intent.* The intent of this section is to ensure that a conservancy subdivision is consistent with the town's historical development style, does not contribute to land consumptive sprawl, and creates significant open space of benefit to residents of both the new subdivision and the town.

2. *Reserved.* ~~*Conservancy subdivision defined.* A conservancy subdivision is a single-family residential development in which the residential lots are clustered together on a portion of the tract, leaving the largest portion of the tract in permanent open space. A conservancy subdivision may include the following categories of land:~~

~~a. *Single-family lots:* Smaller residential lots located in a contiguous grouping oriented along a street or a green.~~

~~b. *Conservancy lots:* Larger residential lots containing a designated building area with the remainder designated as permanent open space.~~

~~c. *Open space:* Land permanently preserved through an open space easement designated as greenbelt open space, conservancy open space and usable open space, as defined in this ordinance. (Refer to the Town of Purcellville Design Guidelines).~~

3. *Minimum parcel size.* The minimum parcel size for a conservancy subdivision shall be ten acres.

4. *Maximum density.* The maximum residential density within a conservancy subdivision shall not exceed one dwelling unit per one gross acre, including dwelling units on conservancy lots.

5. *Uses permitted.* Land within a conservancy subdivision may be used for any of the following principal uses: single-family detached dwellings, conservancy lots, or permitted greenbelt or usable open space uses as provided below.

6. *Single-family detached dwellings (other than conservancy lots):*

   a. *Lot sizes:*

      i. Minimum lot size: 15,000 square feet.

      ii. Maximum lot size: 40,000 square feet.

   b. *Minimum lot width:*

      i. Lots up to 20,000 square feet: 60 feet at the minimum front yard and at the property line;

      ii. Lots over 20,000 square feet: 75 feet at the minimum front yard.

   c. *Yard depth requirements:*

      Front: 20 feet minimum and 35 feet maximum for lots up to 20,000 square feet; 30 feet minimum for lots over 20,000 square feet.

      Side: Ten feet minimum; 25 feet when adjacent to a street and for lots greater than 20,000 square feet.

      Rear: 30 feet minimum for lots up to 20,000 square feet; 50 feet minimum for lots greater than 20,000 square feet.

      Exceptions: Accessory buildings may be located within five feet of any side or rear lot line.

   d. *Lot Coverage:* 35 percent maximum.

7. *Conservancy lots.*

   a. *Minimum lot size:* One acre. Not more than one single-family detached dwelling ~~unit~~ shall be located on any conservancy lot.

   b. *Minimum lot width:* 200 feet.

   d. *Lot coverage:* Maximum 35 percent of building area.

e. *Open space easement required.* Any land area above the 12,500 square-foot maximum building area shall be subject to a permanent open space easement. Such easement shall be in a form approved by the town and shall provide, inter alia, notwithstanding such easement, that the easement~~d~~ portion of such conservancy lot shall be maintained by the property owner and that the town shall bear no responsibility or liability for such maintenance.

f. *Yards.* No building shall be located within 25 feet of any property line; provided, however, that if such building is located as a logical extension of the clustered dwelling pattern on smaller lots within the subdivision, the minimum yard requirements of ~~s~~Section 15.5.2.6 shall be permitted.

8. *Required open space.* All land area within a conservancy subdivision not devoted to single-family detached lots, the maximum building area of conservancy lots and street rights-of-way shall be permanently preserved as open space and shall be designated as Conservancy Open Space, as defined herein, Greenbelt Open Space, ~~as defined by this ordinance,~~ or Usable Open Space, as defined herein. Such open space shall constitute in the aggregate not less than 70 percent of the total land area within the conservancy subdivision and shall be provided in accordance with this subsection (8) and the following subsection (9):

a. Conservancy open space shall be the easement~~d~~ portion of any conservancy lots within the conservancy subdivision. Not more than 45 percent of the required open space shall be conservancy open space. Uses permitted in the conservancy open space shall be as specified in the open space easement required in subsection (7)(e)~~(g)(5)~~ above and may include agriculture, horticulture or ~~private, noncommercial~~ residential equestrian facilities.

b. Greenbelt open space ~~as defined by this ordinance~~ equal to or exceeding 45 percent of the required open space shall be provided. No portion of any conservancy lot shall be deemed to be greenbelt open space. Every greenbelt open space parcel shall not be less than 100 feet deep. Uses permitted within greenbelt open space areas shall only include agriculture, horticulture, equestrian facilities, public parks, and associated accessory uses (but not including residential uses accessory to agricultural or horticultural uses), as permitted above in *Section 15.2: Permissible Uses.* ~~sections 15.2 and 15.3. Nature preserves and privately owned recreational facilities are also permissible as provided in section 15.4.~~.

c. Usable open space equal to not less than ten percent of the required open space shall be provided in accordance with the provisions of *Article 7, Section 7: Open Space Regulations* ~~article 7, section 6~~ and the following additional provisions:

(i) Neighborhood green. Usable open space shall be located to create at least one focal neighborhood green that is specifically designed to benefit both existing adjacent developed areas and the proposed new subdivision. The minimum size of the green shall be 20,000 square feet, with a length to width ratio not exceeding six to one (6:1). The green shall adjoin residential lots or streets on at least three sides and shall be centrally located to be within 1,500 feet of all dwellings in the subdivision other than dwellings on conservancy lots. The green shall be connected to both the conservancy open space and existing town street right-of-way by open space links of at least 15 feet in width that include a sidewalk or trail.

(ii) Unlighted playing fields, walking trails, a neighborhood park or any combination of the above may be included as part of the usable open space.

9. *Additional standards for open space.*

   a. All open space shall be subjected to a permanent open space easement in a form approved by the town.

   b. Open space shall be located and designed to add to the visual amenities of the neighborhood and surrounding area by maximizing the visibility of both internal and external open space. Open space shall be located to provide terminal vistas (the landscape seen at the end of a street, or along the outside edges of street curves) and perimeter greenbelt land (the undeveloped and permanently protected acreage around the town).

   c. Conservancy and greenbelt open space shall incorporate historic resources, prime agricultural soils, floodplain areas, wetlands, steep slopes, existing tree cover, and other environmentally sensitive resources to the greatest extent possible.

15.5.3: Uses other than conservancy subdivision: Lot, bulk and open space requirements.

1. *Purpose and intent.* The intent of this section is that the development of uses other than single-family residential within this district to allow for residential and commercial uses where existing settlement patterns provide a unique opportunity for a variety of permitted and special exception uses. Uses in this district shall be compatible with existing village and neighborhood scale and character and allow local, neighborhood related commercial uses to be developed.

2. *Minimum lot size:*

   a. Agriculture: Ten acres.

   b. All other uses, other than conservancy subdivision: One acre, unless otherwise specified below under *Section 15.9: Additional Standards for Certain Uses.* ~~individual use standards in section 15.7.2.~~

3. *Minimum lot width:* 100 feet (interior); 125 feet (corner).

4. *Minimum yard depth requirements* (Unless otherwise specified below under *Section 15.9: Additional Standards for Certain Uses*~~individual use standards in section 15.7.2~~):

   Front: 35 feet.

   Side: 20 feet.

   Rear: 40 feet.

   Exceptions:

   (i) Barns or structures used for the housing or shelter of animals and equestrian rings (indoor or outdoor) shall not be located within 100 feet of any side or rear lot line.

   (ii) Accessory buildings or uses may be located within five feet of any side or rear lot line, except as provided in subsection (i) above.

5. *Maximum lot coverage by structures:* Agricultural, horticultural and winery uses: 30 percent; all other non-residential uses: Ten percent, except as otherwise specified in this ordinance.

6. *Minimum open space:* 25 percent, except for agricultural, horticultural, winery, recreational, and equestrian uses conducted outside of structures, and residential uses in conservancy subdivisions, the latter of which are governed by ~~s~~*Section 15.5.2: Conservancy Subdivision: Lot, Bulk and Open Space Requirements*.

15.6. Off-street parking, all uses.

Off-street parking shall be provided as required in *Article 6, Section 1: Off-street Parking Requirements*~~article 6, section 1~~, with the following exceptions:

1. All off-street parking shall be located on driveways or in the side or rear yard for single-family residential uses and in the side or rear yard only for all other uses.

2. Parking lots for agricultural, horticultural, equestrian and other similar uses, including farm markets, may be surfaced with gravel, provided the parking lots are used no more than four days per month ~~spaces are delineated in some manner~~ as permitted ~~outlined in~~ by ~~a~~Article 6, ~~s~~Section 1.6.4.c~~7.4.b~~. Creation of such lots shall require approval of a zoning grading permit with sketch plan, but not a full site plan.

15.7. Design standards, all uses.

1. *Overall form.* Buildings shall be clustered along existing or proposed roads. Open space shall be used to preserve natural and environmental resources identified in the comprehensive plan. New construction shall be sited so as to best preserve natural and historic resources, natural vistas and existing topography. Greenbelt open space shall be designed to follow natural features whenever possible and to maintain an agricultural, woodland or countryside character. New development shall be distinguished from the peripheral, greenbelt open space by a well-defined edge.

2. *Block design.* New lots shall be designed in a grid or modified grid pattern of blocks and interconnecting streets and alleys, defined by buildings, landscaping, pedestrian ways and sidewalks, and adapted to the topography and unique natural features of the tract. Blocks should be rectilinear, modified rectilinear, or another distinct geometric shape, except where topographic or other conditions necessitate a more amorphous configuration.

   a. *Maximum block length:*

      Blocks with lots up to 20,000 square feet: 500 feet.

      Blocks with lots greater than 20,000 square feet: 800 feet long, provided mid-block footpaths are provided.

   b. Alleys shall be permitted to bisect blocks.

3. *Lot design.* Lots shall have frontage onto a street or a street and an alley. In general, in developments where lot sizes vary considerably, the smaller lots should be located closer to the existing town, with larger lots on the perimeter.

   a. Lots abutting common greens, squares or parks shall be provided with sidewalks along their abutting lot lines.

   b. Lot areas and widths shall vary at random in order to eliminate the appearance of a standardized subdivision. Lots shall vary by not less than five-foot increments.

4. *Street design.* Street layout shall take into consideration internal open space areas, gateways, and vistas. Both street and pedestrian linkages to the existing town are recommended where possible.

   a. A minimum of two connections with the existing public street system rated as at least a collector street shall be provided where possible. Connections giving access to collectors with existing sidewalks or trails shall be required where practicable.

   b. Use of cul-de-sacs or other streets with a single point of access shall be minimized.

   c. To calm traffic speeds, the use of T-intersections, where vehicles must stop and turn to the right or left rather than proceeding forward in a straight line, are encouraged. At least 25 percent of all intersections within the subdivision shall take this form, unless other traffic calming measures, such as traffic islands or circles, are employed.

   d. Street trees shall be planted along all streets in conformance with *Article 7, Section 3: Streetscaping*~~article 7, section 3~~.

5. *Alleys.* Where provided, alleys shall be private streets or easements either dedicated to a homeowners association or as common access easements across the rear portions of lots.

   a. Minimum easement width: 22 feet. A five-foot utility easement shall be provided along the alley frontage of all adjacent lots and may overlap the alley easement; No fences shall be permitted within this easement.

   b. Minimum paved alley width: Ten feet. Parking shall be prohibited on either side of the paved cartway of the alley.

   c. Alley lighting. Security lighting shall be provided on all garages or on poles adjacent to parking areas to provide alley lighting. Lighting fixtures and poles shall be of consistent architectural style and shall complement the predominant architectural theme of the subdivision. Light fixtures shall conform to *Article 6, Section 9: Lighting Requirements*~~article 6, section 9~~. Use of motion sensors or other timing devices to minimize lighting when not needed is recommended.

   d. Exterior lighting. Exterior lighting shall conform to *Article 6, Section 9: Lighting Requirements*~~article 6, section 9~~. Lighting fixtures and poles shall be of consistent architectural style and shall complement the predominant architectural theme of the project.

6. *Outdoor storage and service areas.* No outdoor storage shall be permitted unless the zoning administrator determines that such storage is customarily required and integral to the use and that such storage will be adequately screened from all property lines. Any service area shall be located and designed to minimize its visibility from off-site.

7. *Pedestrian access.* Every effort shall be made to provide a safe and convenient pedestrian connection to the existing town pedestrian network.

8. *Signs.* The location, dimensions and design of any proposed signage shall conform to *Article 6, Section 3: General Sign Regulations*~~article 6, section 3~~. Signage plans shall be provided with the special use permit application.

15.8. Design standards, all special use permit uses.

1. *Parking.*

a. At least 20 percent, but no more than 50 percent of the required parking shall be paved with reinforced grass paver block or similar porous paving material to minimize the visual impact of the parking area and maximize the pervious area.

b. Any portion of a parking lot constructed of porous pavement, up to a maximum of 50 percent of the entire parking area, and any sidewalks or trails not providing direct access between the principal building and the parking lot may be included as part of the required open space area.

2. *Building character.*

a. *Existing structures.* All exterior changes shall be compatible in architectural style, scale and materials with the existing structure and with the historic character of the town. Existing buildings with historic or architectural value on the site must be adaptively re-used to the greatest extent possible.

b. *New structures.* The architectural design of all new buildings and structures shall be compatible in architectural style, scale and materials with the historic character of the town and shall avoid a monolithic appearance.

c. Building elevations and architectural details sufficient to show compliance with this standard shall be submitted for approval as part of the special use permit application.

15.9. Additional standards for certain uses.

Additional standards set forth below shall apply to certain specific uses permitted in this ordinance. These are intended to serve as the minimum standards for these uses, and are not intended to substitute for other applicable provisions of this ordinance or for additional conditions that may be imposed in connection with any required special use permit approvals. All special use permit uses shall also be subject to *Section 15.7: Design Standards, All Uses*~~the design standards of section 15.7~~ and *Section 15.8: Design Standards, All Special Use Permit Uses* above~~15.8~~.

1. *Veterinary clinic.* ~~*Animal hospital.*~~

a. *Minimum lot area:* Two acres.

b. *Maximum floor area ratio:* 0.10.

c. *Storage yards.* The total area of storage yards shall not exceed ten percent of the total area of the principal structure.

d. *Minimum required yards:*

i. Structures of less than 5,000 square feet of gross floor area: 20 feet minimum from all lot lines.

ii. Structures greater than 5,000 square feet and less than 15,000 square feet of gross floor area: 50 feet minimum from all lot lines.

iii. Structures greater than 15,000 square feet of gross floor area: 100 feet minimum from all lot lines.

2. ~~*Antique shop; art gallery or s*~~*Studio*~~*; craft shop*~~*.*

a. *Minimum lot area:* 20,000 square feet.

b. *Maximum floor area ratio:* 0.20.

c. *Minimum required yards:*

i. Structures of less than 5,000 square feet of gross floor area: 20 feet minimum from all lot lines.

ii. Structures greater than 5,000 square feet and less than 15,000 square feet of gross floor area: 50 feet minimum from all lot lines.

iii. Structures greater than 15,000 square feet of gross floor area: 100 feet minimum from all lot lines.

3. ~~*Arboretum, botanical garden, n*~~*Nature preserve.*

a. *Minimum lot area:* Five acres.

b. *Accessory uses.* Accessory uses shall only permitted on lots 20 acres in size or larger. Accessory uses to a nature preserve ~~an arboretum, botanical garden, or nature study area~~ may include retail sales (e.g., gift shops), small restaurants or cafes, or visitor centers subject to the following standards:

i. Retail sales shall be limited to the sale of items directly related to the nature and character of the principal permitted use.

ii. Accessory uses other than a visitors center shall contain no more than 1,000 square feet of gross floor area. A visitors center shall contain no more than 10,000 square feet of gross floor area.

c. *Maximum floor area ratio:* 0.2.

d. *Storage areas.* The total area of storage areas shall not exceed ten percent of the total area of the principal structure.

4. *Reserved.* ~~*Commercial nurseries.* The following minimum requirements shall apply to all retail sales associated with production nurseries and commercial nurseries:~~

~~a. Accessory products permitted to be sold include those related to the culture and care of plant sold such as pottery, baskets, garden accessories, baked goods, and floral supplies. The sale of bulk products shall be permitted subject to screening requirements for outdoor storage in article 7. Propane, firewood lawn and garden tractors, or machine or other equipment sales are not accessory products.~~

~~b. The sales area for accessory products shall be limited to 25 percent of the gross sales area.~~

5. *Reserved.* ~~*Conference center or corporate retreat.*~~

~~a. *Minimum parcel size.* Five acres, with safe and reasonable access to a state-maintained road.~~

~~b. *Minimum setback.* Buildings, parking and lighted areas: 100 feet from the side and rear property line.~~

~~c. *Permitted recreation uses.* Recreation uses customarily incidental and subordinate to the principal use shall be permitted in the open space and may include: swimming pool and related facilities, unlighted tennis and other sports courts, unlighted equestrian facilities, picnic areas, and passive recreation facilities. The hours of operation for any outdoor recreational facilities shall not exceed 7:00 a.m. to 9:00 p.m.~~

~~d. *Maximum guest rooms:* 100.~~

~~e. *Permitted conference, meeting and banquet facilities.* Conference, meeting and banquet facilities designed to accommodate no more than 500 persons at any one time shall be permitted.~~

~~f. *Permitted dining facilities.* A full-service restaurant providing meal service to conference attendees and guests, but not to the general public, shall be permitted as an accessory use.~~

~~g. *Outdoor events* (e.g., weddings, receptions, parties) or similar activities conducted for compensation shall be permitted only upon application for a temporary zoning permit from the zoning administrator, who may impose conditions regarding hours of operation, volume of amplified music, type and intensity of outdoor lighting, traffic control measures, and similar health, safety and welfare matters.~~

~~h. No products shall be sold on-site except for those that are clearly incidental and integral to permitted training programs and seminars.~~

6. *Country inn.*

a. Parcel shall have safe and reasonable access to a state-maintained road.

b. *Minimum setback, buildings, parking and lighted areas:* 40 feet from the side and rear property line.

c. *Maximum guest rooms:* 50.

d. The owner or manager shall provide full-time management of the premises at all times when the establishment is occupied by guests.

e. *Outdoor events* (e.g., weddings, receptions, parties) or similar activities conducted for compensation shall be permitted only upon application for a temporary zoning permit from the zoning administrator, who may impose conditions regarding hours of operation, volume of amplified music, type and intensity of outdoor lighting, traffic control measures, and similar health, safety and welfare matters.

7. *Reserved.* ~~*Cultural center.*~~

~~a. *Maximum total gross floor area:* 40,000 square feet.~~

~~b. *Minimum setback—Parking and lighted areas:* 40 feet from the side and rear property line.~~

8. *Eating establishment.*

a. *Minimum lot area:* 20,000 square feet.

b. *Maximum floor area ratio:* 0.40

c. *Minimum required setbacks:*

i. Front: 35 feet.

ii. Side: 20 feet.

iii. Rear: 40 feet.

9. *Farm equipment and supply* ~~*machinery*~~ *sales and service.*

a. *Minimum setback—Buildings:* 75 feet from all property lines; No structure shall be located within 300 feet of an existing residential structure.

b. *Minimum setback—Parking, driveways (other than entrance) and storage yards:* 75 feet from the property line along any road frontage, and 50 feet from all other property lines.

c. *Minimum and maximum lot area:* Sites for such establishments shall not be less than three nor more than ten acres.

d. ~~Accessory retail sales shall be limited to farm and garden equipment parts and related tools and accessories. In no case shall the floor area devoted to the display and sale of such related tools and accessories be more than 15 percent of the floor area of the building site.~~ No accessory retail sales of ~~other~~ non-farm equipment ~~sales~~ shall be permitted, including, but not limited to, lumber, hardware, building materials, or like items.

10. *Farm and community market.*

a. A minimum of 25 percent of the gross sales receipts must be derived directly from agricultural products produced on site or other property owned by the operator. An annual report verifying the portion of sales derived from products produced on site shall be submitted on request to the zoning administrator.

b. Sales area for accessory products shall be limited to 25 percent of the total area devoted to sales. The calculation of total sales area shall include areas devoted to the display of items for sale.

c. Permitted accessory products include pottery, baskets, garden accessories, baked goods, floral supplies, and other items directly related to the culture, care, use of, or processing of a principal use. Products not related to the principal permitted use, such as lawn mowers and tractors, shall not be allowed.

d. *Minimum lot size:* 80,000 square feet.

11. *Reserved.* ~~*Teahouse; coffeehouse.*~~

~~a. *Minimum lot area:* 20,000 square feet.~~

~~b. *Maximum floor area ratio:* 0.40~~

~~c. *Minimum required setbacks:*~~

~~i. Front: 35 feet.~~

~~ii. Side: 20 feet.~~

~~iii. Rear: 40 feet.~~

12. *Winery.* Wineries shall comply with the following standards.

a. *Minimum lot size:* Ten acres.

b. *Reserved.* ~~*Wine tasting rooms and accessory food sales.* Facilities for wine tasting rooms and accessory food sales (including a kitchen) shall not exceed 49 percent of the total gross floor area of all structures at the commercial winery.~~

c. *Minimum building setbacks.* 100 feet from all lot lines.

15.10. Exceptions to additional standards.

The additional standards contained within *Section 15.9: Additional Standards for Certain Uses*~~section 15.9~~ above may be modified by special use permit procedures set forth in ~~a~~*Article 8,*

Section 1: Special Use Permit provided that the application satisfies the public purpose of those standards to an equivalent degree.

ARTICLE 6. - SUPPLEMENTARY REGULATIONS

Section 2. - Off-street loading requirements.

2.1 Specific requirements by use.

Except as otherwise provided in this ordinance, when any building or structure is hereafter erected, or structurally altered to the extent of increasing the gross floor area by 25 percent or more, or any building is hereafter converted, for the uses listed below, when such buildings contain the gross floor areas specified and the normal operation requires that goods, merchandise or equipment be routinely delivered to or shipped from that building or structure, accessory off-street loading spaces shall be provided as required below or as required in subsequent sections of this article in order to accommodate the delivery or shipment operations in a safe and convenient manner:

Use Category	Gross Floor Area in Square Feet	Loading Spaces Required
General ~~R~~retail sales store, construction/landscaping equipment and supply sales and service, farm equipment and supply sales and service, vehicle sales and service, ~~department store,~~catering, eating establishment, food processing establishment, ~~restaurant,~~ wholesale sales~~house~~, storage warehouse, ~~general~~ personal services establishment, service/repair establishment, dry cleaning and laundry establishment, manufacturing, or industrial establishment	2,000—10,000 10,000—20,000 20,000—40,000 40,000—60,000 Each 50,000 over 60,000	One Two Three Four + One
Multiple-family dwelling, ~~Apartment building, motel,~~ hotel, offices or office building, laboratory, hospital ~~or similar institutions~~, urgent care clinic, assisted living facility, nursing home, amphitheater, theater, or places for public assembly	5,000—10,000 10,000—100,000 100,000—200,000 Each 100,000 over 200,000	One Two Three + One
Funeral home ~~or mortuary~~	2,500—4,000 4,000—6,000	One Two + One

	Each 10,000 over 6,000	

Section 4. - Supplementary height, area, and bulk regulations.

4.2 Lot area.

1. Requirements for lot area per family do not apply to dormitories, fraternities, sororities, and other similar living quarters which are accessory to a permitted use and which have no cooking facilities in individual rooms or apartments.

2. Requirements for lot area per family do not apply to rental units in a hotel, ~~motel, motor lodge,~~ country inn or bed and breakfast facility~~ or tourist home or rooms in a rooming, boarding or lodging house~~.

4.3 Yards and open space generally.

1. Every part of a required yard shall be open to the sky, except as authorized by this article, and except ordinary projections of sills, belt courses, window air conditioning units, chimneys, cornices, and ornamental features which may project to a distance not to exceed 24 inches into a required yard.

2. More than one main building may be located upon a lot or tract in the following instances:

   a. Institutional buildings.

   b. Public or semi-public buildings.

   c. Multiple-family dwellings or condominiums under approved site plans.

   d. ~~Convalescent or n~~Nursing homes and assisted living facilities housing nine or more individuals. ~~homes for the aged.~~

   e. Commercial and industrial buildings under approved site plans.

   The provisions of this exception shall not be construed to allow the location or erection of any building or portion of a building outside of the buildable area of the lot.

3. Where a lot is of such unusual configuration that none of the provisions of this ordinance regarding yards and open spaces apply precisely, the zoning administrator may use his discretion to apply an interpretation which most nearly meets the requirements of this ordinance; and where by reason of difficult or unusual topography an improved building site may be achieved by a minor modification of yard space requirements (up to 1.5 feet) such modification may be approved by the administrator; provided, however, that this section does not give the administrator any power to grant exceptions or variances reserved to the board of zoning appeals under *Article 9: Board of Zoning Appeals*~~article 9~~.

4.7 Accessory buildings and structures.

1. Except as herein provided, no accessory structure shall be located within the front yard of a lot or parcel. ~~The board of zoning appeals under article 9, section 5.1.5 [article 9, section 5.1, subsection 5] may grant a special exception subject to the standards as prescribed in section 5 [of this article]. (Revised 10/12/93)~~

2. ~~Filling~~ Fueling station pumps and pump islands, with or without a canopy may occupy the required yards; provided, however, that they are not less than 15 feet from street lines.

3. Accessory swimming pools, open and unenclosed, may occupy a required rear or side yard, provided they are not located closer than six feet to a rear lot line or ten feet to an interior side lot line. A walk space at least three feet wide shall be provided between pool walls and protective fences or barrier walls.

4. Except as provided in development standards for particular uses, an ornamental fence, wall, hedge or shrubs not more than 3½ feet in height may project into or enclose any required front or side yard to a depth from the street line equal to the required depth of the front yard. Ornamental fences, walls, hedges or shrubs may project into or enclose other required yards, provided such fences and walls do not exceed a height of seven feet. This provision shall not be interpreted to prohibit the erection of an open-mesh type fence enclosing any school or playground site or business or industrial activity for security purposes. ~~(Revised 3/12/96)~~

5. Accessory buildings which are not a part of the main building, although they may be connected by an open breezeway, may be constructed in a side or rear yard, provided such accessory building(s) does not occupy more than 30 percent of the area of the required side or rear yard and provided it is not located closer than five feet to any lot line. ~~(Revised 10/12/93)~~

6. Satellite dish antennas or receiving stations and similar devices are deemed to be accessory structures and shall not be located in front or side yards in a residential or commercial district and in a residential district shall be limited to one per lot, shall not exceed ten feet in diameter, and shall not exceed the height permitted in the zoning district for an accessory structure. In a residential district no such dish structure greater than two feet in diameter shall be mounted on the roof of a building so as to be visible from the street on which a building fronts.

7. When attached to a single-family detached dwelling, a deck which has no part of its floor higher than the first floor of the dwelling may extend up to ten feet into a required rear yard, provided that the deck is not located closer to the rear lot line than one-half the distance measured from the rear lot line to the closest point of the dwelling, and provided that the deck is not located closer to any side lot line than ten feet. Steps from the deck to grade may extend up to three feet additionally into the required yard and not be calculated against the minimum requirements. ~~(Revised 10/12/93)~~

8. When attached to a single-family attached dwelling, a deck which has no part of its floor higher than the first floor of the dwelling may extend up to ten feet into a required rear yard, provided that the deck is not located closer to the rear lot line than one-half the distance measured from the rear lot line to the closest point of the dwelling and provided that the deck is not located closer to any side lot line than two feet. Steps from the deck to grade may extend up to three feet additionally into the required yard and not be calculated against the minimum requirements. ~~(Revised 10/12/93)~~

9. Accessory structures on lots containing single-family attached dwellings must comply with the requirements of *Article 4, Section 1.2.18: Dwelling, Single-family Attached*.

Section 7. - Reserved. ~~Special regulations for residential day care or home child care, nursery schools, kindergartens, child care centers, day nursery or day care centers, private schools, technical or business schools, colleges or universities, commercial use, churches. (Adopted 1/12/93)~~

~~*7.1 Residential day care or home child care.*~~

~~1. Maximum enrollment shall not exceed six at any one time.~~

~~2. No such use shall be permitted unless it is determined by Loudoun County Department of Environmental Health that the location and design does not pose any hazard to the health, safety and welfare of the children.~~

~~3. Off-street parking shall be sufficient to accommodate employees and the discharge and pick-up of children.~~

~~4. Landscape treatment and screening requirements of article 7 shall not apply except that recreation areas shall be screened and fenced as required by the zoning administrator.~~

~~5. All applications shall contain the following:~~

~~a. The dimensions, boundary lines and area of the lot or parcel.~~

~~b. The location, dimensions and height of any building, structure, or addition, whether existing or proposed.~~

~~c. The distance from all property lines to the existing or proposed building, structure or addition, shown to the nearest foot.~~

~~d. The dimensions and size of all outdoor recreation space and the location of such space in relation to all lot lines.~~

~~6. All such uses shall be subject to applicable county and state regulations specifically Code of Virginia, § 63.1-196.~~

~~*7.2 Nursery schools, kindergartens, child care centers, day nursery, or day care centers.*~~

~~1. Maximum enrollment of 150 students daily.~~

~~2. Compliance with the minimum lot size requirements per the zoning district in which located.~~

~~3. A minimum area of 75 square feet per child shall be provided for usable outdoor recreation for each child that may use the space at any one time. Such are shall be delineated on a plat submitted at the time the application is filed.~~

~~a. That area not covered by buildings or required off-street parking spaces.~~

~~b. Only that area which is developable for active outdoor recreation purposes.~~

~~c. An area, which occupies no more than 80 percent of the combined total areas of the required rear and side yards.~~

~~4. For each child enrolled, indoor recreation space shall be provided at the rate of 25 square feet for active children and 35 square feet for infants.~~

5. All such uses shall be located so as to have direct access to an existing or programmed Public Street of sufficient right-of-way and cross-section width to accommodate pedestrian and vehicular traffic to and from the use as determined by the zoning administrator. To assist in making this determination, each applicant, at the time of application, shall provide an estimate of the maximum expected trip generation, the distribution of these trips by mode and time of day, and the expected service area of the facility. As a general guideline, the size of the use in relation to the appropriate street type should be as follows, subject to whatever modification and conditions the town council deems to be necessary or advisable:

Number of Persons	Street Type
1—75	Local
76-150	Collector

-

6. All such uses shall be located so as to permit the pick-up and discharge of all persons on the site.

7. No such use shall be permitted unless it is determined by the Loudoun County Department of Environmental Health that the location and design does not pose any hazard to the health, safety and welfare of the children.

8. A landscape and screening plan shall comply with article 7.

9. All uses under this section are subject to article 8, special use permits and commission permits.

7.3 Private schools, technical or business schools.

1. In addition to complying with the minimum lot size requirements of the zoning district in which located, the minimum lot area for a private school of general education shall be of such size that:

   a. Two hundred square feet of usable outdoor recreation shall be provided for each child in grades K—3 that may use the space at any one time, and

   b. Four hundred thirty square feet of usable outdoor recreation area shall be provided for each child in grades 4—12 that may use the space at any one time.

   Such usable outdoor recreation area shall be delineated on a plat submitted at the time the application is filed.

   i. That area not covered by buildings or required off-street parking spaces.

   ii. That area outside the limits of the required front yard.

   iii. Only that area which is developable for active outdoor recreation purposes.

   iv. An area which occupies no more than 80 percent of the combined total areas of the required rear and side yards.

2. The minimum lot area for a private school shall be based upon enrollment and shall be a determination of the town council.

3. All other regulations relative to bulk shall be complied with.

4. All uses under this section are subject to article 8, special use permits and commission permits.

5. For each person enrolled, indoor recreation space shall be provided at the rate of 25 square feet and such other requirements as determined by the Loudoun County Department of Environmental Health and the State of Virginia.

6. All such uses shall be located as to have direct access to an existing or programmed public street of sufficient right-of-way and cross-section width to accommodate pedestrian and vehicular traffic to and from the use as determined by the zoning administrator. To assist in making this determination, each applicant, at the time of application, shall provide an estimate of the maximum expected trip generation, the distribution of these trips by mode and time of day, and the expected service area of the facility. As a general guideline, the size of the use in relation to the appropriate street type should be as follows, subject to whatever modification and conditions the town council deems to be necessary or advisable:

Number of Persons	Street Type
1—75	Local
76—99	Collector

7. All such uses shall be located so as to permit the pick-up and discharge of all persons on the site.

8. No such use shall be permitted unless it is determined by the Loudoun County Department of Environmental Health that the location and design does not pose any hazard to the health, safety and welfare of the children.

9. In addition to the requirements of section 8 [of this article], all applications shall be accompanied by ten copies of a plan drawn to scale. The plan shall contain the below information in addition to that required by section 8 [of this article]:

   a. The dimensions, boundary lines and area of the lot or parcel.

   b. The location, dimensions and height of any building, structure, or addition, whether existing or proposed.

   c. The distance form all property lines to the existing or proposed building, structure or addition, shown to the nearest foot.

   d. The dimensions and size of all outdoor recreation space and the location of such space in relation to all lot lines.

~~*7.4 Colleges and universities.*~~

~~1. The minimum aggregate lot area for a college or university shall be 100 acres provided that development shall be permitted to occur in phases of less than 100 acres.~~

~~2. Colleges and universities must meet the following development standards:~~

~~a. The traffic generated by the proposed use shall be adequately and safely served by roads, pedestrian connections and other transportation services.~~

~~b. All such uses shall be located so as to have direct access to an existing or programmed public street of sufficient right-of-way and cross-section width to accommodate pedestrian and vehicular traffic to and from the use as determined by the zoning administrator. To assist in making this determination, each applicant, at the time of site plan application, shall provide an estimate of the maximum expected trip generation, the distribution of these trips by mode and time of day, and the expected service area of the facility.~~

~~c. A site plan shall be submitted and reviewed in accordance with the requirements and procedures of article 11 section 5 and the requirements set forth in article 5 of the Land Development and Subdivision Control Ordinance (LDSCO) unless granted a waiver in accordance with article 5 section 5.1.B of the LDSCO.~~

~~*7.5 Industrial use:.*~~

~~1—3 *Reserved.*~~

~~4. *Site plan.* Where approval of a site plan is required, the plan shall be designed to promote careful use of topography and to promote harmonious relationships with adjacent and nearby residential and business properties, developed or undeveloped, and to this end may provide effective screening along side and rear property lines by means of fences, walls, hedges, planting screen or natural vegetation in accordance with the requirements of this ordinance.~~

~~5. *Refuse.* Refuse containers or refuse storage shall be located in a paved area and hidden from general public view, either from within or outside the premises, by means of fences, walls, or landscaping planting.~~

~~6. *Drainage.* Provision shall be made for proper stormwater drainage from parking and loading areas. Water shall not be permitted to drain from such areas onto adjacent property except into a natural watercourse or a drainage easement. Provision shall be made for protection against erosion and sedimentation in accord with applicable town ordinances.~~

~~[7]. *Fencing.* All fencing shall have a uniform and durable character and shall be properly maintained.~~

~~[8]. *Hazardous materials and chemicals.* A list of all hazardous materials and chemicals shall be provided at the time an occupancy permit is applied for. The list will be referred to the office of the fire marshal who shall determine special storage and handling requirements and any other requirements as may be required by SARA Title III and applicable state regulations. (Adopted 3/12/96)~~

~~*7.6 Churches.*~~

~~When filing an application for a special use permit for a church the applicant must list each accessory use it intends to operate. Permits for churches may be approved without all the proposed~~

~~accessory uses. After the approval of the initial use permit for a church, subsequent applications must be made for any new accessory use or change in an existing accessory use.~~

~~When considering a request for a special use permit for a church and any accessory uses, the planning commission and council may consider the following and impose those conditions necessary to mitigate impacts: traffic; parking; hours of operation; impact on adjacent neighborhoods; types of special events; time limitations for accessory uses such as for shelters; number of students in church schools and daycare; number of inhabitants for shelters. (Revised 4/14/92)~~

Section 8. - Performance standards. ~~(Adopted 2/13/96)~~

8.1 General provisions.

1. *Applicability.*

   a. No permitted use or use permitted by special use permit hereafter established, altered, modified or enlarged shall be operated or designed so as to conflict with the applicable performance standards established by this section except as qualified below.

   b. Any existing use that complies with the applicable performance standards of this section on the effective date of this section shall continue to so comply. If, at such time, the operations of any lawful existing use violate any of the applicable performance standards of this section, such operations shall not be varied or changed in such a way as to increase the degree of such violation.

   c. Any use, which is a lawful nonconforming use and which on the effective date of this section complies with the applicable performance standards of this section, shall continue to comply. If, at such time, the operations of such lawful nonconforming use violate the specified standards, such operations shall not be varied or changed in such a way as to increase the degree of such violation.

   d. The fact that the operations of a lawful existing use violate the applicable performance standards of this section shall not itself make such use subject to the requirements of ~~a~~*Article 5: Nonconformities*.

2. *Administration of certain performance standards.* For the purpose of administering the required performance standards relative to vibration and glare, the standards are presented in two basic groups, namely Group I and Group II. Table IV sets forth the applicable performance standard that must be met in each zoning district.

8.2 Air pollution standard.

Any activity, operation or device which causes or tends to cause the release of air contaminants into the atmosphere shall comply with the rules and regulations of the state and other applicable local regulations.

8.3 Fire and explosion hazard standard.

All operations, activities and use shall be conducted so as to comply with the fire prevention code.

8.4 Radiation hazard standard.

All operations, activities and use shall comply with the regulations of the U.S. Atomic Energy Commission set out in Chapter I of Title 10 of the Code of Federal Regulations which apply to

byproduct material, source material and special nuclear material, as those terms are defined in section 11e, z and aa of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2014(e), (x) and (aa)). No activity, operation or use shall cause radiation emissions which are in violation of the Radiation Health and Safety Act of 1968 (PL90-602), as amended, or the implementing regulations of the Virginia Department of Health established pursuant thereto.

8.5 Electromagnetic radiation and interference standard.

No activity, operation or use shall cause electromagnetic radiation interference that (a) adversely affects persons or the operation of any equipment across lot lines and (b) is not in conformance with the regulations of the Federal Communications Commission.

8.6 Liquid and solid waste standard.

Any activity, operation or device which causes or tends to cause the discharge or other release of liquid or solid waste into public sanitary sewers, storm drains or public waters shall comply with applicable laws, rules and regulations governing such discharge, release including, but not limited to, the Federal Water Pollution Control Act; the Virginia Water Control Law; and the applicable Loudoun County regulations that pertain to sewers and sewage disposal, pollution of state waters, maintenance and cleanliness of storm drainage facilities, garbage, trash and refuse and erosion and sediment control.

8.7 Noise standard.

No use, operation or activity shall cause or create noise in excess of the sound levels generally described as acceptable.

~~*Section 5-1507 Loudoun County Ordinance: Noise Standards:*~~ It shall be unlawful for any person to operate or permit to be operated any stationary noise source in such a manner as to create a sound level which exceeds the limits set forth in the following tables, except for extraction and minimal special exception operations otherwise regulated herein. In addition, before 7:00 a.m. and after 7:00 p.m., the permissible sound levels, at residential district boundaries where they adjoin nonresidential districts, shall be reduced by five dBA in the table for impact noises.

(A) *Methods of measurement.*

(1) Noise levels shall be measured with a sound level meter and shall meet or exceed performance standards for a "Type Two" meter, as specified by the American National Standards Institute.

(2) Noise levels shall be recorded as A-weighted sound pressure level. The level so read shall be postscripted dBA.

(B) *Maximum sound levels (dBA).* Measurements of noise levels shall be taken at the property boundary of the noise source. Where differing zoning districts abut, the more restrictive limits shall apply.

(1) *Maximum dBA, continuous noise.*

Residential: 55

Commercial: 60

Industrial: 70

Continuous noise shall be measured using the slow meter response of the sound level meter.

(2) *Maximum dBA, impact noise.*

Residential: 60

Commercial: 70

Industrial: 80

Impact noise shall be measured using the faster meter response of the sound level meter. Impact noises are intermittent sounds of a single pressure peak or a single burst (multiple pressure peaks) for a duration usually less than one second. Examples of impact noise sources are a punch press, drop forge hammer, or explosive blasting.

(C) *Exemptions.*

(1) Sound created by the operation of equipment related to public utility operations, street maintenance and emergency generators for public facilities, including, but not limited to, fire stations, rescue squad facilities, and local, state and federal government facilities, shall not be regulated by these noise standards. Where located adjacent to residential uses, reasonable attempts shall be made to attenuate the noise from such equipment and operations.

(2) Sound created by the operation of power equipment, such as power lawn mowers, chain saws, and similar equipment, between the hours of 7:00 a.m. and 9:00 p.m. shall not be regulated by these noise standards.

8.8 Earthborne vibration standard.

1. *Required performance level:* No use, operation or activity shall cause or create earthborne vibrations in excess of the peak particle velocities prescribed below:

Methods of measurement:

a. Measurements shall be made at or beyond the adjacent lot line, nearest R district boundary line, or nearest district boundary line as indicated below. Ground transmitted vibration shall be measured with a seismograph or complement of instruments capable of recording vibration displacement and frequency, particle velocity, or acceleration simultaneously in three mutually perpendicular directions.

b. The maximum particle velocity shall be the maximum vector sum of three mutually perpendicular components recorded simultaneously. Particle velocity may also be expressed as 6.28 times the displacement in inches multiplied by the frequency in cycles per second.

c. For the purpose of this section, steady state vibrations are vibrations which are continuous, or vibrations in discrete impulses more frequent than 60 per minute. Discrete impulses which do not exceed 60 per minute shall be considered impact vibrations.

Group I vibration standards:

a. Uses subject to Group I standards shall not cause steady state vibrations to exceed the maximum permitted particle velocities described in Table I below. Where more than one set of vibration levels apply, the most restrictive shall govern. Readings may be made at points of maximum vibration intensity.

Table I

Maximum Permitted Steady State Vibration Levels

Location (at lot line)	Maximum Peak Particle Velocity Inches Per Second
Residential district	0.02
At/beyond adjacent lot lines (except a residential district)	0.05

b. Impact vibrations shall be permitted at twice the values stated above.

c. Between the hours of 8:00 p.m. and 7:00 a.m., all of the permissible vibration levels indicated above in Table I for R districts shall be reduced to one-half the indicated values.

Group II vibration standards:

a. Uses subject to Group II standards shall not cause steady state vibrations to exceed the maximum permitted particle velocities described in Table II below. Where more than one set of vibration levels apply, the most restrictive shall govern. Readings may be made at points of maximum vibration intensity.

Table II

Maximum Permitted Steady State Vibration Levels

Location (at lot line)	Maximum Peak Particle Velocity Per Second
Residential district	0.02
At/beyond adjacent lot lines (except residential district)	0.10

b. Impact vibrations shall be permitted at twice the values stated above.

c. Between the hours of 8:00 p.m. and 7:00 a.m., all of the permissible vibration levels indicated above in Table II for R districts shall be reduced to one-half the indicated values.

d. When the frequency of impacts does not exceed one per day, the maximum vibration level, measured across lot lines, shall not exceed 0.4 inches per second.

8.9 Glare standard.

1. *Required performance level.* All uses, operations and activities shall be conducted so as to comply with the performance standards governing glare prescribed below.

2. *Method of measurement.* Illumination levels shall be measured with a photoelectric photometer having a spectral response similar to that of the human eye, following the standard spectral luminous efficiency curve adopted by the International Commission on Illumination.

3. *General requirements.* Uses subject to Group I and Group II standards shall not produce glare so as to cause illumination in R districts in excess of 0.5 ~~[~~foot~~]~~candles. Flickering or bright sources of illumination shall be controlled so as not to be a nuisance in R districts.

4. *Group I and Group II standards.* Uses subject to Group I and Group II standards shall limit the use of light sources and illumination surfaces which are located in or are within 500 feet of and visible within any R district so as to comply with the light intensities indicated in Table III below:

Table III

Maximum Intensity of Light Sources

Source	Group I	Group II
Bare incandescent bulbs	15 watts	40 watts
Illuminated buildings	15 footcandles	30 footcandles
Back lighted or luminous background signs	150 footlamberts	250 footlamberts
Outdoor illuminated signs and poster panels	25 footcandles	50 footcandles

Table IV

Required performance standards (Group I or Group II)

Topic	Zoning Districts		
	R Districts	*C Districts*	*CM-1 and M-1 Districts*

Vibration	I	I	I
Glare	I	I	I

Note: Required performance standards for uses in PDH districts shall equate to those standards in the most similar R, C or M district as determined by the zoning administrator.

ARTICLE 8. - SPECIAL USE PERMITS AND COMMISSION PERMITS

~~[~~Section 1. - Special use permit.~~]~~

1.1 Purpose of special use permit.

Special use permits are authorized by ~~the terms of~~ this ordinance, pursuant to the Code of Virginia § 15.2-2286, as amended. The purpose of the special use permit procedure is to provide for certain uses which cannot be well adjusted to their environment in particular locations with full protection offered to surrounding properties by rigid application of the district regulations. These uses either have unusual characteristics, or have characteristics which are different from those of their immediate surroundings and are essential and desirable for the general convenience and welfare, but because of the nature of the use, and possible impact, not only on neighboring properties, but on a large section of the town, require the exercise of planning judgment on location and site plan.

1.2 General guides and standards.

A special use permit should be approved only if it is listed as permitted by special use permit in the district regulations and only if it is found that the location is appropriate and not in conflict with the comprehensive plan, that the public health, safety, morals, and general welfare will not be adversely affected, that adequate utilities and off-street parking facilities, if applicable, will be provided, and that necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values, and further provided that the additional standards of this article are complied with.

In approving a special use permit the town council may impose such reasonable conditions as it believes necessary to accomplish the objectives of this ordinance. Unless otherwise specified in this article or specified as a condition of approval, the height limits, yard spaces, lot area, and sign requirements shall be the same as for other uses in the district in which the proposed special use permit is located.

~~*Churches.*~~

~~*When filing an application for a special use permit for a church the applicant must list each accessory use it intends to operate. Permits for churches may be approved without all the proposed accessory uses. After the approval of the initial use permit for a church, subsequent applications must be made for any new accessory use or change in an existing accessory use.*~~

~~*When considering a request for a special use permit for a church and any accessory uses, the planning commission and council may consider the following and impose those conditions necessary to mitigate impacts: traffic; parking; hours of operation; impact on adjacent neighborhoods; types of special events; time limitations for accessory uses such as for shelters; number of students in church schools and daycare; number of inhabitants for shelters. (Revised 4/14/92)*~~

1.3 Specific guides and standards.

Approval of a special use permit shall comply with the specific guides and standards for particular uses ~~which are permitted by special use permit as~~ contained in this ordinance ~~the district regulations~~ unless the town council approves a waiver of such standard based on ~~there~~

~~is~~ a specific recommendation ~~finding~~ by the planning commission ~~approved by the town council~~ that compliance with the standard is clearly unnecessary to the purposes of this ordinance.

1.4 Procedures for approval of special use permits which require approval by the town council.

The procedures for approval of a special use permit are generally the same as those prescribed ~~for changes and amendments~~ in ~~a~~*Article 10: Changes and Amendments*, including the public hearing and ~~report~~ recommendation by the planning commission, and, in addition the procedures and requirements for approval of a special use permit application as set forth below.

A. Pre-application meeting. Prior to the filing of a special use permit application, the applicant should meet with the ~~d~~Department of ~~planning and zoning~~ Community Development to discuss his intentions with regard to a given application and to discuss the requirements of this section and the nature of the special use proposed. For the purposes of this pre-application meeting, the applicant shall ~~may~~ provide a sketch plan of the proposed use, showing the general layout of the special use and its relationship to the surrounding area. In connection with all such conferences, the zoning administrator shall be consulted as appropriate. A request for a pre-application meeting shall be made in writing to the ~~d~~Director of Community Development ~~planning~~ and shall be accompanied by a sketch, map(s) of the site, a description of the existing site, the proposed project or use, graphics that illustrate the scale, location and design of any buildings or structures to the extent known, and a list of the issues to be discussed at the conference. No matters discussed at said meeting shall be binding on either the applicant or the town. The ~~d~~Director of Community Development ~~planning~~ shall respond to each written request for a pre-application meeting within 15 calendar days.

B. Concurrent review. If the property subject to the special use application is also under consideration for rezoning, the special use permit may be reviewed concurrently with the rezoning application. A concurrent review of the special use and rezoning applications shall automatically waive the specific time limitations otherwise applicable to special use permits, but shall not waive any of the time limitations applicable to rezonings.

C. Review of application for completeness. No application shall be accepted and reviewed unless it is determined by the zoning administrator to be complete. A complete application is one which meets such minimum submission requirements as established by this chapter, and in all applicable sections of this ordinance and the land development and subdivision ordinance. The administrator's determination that an application qualifies to be officially submitted shall not be deemed a determination that the application meets requirements for approval. Such approval of the special use permit shall only be given by the town council subject to the standards set forth in this chapter after the procedural requirements for review and responsive comment have been met. A complete application package shall consist of:

1. Application. Two copies of the completed special use permit application form provided by the town, and signed by the applicant and owners of the property.

2. Fee. Associated review fee(s) for special use permit, payable to the Town of Purcellville.

3. Statement of justification. Written statement with supporting evidence regarding compliance with those issues for consideration outlined in ~~[~~subsection~~]~~ 1.4.D below.

4. Concept plan. Twelve copies of the concept plan on paper no smaller than 11" × 17". Although it is unnecessary for a concept plan to involve the preparation of engineered

documents, the concept plan must ~~be sufficiently detailed to be judged for its superiority to other forms of development. The concept plan should~~ contain the following basic information and may contain any additional information which the applicant deems necessary to providing a detailed understanding of the proposed use: ~~planned development:~~

a. Boundaries of the property.

b. Total area of the property in square feet and acres.

c. General location, size (in square feet), and use of all proposed structures.

d. Location and size of existing public rights-of-way.

e. General location and size of proposed rights-of-way.

f. General location of proposed parking areas, entrances onto rights-of-way, storage areas, display areas, recreational areas, and required buffer yards.

g. General location of proposed improvements such as, but not limited to, the general placement of sidewalks or trail facilities, the general location of proposed traffic improvements, and/or the general location of proposed public facilities.

h. General location of open space areas.

i. General location of storm water management facilities.

5. Written statement. Describing the proposed use in such detail which provides the town with adequate knowledge on which to determine if the proposed special use is a development of superior quality. The written statement shall also provide the type and hours of operation.

6. Traffic impact analysis. The traffic impact analysis (TIA) shall be prepared by a qualified engineer, surveyor, or otherwise acceptable professional, as determined by the zoning administrator, and shall be an analysis of the impact of the proposed special use on the existing road network. The TIA shall be required prior to site plan approval, unless this requirement is waived by the director of public works. In any case where a use will increase traffic on a proposed site, average daily trips shall be provided.

D. Issues for consideration. A special use permit application shall be accompanied by a statement of justification which addresses the following issues for consideration. These issues for consideration shall be used by the planning commission and town council when evaluating the special use permit application. The following factors shall be given reasonable consideration and shall be addressed by the applicant in the statement of justification:

1. Whether the proposed application is consistent with the comprehensive plan.

2. Whether the proposed special use at the specified location will contribute to or promote the welfare and convenience of the public.

3. Whether the proposed use is compatible with other existing or proposed uses in the neighborhood, and adjacent parcels.

4. Whether the level and impact of any noise or odor emanating from the site, including that generated by the proposed special use, negatively impacts the uses in the immediate area.

5. Whether the proposed special use will result in the preservation or damage of any existing habitats, vegetation, topographic or physical, natural, scenic, archeological, or historic feature of significant importance.

6. Whether the proposed special use will impact existing water quality or air quality.

7. Whether the traffic generated by the proposed use will be adequately and safely served by roads, pedestrian connections, and other transportation services.

8. Whether the proposed use will negatively impact orderly and safe road development and transportation in accordance with the comprehensive plan and all relevant transportation and corridor plans.

9. Whether the proposed use will be served adequately by essential public facilities and services

10. Whether, in the case of existing structures to be converted to uses requiring a special use permit, the existing structures can be converted in such a way that retains the character of the neighborhood in which the existing structures are located, especially when an application seeks to convert a building of historic significance.

11. Whether the proposed special use contributes to the economic development needs of the town.

12. Whether adequate on and off site infrastructure is available.

13. Whether the proposed special use illustrates sufficient measure to mitigate the impact of construction traffic on existing neighborhoods and schools.

E. Acceptance and distribution. Once an application for a special use permit has been submitted and accepted, the administrator shall forward the plan and related information to the following review agencies as necessary:

a. Department of ~~p~~Public ~~w~~Works,

b. The town engineer or consulting engineer (contract engineer),

c. The Virginia Department of Transportation,

d. Loudoun County Department of Building and Development,

e. Loudoun County Fire and Rescue,

f. Loudoun County School Board.

The referral agencies shall review the special use permit request, the concept plan, and the statement of justification, and shall provide a written recommendation on the application either for approval, approval with conditions, or denial.

If the zoning administrator determines that there is not a need to distribute the application to a state agency for its review, the review by the agencies to whom the application was referred shall be completed and returned to the administrator within 30 days after the date the application was submitted to the agency for review. If an agency cannot respond within this 30-day period, the agency shall so inform the administrator, in writing, stating the reason for the delay and the expected date of the reply. If the administrator determines that the application requires the review of a state agency, the review by such state agency shall be completed and returned to the administrator within 45 days after the date the application was submitted to the agency for review. If the agency cannot respond within

this 45-day period, the agency shall so inform the administrator, in writing, stating the reason for the delay and the expected date of the reply.

A recommendation for denial or approval with conditions shall be followed by a written explanation of the recommendation. The recommendations of the referral agencies shall be forwarded to the planning commission and town council.

Upon receipt of the recommendations of all the agencies, the zoning administrator shall schedule the special use permit application for public hearing with the planning commission. The administrator shall provide the recommendations and proposed conditions (if any) from the reviewing agencies to the planning commission and the town council.

1.5 Planning commission review and recommendation.

Before making a recommendation on a special use permit application, the planning commission may recommend reasonable additional conditions, including, but not limited to, those which may be imposed by the board of zoning appeals under *Article 9: Board of Zoning Appeals*~~article 7~~, and especially conditions regarding utilities, drainage, landscaping and maintenance thereof, lighting, signs and advertising devices, buffer yards, screening, access ways, curb cuts, traffic control, height of buildings and setback of buildings, to protect adjoining uses. The planning commission shall take into consideration the comments/recommendations of the reviewing agencies, any proposed conditions of the reviewing agencies, and shall make a recommendation to the town council for either approval, approval with modifications, or denial of the special use permit application based upon the superiority of the application. The planning commission shall review the plans and prepare its report within a reasonable time, but in no case longer than 60 days after the public hearing unless the applicant requests additional time in order to prepare revised plans. The town council shall not advertise its public hearing until the report and plans shall have been received from the planning commission.

1.6 Town council review and decision.

Once the planning commission has forwarded a recommendation to the town council, the zoning administrator shall set a time and place for a public hearing by the town council. The town council shall take action to approve, approve with conditions or deny the application within a reasonable time of the public hearing. The decision of the council shall be set forth in writing to the applicant.

1.7 Lapse of a special use permit.

Approval by the town council of a concept plan for a special use permit shall be valid for a period of two years. A site plan, when required by this ordinance or the Land Development and Subdivision Control Ordinance, for the proposed use shall be filed with the zoning administrator following the approval by the town council before the end of the two-year period. If a site plan is not required, then a zoning permit application shall be filed within two years.

If the two-year period should expire before a site plan application (or zoning permit application when no site plan is required) is submitted to and accepted by the town, the special use permit application shall be deemed null and void and a new application shall be submitted. An applicant may request one six-month extension of the two-year deadline from the administrator, in writing, in cases where there is a hardship in meeting the two-year deadline for submission of a

site plan or zoning permit. The site plan submitted shall be in general conformance with the approved concept plan and shall follow the requirements as set forth in ~~a~~Article 5 of the Land Development and Subdivision Ordinance.

1.8 Modifications to approved special use permits.

Minor modifications to an approved special use permit may be permitted by the zoning administrator when it is determined by the administrator that such are in substantial conformance with the approved special use permit and associated concept plan (when present) and that such are in response to:

1. A change of ownership of the business or organization operating the special use; or
2. A change of name of the business or organization operating the special use; or
3. Review comments from and/or requirements of governmental agencies; or
4. Minor issues of final engineering as it relates to such issues as topography, drainage, underground utilities, structural safety, layout, design, or vehicular circulation; or
5. The addition of accessory uses~~ as permitted by number 7 below~~, accessory structures or minor building additions as permitted below.
    A. The minor modifications permissible under items 3, 4 and/or 5 above shall be limited to:
        1. The addition of accessory uses in accordance with this paragraph; or
        2. Modifying the approved transitional screening, buffering, landscaping or open space provided that such modification does not reduce its effectiveness; or
        3. Changes to bulk, mass, orientation or location of buildings or other physical improvements which do not adversely impact the relationship of the development or part thereof to adjacent property; or
        4. Changes in the clearing and/or grading for a storm water management facility, including any clearing and/or grading associated with spillways, inlets, outfall pipes or maintenance roads, provided that such changes do not reduce non-storm water management open space, tree save and/or landscaping area on the lot; or
        5. The addition of accessory structures clearly subordinate to the use and minor additions to buildings, provided that the sum total of all such structures or additions shall not exceed the following:
            a. Five percent of the approved gross floor area or 500 square feet of gross floor area, whichever is less, when the total gross floor area shown on the approved concept plan is less than 50,000 square feet; or
            b. One percent of the approved gross floor area when the total gross floor area shown on the approved concept plan is 50,000 square feet or more; or
            c. Two hundred fifty square feet of gross floor area of accessory storage structure uses when the total gross floor area shown on the approved concept plan is 10,000 square feet or less; and
            d. ~~t~~The maximum permitted FAR for the zoning district in which located.

B. Notice Requirements. Any request for a minor modification to the approved special use permit, other than a change of ownership or change of name of the business or organization operating the special use, shall require the provision of written notice in accordance with the following:

1. *Public notice.* Notice shall be sent to the last known address of the owners (as shown in the Loudoun County real estate assessment records) of all property abutting and across the street from the site, or portion thereof, which is the subject of the request. In addition, if the subject property is included within an incorporated owners' association, then notice shall also be required to such owners' association. The notice shall include a summary of the modifications being sought and how to receive additional information. Prior to approval, an affidavit that notice has been sent shall be filed with the zoning administrator.

2. *Planning commission notice.* Notice shall be provided to the planning commission as an information item on a regular meeting agenda prior to zoning ~~A~~administrator action on such modification.

C. When it is determined by the zoning administrator that such request for minor modification is not in general conformance with the approved special use permit or the requirements of this section, or at the planning commission's request following its notice of the proposed minor modification as required in subsection B.2. above, a new special use permit shall be required.

Section 2. - Commission permits.

2.1 Purpose of commission permits.

The purpose of the commission permit is to provide for those public uses, public structures, public utilities, or public service uses upon which the planning commission is required to report following adoption of the comprehensive plan under the state enabling statutes (Code of Virginia, § 15.2-2232, as amended), thus facilitating coordination of the purposes of state planning statutes with those of state zoning enabling legislation. Widening, narrowing, extension, enlargement, vacation or change of use of streets or public areas shall likewise be submitted for approval, but paving, repair, reconstruction, improvement, drainage or similar work and normal service extensions of public utilities or public service corporations shall not require approval unless such work involves a change in location or extent of a street or public area.

A commission permit shall be approved only if it is found that the general location or approximate location, character, and extent thereof of the proposed public use, public structure, public utility or public service use is substantially in accordance with the adopted comprehensive plan or part thereof as determined by the local commission.

Any public area, facility or use as set forth in this article, which is identified within, but not the entire subject of a submission for either subdivision or site plan shall be excepted from the requirement for a commission permit, if the public area, facility, or use is reviewed and approved as part of the submission for an overall development.

~~The following uses require~~ Uses which may require a commission permit approved in accordance with ~~Article 8 of~~ this ordinance and Code of Virginia, § 15.2-2232~~1-456~~ include but are not limited to the following:

1. Community or cultural facility. ~~Public or governmental buildings and uses, including governmental offices, libraries, schools, fire stations (volunteer or otherwise), parks parkways and playgrounds, except those which have been approved as part of a subdivision or site plan.~~

2. Fire, rescue or police station. ~~Public utility or public service or transportation uses, treatment plants, water storage tanks, pumping stations or regulator stations, utility storage yards, substations and major transmission lines.~~

3. Government office and assembly room.

4. Government operations facility.

5. Library.

6. Major public utility.

7. Minor public utility.

8. Park.

9. Playground.

10. Public or government buildings, facilities, or uses not otherwise defined.

11. Public recreation facility.

12. Public school.

2.2 Procedures.

Prior to forwarding a decision to the town council, the commission shall hold a public hearing on the commission permit application in accordance with the procedures for notice and hearing as set forth in § 15.2-2204-2206 of the Code of Virginia, 1950, as amended, and as set forth in *Article 11, Section 16: Public Notices*~~article 11, section 16 of this ordinance~~. The administrator may also require the submission of plans or drawings as necessary for consideration by the planning commission.

The commission shall communicate its decision to the council, indicating its approval or disapproval with written reasons therefore. The council may overrule the action of the commission by a vote of a majority of the membership thereof. Failure of the commission to act within 60 days of such submission, unless such time shall be extended by the council, shall be deemed approval.

The owner or owners or their agents may appeal the decision of the commission within ten days of the decision. The appeal shall be by written petition to the council setting forth the reasons for the appeal. The appeal shall be heard and determined within 60 days from its filing. A majority vote of the governing body shall overrule the commission.

ARTICLE 9. - BOARD OF ZONING APPEALS

Section 5. - Special exceptions.

In order to provide for adjustments in the relative locations of uses and buildings of the same or different classifications, to promote the usefulness of these regulations as instruments for fact finding, interpretation, application and adjustment, and to supply the necessary elasticity to their efficient operation, special exceptions and, limited as to location and especially in locations described in the district regulations and in this article, special use and yard exceptions are permitted by the terms of these regulations. In considering an application for a special exception, the board shall give due regard to the specific guides and standards of this section and those listed elsewhere in this ordinance, and in general to the nature and condition of adjacent uses and structures, and the probable effect upon them of the proposed exception.

The board ~~It~~ shall also take into account the special characteristics, design, location, construction, method of operation, effect on traffic conditions, or any other aspects of the particular use or structure, that may be proposed by the applicant. If it should find, after the hearing, that the proposed establishment or use will not adversely affect the health, safety or welfare of persons residing or working on the premises or in the neighborhood, will not unreasonably impair an adequate supply of light and air to adjacent property, nor increase congestion in the streets, nor increase public danger from fire or otherwise unreasonably affect public safety, nor impair the character of the district or adjacent districts, nor be incompatible with the general plans and objectives of the town's ~~official C~~comprehensive ~~P~~plan ~~of the Town of Purcellville~~, nor be likely to reduce or impair the value of buildings or property in surrounding areas, but that such establishment or use will be in substantial accordance with the general purpose and objectives of this ordinance, the board shall grant the exception and authorize the issuance, of a special exception permit.

In those instances where the board finds that the proposed use may be likely to have an adverse effect as above, the board shall determine whether such effect can be avoided by the imposition of any special requirements or conditions with respect to location, design, construction, equipment, maintenance or operation, in addition to those expressly stipulated in this ordinance.

5.1 Special use exceptions.

Those ~~following buildings and~~ uses marked as special exceptions in *Article 4, Section 1.1: Use Table* are permitted ~~as special exceptions~~ under the terms and conditions specified above.~~:~~

~~1. An accessory dwelling unit in a single-family dwelling or in an accessory building in a residential district as permitted in the district regulations, provided that either the main dwelling or the accessory dwelling unit be occupied by the owner of the property, that the accessory dwelling unit shall not exceed 25 percent of the total floor area of the main dwelling nor contain less than 500 square feet of floor area, that the general appearance of a single-family dwelling shall be maintained, that no exterior stairways to a second floor be constructed at the front of the main building, and that at least three off-street parking spaces are available on the property for use by the owner-occupant and the tenant. If the accessory dwelling unit is to be located in an accessory structure, such structure must have the following minimum setbacks from side and rear property lines:~~

~~a. Side yard: Same as principal structure;~~

~~b. Rear yard: Same as side yard for principal structure, but not less than ten feet.~~

~~2. Temporary open air stands and the raising of animals as specified in the R-2 residential district.~~

~~3. Stables and keeping of horses and other livestock as specified in the R-2 residential district.~~

~~4. An exception to off-street parking requirements where it can be shown that provision of the required number of spaces is clearly unnecessary for successful operation of the use.~~

~~5. Temporary uses and structures in any district not specifically listed in the regulations and determined by the board to be in the public interest for the district in which located; provided that such uses be of a temporary nature and do not involve the erection of substantial buildings. Such use or structure shall be authorized by the issuance of a temporary and revocable permit for not more than a 24-month period subject to such conditions as will safeguard the public health, safety and welfare.~~

5.2 Special yard and height exceptions.

1. An exception in the yard regulations on a lot where on the adjacent lot, there is a front, side, or rear yard that does not conform with such yard regulations in a way similar to the exception applied for, but not to encroach upon an existing or proposed right-of-way.
2. An exception in the depth of a rear yard on a lot, in a block where there are nonconforming rear yards.
3. An exception where there are irregularities in depths of existing front yards on a street frontage on the side of a street between two intersecting streets, so that any one of the existing depths shall, for a building hereafter constructed or extended be the required minimum front yard depth.
4. Construction of a single-family dwelling with reduced yard spaces on a legal nonconforming lot.
5. An exception to the height limits for special purpose structures in the CM-1 and the M-1 industrial districts.

ARTICLE 11. - ADMINISTRATION AND ENFORCEMENT

Section 6. - Procedures for review and approval of all PDH districts. ~~(Amended 2/13/96)~~

All proposed developments of a PDH district permitted under ~~a~~*Article 4: District Regulations* shall be subject to the following procedures for review and approval:

6.1 Conceptual development plan approval.

The following procedures and application requirements shall apply to the PDH district:

1. An application for rezoning to a PDH district shall include 14 copies of a conceptual development plan. A conceptual development plan, not filed with the initial submission of the application, shall be submitted within 60 days of the acceptance date of the application. Failure to meet this requirement shall change the acceptance date of the application to the date on which the conceptual plan is filed and accepted and/or may be cause to dismiss the application after having notified the applicant by certified mail with a deadline for a completed application.

2. In addition to the application requirements for zoning ordinance or zoning map amendments as prescribed by *Article 10: Changes and Amendments*~~article 10~~, a conceptual development plan shall contain the information required by *Section 8: Submission Requirements for PDH Districts*~~section 7~~ below together with such supplementary data for a particular development that may be deemed necessary by the zoning administrator.

3. Upon determination by the zoning administrator that the content of the conceptual development plan is complete in accordance with *Section 8: Submission Requirements for PDH Districts*~~section 7~~ below, the plan and application shall be submitted for comment to the reviewing agencies. Upon completion of review, the plan and application shall be submitted to the planning commission after the required public notice is provided.

4. The planning commission, after having given the required public notice, shall hold a public hearing and give prompt consideration to the application in accordance with the applicable zoning district regulations.

5. Subsequent to the public hearing, the planning commission shall transmit the conceptual development plan and application to the town council together with its recommendation for approval or disapproval. The planning commission recommendation shall contain specific recommendations concerning the phasing of public improvements, including schools, public water and sewer, open space provision and improvements, and transportation improvements.

6. The town council shall consider the conceptual development plan and application for rezoning in accordance with the applicable zoning district regulations and shall hold a public hearing thereon. The town council shall approve, approve with modifications or disapprove the conceptual development plan.

7. In approving the conceptual development plan, the town council may establish such conditions and may require such modifications as shall assure compliance with the standards and regulations of the subject district; and further, the council may waive or modify subdivision and/or site plan requirements otherwise applicable to the development

when such waiver or modification would be in conformance with said standards and regulations.

8. In approving a conceptual development plan, the council may authorize a variance in the strict application of specific zoning district regulations whenever:

   a. Such strict application would inhibit or frustrate the purpose and intent for establishing such a zoning district; and

   b. Such variation would promote and comply with the standards set forth in *Article 4, Section 12: PDH Planned Development Housing District*~~article 4, section 12~~. In no case, however, shall the maximum density provisions or the land area designated for commercial use under the PDH district and the maximum floor area ratio (FAR) be varied or modified.

9. In the event the town council shall disapprove the rezoning application, the conceptual development plan shall thereby be deemed to be denied.

10. In the event that the town council shall approve the rezoning application, the council shall approve the rezoning application, the council shall also approve or approve with modifications or conditions the conceptual development plan.

11. Once a conceptual development plan has been approved, and there is cause for amendment of same or any portion thereof, such amendment shall be processed as a new submission; provided however, that the zoning administrator may waive any submission requirement if such requirement is not necessary for an adequate review of the concept development plan amendment application. An amendment may be filed by an owner of individual property.

6.2. Final development plan approval.

The following procedures shall be applicable to the preparation of a final development plan:

1. The approval of a rezoning application to a PDH district and the approval of its accompanying conceptual development plan by the town council shall constitute authority for the applicant to prepare a final development plan; however, a final development plan may be filed with and included in the processing of the rezoning application and conceptual development plan. All final development plans shall be prepared in accordance with the approved conceptual development plan, and conditions as may have been adopted by the council and *Section 8: Submission Requirements for PDH Districts*~~section 11.7~~ below.

2. A final development plan may be prepared and submitted for the entire planned development at one time or for sections of the planned development, and 14 copies of each plan shall be submitted to the zoning administrator.

3. Upon determination by the zoning administrator that the content of the final development plan is complete in accordance with the requirements of *Section 8: Submission Requirements for PDH Districts*~~section 11.7~~ below, the plan shall be submitted to the reviewing agencies for comment. Upon completion of the review, the plan shall be submitted to the planning commission.

4. The planning commission shall hold a public hearing on the final development plan no later than six months from the date the zoning administrator determined that such plan was complete in accordance with the requirements of *Section 8: Submission*

Requirements for PDH Districts~~section 11.7~~ below. The commission shall consider the final development plan in accordance with the approved conceptual plan, and shall determine if said plan does comply with the applicable zoning district regulations. Upon the determination that the final development plan is in accordance and does comply, the planning commission shall approve, or approve with modifications, the final development plan. Such approval shall be deemed to be the final approval, subject only to appeal to the town council as provided by paragraph 8 below.

5. In approving a final development plan, the planning commission may establish such conditions and may require such modifications as will assure compliance with the standards and regulations of the subject district, and with the approved conceptual development plan. Further, the planning commission may recommend to the council the waiver of any zoning and subdivision otherwise applicable to the development where it is found that such a waiver would be in conformance with said standards and regulations.

6. In the event that the planning commission finds that the final development plan is not in accordance with the approved conceptual development plan, or does not comply with the applicable zoning district regulations, it shall disapprove the final development plan and state the reasons for their action.

7. The disapproval of a final development shall cause the applicant to prepare a revised development plan unless the provisions of paragraph 8 below are applied.

8. In the event that an aggrieved party wishes to appeal a planning commission decision for approval, approval with modifications or disapproval of a final development plan, such appeal shall be filed with the town council within ten days after the decision by the commission. The appeal shall be written by petition to the council setting forth the reasons for the appeal. The basis for an appeal shall be that the final development plan is or is not in substantial conformity with the approved conceptual development plan.

9. Once a final development plan has been approved, and there is cause for amendment of the same, such amendment shall be processed as follows:

   a. Upon a determination by the zoning administrator that the amendment will result in a final development plan which is still in accordance with the approved conceptual development plan, then such amendment shall be processed according with the provisions of this section.

   b. Upon a determination by the zoning administrator that the amendment will cause the final development plan to not be in conformance with the approved conceptual development plan, then an amendment to the conceptual development plan shall be required in accordance with the provisions in *Section 6.1: Conceptual Development Plan Approval*~~paragraph 5.1(11)~~ above. The amendment to the final development plan shall also be the subject of review by the planning commission in accordance with the provisions of this section.

   c. The zoning administrator may waive any submission requirement if such requirement is not necessary for an adequate review of the final development plan amendment application.

   d. An amendment may be filed by an owner or individual property.

6.3 Site plan/subdivision plat preparation and permit requirements.

Approval of a final development plan shall be a prerequisite and shall constitute authority for the applicant to prepare a site plan or subdivision plat. Approval of site plans or subdivision plats, issuance of zoning permits and occupancy permits shall be in substantial conformance with the final development plan, and in conformance with the provisions of this ordinance and the land development and subdivision control ordinance and the following:

1. Separate site plans or subdivision plats shall be submitted for each section of the planned development in accordance with the approved final development plan.
2. When a planned development is to be constructed in sections, the total area of open space provided at any stage of development shall bear substantially the same relationships to the total open space to be provided in the entire planned development as the sections completed or under development bear to the entire planned development.
3. Minor deviations from the provisions of this ordinance and the land development and subdivision control ordinance may be permitted, but only where such deviations are indicated on the approved final development plan.
4. Minor modifications to an approved final development plan may be permitted when it is determined by the zoning administrator that such are in substantial conformance with the approved final development plan and that such modifications are precipitated by topographical concerns, drainage concerns, underground utilities, structural safety, layout design, vehicular circulation e.g. requirements of the Virginia Department of Transportation, Loudoun County or the Town of Purcellville or are accessory uses or accessory structures or minor building additions as provided for in paragraph f. below. In no event shall such modifications:
    a. Permit a more intensive use than that approved pursuant to the approved conceptual development plan, final development plan, or any applicable proffers or development conditions; or
    b. Result in an increased parking requirement, except for any additional parking which may be required for any building additions or modifications permitted under paragraph f. below; or
    c. Permit additional uses other than those approved pursuant to the final development plan, except that accessory uses in accordance with this paragraph may be permitted; or
    d. Reduce the effectiveness of approved transitional screening, buffering, landscaping or open space; or
    e. Permit changes to bulk, mass, orientation or location which adversely impact the relationship of the development or part thereof to adjacent property; or
    f. Include the addition of any building or additions to buildings, except that accessory structures clearly subordinate to the use and minor additions to buildings may be permitted, provided that the sum total of all such structures or additions shall not exceed the following:
        i. In a building containing less than 50,000 square feet of gross floor area, five percent of the approved gross floor area or 250 square feet of gross floor area, whichever is less; or

ii. In a building containing 50,000 square feet of gross floor area or more, 0.5 percent of the approved gross floor area; or

iii. The land area designated for commercial uses in the PDH district; or

iv. The maximum permitted density.

5. Any request for a~~n~~ modification ~~addition~~ shall require the provision of written notice by the requester in accordance with the following:

a. The notice shall include the letter of request with all attachments as submitted to the zoning administrator, a statement that the request has been submitted, and where to call for additional information; and

b. The notice shall be sent to the last known address of the owners, as shown in the real estate assessment files, of all property abutting and across the street from the site, or portion thereof, which is the subject of the request, and shall be delivered by hand or sent by certified mail, return receipt requested.

The request for a~~n~~ modification ~~addition~~ submitted to the zoning administrator shall include: an affidavit from the requester affirming that the required notice has been provided in accordance with the above; the date that the notice was delivered or sent; the names and addresses of all persons notified; and the tax map references for all parcels notified. No request for a~~n~~ modification ~~addition~~ shall be considered by the zoning administrator unless the affidavit has been provided in accordance with this paragraph.

When it is determined by the zoning administrator that a modification is not in substantial conformance with the approved ~~improved~~ final development plan, such modification shall require the resubmission and amendment of the final development plan in accordance with the procedures set forth in *Section 6.2: Final Development Plan Approval*~~section 5.2~~ above.

6. Alterations to any single-family dwelling shall be governed by the regulations of the R district most closely characterizing the residential design as determined by the zoning administrator.

Section 7. - Development plans, standards for all PDH districts. ~~(Amended 2/13/96)~~

7.1 General standards.

No application shall be approved for a planned development under the provisions of *Article 4: District Regulations*~~article 4~~ unless the planned development satisfies the following general standards:

1. The planned development shall substantially conform to the adopted comprehensive plan with respect to type, character and intensity of use and public facilities. Residential planned developments shall not exceed the density permitted by the adopted comprehensive plan, except as expressly permitted under applicable density bonus provisions.

2. The planned development shall be of such design that it will result in a development achieving the stated purpose of the planned development district more than would development under a conventional zoning district.

3. The planned development shall efficiently utilize the available land, and shall protect and preserve to the extent possible all scenic assets and natural features such as trees, streams and topographic features.

4. The planned development shall be designed to prevent substantial injury to the use and value of existing surrounding development, and shall not hinder, deter or impede development of surrounding undeveloped properties in accordance with the adopted comprehensive plan.

5. The planned development shall be located in an area in which transportation, police and fire protection, other public facilities and public utilities, including sewerage, are or will be available and adequate for the uses proposed, provided, however, that the applicant may make provision for such facilities or utilities which are not presently available.

7.2 Design standards.

Whereas it is the intent to allow flexibility in the design of all planned developments, it is deemed necessary to establish standards by which to evaluate good design. To satisfy this necessity, the following design standards are set forth for general application in all planned developments:

1. In order to complement development on adjacent properties, at all peripheral lot lines the bulk regulations and landscaping and screening provisions shall generally conform to the provisions of *Article 7: Landscaping, Buffering, and Open Space Regulations*~~article 7 of this ordinance~~.

2. Other than those regulations specifically set forth in *Article 4: District Regulations*~~article 4~~ for a particular P district, the open space, off-street parking, loading, sign and all other similar regulations set forth in this ordinance shall have general application in all planned districts.

3. Street and driveways shall be designed to generally conform to the provisions set forth in this ordinance and all other town ordinances, the facilities standards manual and other regulations controlling same, and where applicable, street systems shall be designed to afford convenient access to existing and planned transportation facilities.

4. Within planned developments, particular emphasis shall be placed on the provision of recreational amenities and a comprehensive system of pedestrian, bicycle and/or bridle paths which shall be carefully coordinated with the provision of open spaces, public facilities, vehicular access routes and planned transportation facilities.

Section 8. - Submission requirements for PDH districts. ~~**(Amended 2/13/96)**~~

8.1 Conceptual development plan.

In addition to the requirements for a rezoning application, a conceptual development plan, including any resubmissions and supporting graphics, shall be filed with the zoning administrator. The submission shall consist of 14 copies and shall contain the information listed below. All maps or plans submitted as part of a conceptual development plan shall be presented on a sheet having a maximum size of 24 inches by 36 inches. If presented on more than one sheet, match lines shall indicate where the several sheets join. One 8 1/2-by-11-inch reduction of the conceptual development plan and supporting graphics shall also be submitted. All submission requirements shall become the property of the town.

1. A plan, at a scale of not less than one inch equals 100 feet, showing:

   a. A vicinity map at a scale of not less than one inch equals 2,000 feet.

   b. A statement which confirms the ownership of the subject property, and the nature of the applicant's interest in same.

c. Existing topography with a maximum contour interval of five feet and a statement indicating whether it is air survey or field run.

d. Scale and north arrow, with north, to the extent feasible, oriented to the top of all drawings.

e. Except for single-family detached dwellings, the approximate location and arrangement of all proposed structures and uses to include the maximum height in feet of all structures and penthouses, and a graphic depiction of the structures and their relationship to property boundaries.

f. The proposed traffic circulation plan, including major streets and major pedestrian, bike and/or bridle paths, and the location of all trails required by the adopted comprehensive plan.

g. All proposed major open space areas and the approximate location of all proposed community and public facilities.

h. A schedule showing the number of parking spaces provided and the number required.

i. Any proposed improvements to the public right(s)-of-way and delineation of the existing centerline of all streets abutting the property, including dimensions from the existing centerline to the edge of the pavement and the edge of the right-of-way.

j. Approximate delineation of any floodplain designated by the Federal Insurance Administration, U.S. Geological Survey or the Federal Emergency Management Agency (FEMA).

k. A delineation of existing vegetation, to include existing vegetation to be preserved.

l. Approximate location and estimated size of all proposed storm water management facilities and a statement as to the type of facility proposed.

m. The location of all existing utility easements having a width of 25 feet or more.

n. A delineation of those general areas that have scenic assets or natural features deserving of protection and preservation, and a statement of how much will be accomplished.

o. Approximate delineation of any grave, object or structure marking a place of burial if known, and a statement indicating how the proposed development will impact the burial site.

p. A statement explaining the relationship of the planned development to the adopted comprehensive plan for the town and the urban growth area.

q. A statement or visual presentation of how adjacent and neighboring properties shall be protected from any adverse effects prompted by the proposed development, to include vehicular access plans, proposed measures of screening, and dimensions of all peripheral yards that will be provided.

r. A delineation of all existing structures, and an indication of their date of construction if known, and whether they will be retained or demolished.

s. A statement setting forth the maximum gross floor area (FAR) and FAR proposed for all uses other than residential.

t. A statement or presentation setting forth the maximum number of dwelling units proposed, to include the density calculations based on the provisions of *Article 4, Section 12: PDH Planned Development Housing District*~~article 4, section 12~~, those units obtained by bonus provisions, and a breakdown of the approximate number of units by type and the range of approximate lot sizes for single-family detached dwellings.

u. A statement or presentation of the open space calculations based on the provisions of *Article 4, Section 12: PDH Planned Development Housing District*~~article 4, section 12~~.

v. A statement that the proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards, or if any waiver, exception or variance is sought by the applicant, such shall be specifically noted along with ~~the~~ a statement of justification for the request~~moderation~~. If the proposal includes the request for a waiver of the yard regulations for yards abutting certain principal arterial highways and railroad tracks, a study showing projected noise impacts, proposed mitigation measures and effectiveness of such measures shall be submitted.

w. A statement of those special amenities that shall be provided within the planned development.

x. A statement setting forth the proposed approximate development schedule.

2. For the residential component of an application, four copies of a map identifying classification of soil types at a scale of not less than one inch equals 500 feet, based upon County of Loudoun Soils Identification maps or, if not mapped, based upon soils identified by the agricultural agent or private survey.

3. A statement of the public improvements, both on-site and off-site, that are proposed for dedication and/or construction, and an estimate of the timing of providing such improvements.

4. A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355; all hazardous waste as set forth in the Commonwealth of Virginia/Department of Waste Management VR672-10-1, Virginia Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or disposed of on-site and the size and contents of any existing or proposed storage tanks or containers.

5. Where applicable, any other information as may be required by the regulations of the town.

The sheet size and scale of a conceptual development plan may be modified by the zoning administrator, based on the nature and/or size of the application.

8.2 Final development plan.

Fourteen copies of a final development plan prepared in accordance with the approved conceptual development plan shall be filed with the zoning administrator, including any resubmissions of the plan and supporting graphics. All maps, plans, sketches and illustrations submitted as part of a final development plan shall be presented on a sheet having a maximum size of 24 inches by 36 inches. If presented on more than one sheet, match joint lines shall clearly indicate where the several sheets join. One 8 1/2-by-11-inch reduction of the final development plan and supporting graphics shall also be submitted. All submissions shall become the property of the town. Such plan shall contain the following:

1. A final plan, at a scale of not less than one inch equals 100 feet, showing:

   a. A vicinity map at a scale of not less than one inch equals 1,000 feet.

   b. Bearings and distances of the perimeter property lines.

   c. Total area of property presented in square feet or acres.

   d. Scale and north arrow, with north, to the extent feasible, oriented to the top of all drawings.

   e. Names and route numbers of boundary streets and the width of existing right(s)-of-way. Any proposed improvements to the public right(s)-of-way and delineation of the existing centerline of all street abutting the property, including dimensions from the existing centerline to the edge of the pavement and to the edge of the right-of-way.

   f. Existing topography and a statement indicating whether it is air survey or field run, with a maximum contour interval of two feet; except where existing ground is on a slope of less than two percent, then either one-foot contours or spot elevations shall be provided where necessary, but not more than 50 feet apart in both directions.

   g. The location and arrangement of all proposed uses, including a preliminary subdivision plan, if a subdivision is proposed.

   h. For other than single-family detached dwellings, the maximum height in feet, to include penthouses, of all buildings and the number of floors both above and below or partially below finished grade.

   i. The distance of all structures from the development boundaries and streets.

   j. The traffic circulation system and the pedestrian circulation system, including the location and width of all streets, driveways, entrances to parking areas and parking structures, walkways, bicycle paths and/or bridle paths, and all trails required by the adopted comprehensive plan.

   k. The off-street parking and loading areas and structures.

   l. The open space areas, specifying the proposed treatment or improvement of all such areas and delineating the type and height of such screening, and a delineation of existing vegetation, to include existing vegetation to be preserved.

   m. A landscape plan showing the limits of clearing, location and design of all screening measures, indicating the type and height of such screening, and a delineation of existing vegetation, to include existing vegetation to be preserved.

   n. Approximate delineation of any grave, object or structure marking a burial site if known, and a statement indicating how the proposed development will impact the burial site.

   o. A plan or statement showing how public utilities are, or will be, provided.

   p. Approximate location and estimated size of all proposed storm water management facilities, a preliminary storm drainage plan, including information with respect to the type of facility proposed and the adequacy of downstream drainage improvements.

   q. The location of all existing utility easements having a width of 25 feet or more.

r. Approximate delineation of any floodplain designated by the Federal Insurance Administration, U.S. Geological Survey or the Federal Emergency Management Agency (FEMA).

s. When the development is to be constructed in sections, a final sequence of development schedule showing ~~in [~~the~~]~~ order of construction of such sections, and an approximate completion date for the construction of each section.

2. A final statement in tabular form which sets forth the following data, when such data is applicable to a given development plan:

a. Total number of dwelling units by type.

b. Residential density in units per acre.

c. Total floor area ratio (FAR) for each type of use, except residential uses.

d. Total area in open space.

e. Total area in developed recreational open space.

f. Total number of off-street parking and loading spaces.

g. Amount of density or floor area applied for under the bonus provisions, and the calculations supporting the specific development provisions giving rise to such bonus application.

3. For the residential component of an application, four copies of a map identifying classifications of soil types at a scale of not less than one inch equals 500 feet, based upon County of Loudoun Soils Identification maps, or not mapped, based upon soils identified by the agricultural agent or private survey.

4. Architectural sketches, if available, of typical proposed structures, including lighting fixtures and signs.

5. A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355; all hazardous waste as set forth in the Commonwealth of Virginia/Department of Waste Management VR672-10-1, Virginia Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or disposed of on-site and the size and contents of any existing or proposed storage tanks or containers.

6. A statement that the proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards, or, if any waiver, exception or variance is sought by the applicant, such shall be specifically noted with the justification for such modification.

7. Where applicable, any other information as may be required by the regulations of the town.

The sheet size and scale of a final development plan may be modified by the zoning administrator, based upon the nature and/or size of the application.

ARTICLE 15. - DEFINITIONS

Section 1. - General rules of construction.

The following general rules of construction shall apply to the regulations of this ordinance:

1. The singular number includes the plural and the plural the singular, unless the context clearly indicates the contrary.
2. Words used in the present tense include the past and future tenses, and the future the present.
3. The word "shall" is always mandatory. The word "may" is permissive.
4. The word "building" or "structure" includes any part thereof, and the word "building" includes the word "structure."
5. Words and terms not defined herein shall be interpreted in accordance with their normal dictionary meaning and customary usage. The zoning administrator has authority to interpret the meaning of all words and terms in this ordinance.
6. The terms "main" and "principal" as used herein are synonymous.

(Revised 9/14/04)

Section 2. - Definitions.

For the purpose of this ordinance, certain terms and words are hereby defined:

Accessory automated teller machine (ATM). See *Automated teller machine (ATM), accessory.*

Accessory building. An accessory building is a subordinate building or a portion of the main building, the use of which is clearly incidental to or customarily found in connection with, and (except as otherwise provided in this ordinance) located on the same lot as the main building or principal use of the land.

Accessory dwelling. See *Dwelling, accessory.*

Accessory dwelling unit. See *Dwelling, accessory.* ~~A subordinate dwelling unit in a main building or accessory building as approved by the board of zoning appeals under article 9. This includes servants or caretakers quarters and guest houses. (Revised 4/14/92)~~

Accessory fuel pump. See *Fuel pump, accessory.*

Accessory retail sales. See *Retail sales, accessory.*

Accessory use. An accessory use is one which is clearly incidental to or customarily found in connection with, and (except as otherwise provided in this ordinance) is located on the same lot as the principal use of the premises. ~~(Revised 9/14/04)~~

Administrator. The zoning administrator of the Town of Purcellville.

Adult care center. A ~~licensed~~ non-residential facility licensed by the Virginia Department of Social Services that provides supplementary care and protection during only a part of the day to four or more aged, infirm or disabled adults who reside elsewhere, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental

~~Mental Health, Mental Retardation and Substance Abuse~~ Services, and (ii) the home or residence of an individual who cares for only persons related to him by blood or marriage. Included in this definition are any two or more places, establishments or institutions owned, operated or controlled by a single entity and providing such supplementary care and protection to a combined total of four or more aged, infirm or disabled adults. ~~(Ord. No. 08-08-03, § V, 8-12-2008)~~

Agricultural operation. Any operation devoted to the bona fide production of crops, or animals, or fowl, including the production of fruits and vegetables of all kinds; meat, dairy, and poultry products; nuts, tobacco, nursery, and floral products; and the production and harvest of products from silviculture activity.

Agricultural products. Any livestock, aquaculture, poultry, horticultural, floricultural, viticulture, silvicultural, or other farm crops.

Agriculture/horticulture. The use of land for an *Agricultural operation* and/or the bona fide production or harvesting of *Agricultural products*. This term does not include the above ground application or storage of sewage sludge, the storage or disposal of nonagricultural excavation material, waste and debris if the excavation material, waste and debris are not generated on the farm, or the processing of *Agricultural products* or the products of an *Agricultural operation*, including, but not limited to, the slaughtering or processing of animals.

Alley. A public or private way less than 30 feet in width and affording secondary means of access to abutting property.

All-weather surface. A surface made of a hard material capable, during ordinary use, of withstanding normal weather conditions without substantial deterioration. Such materials include, but are not limited to: gravel, asphalt, brick, concrete and the like.

Alteration. (See structural alteration.)

Amphitheater. An outdoor area, which may be partially enclosed or covered, devoted to dramatic, dance, musical, or other live performances, although incidental use for private meetings, exhibits, and presentations shall be permitted.

Apartment. See *Dwelling, apartment*. ~~A part of a building containing cooking and housekeeping facilities, consisting of a room or suite of rooms intended, designed, and used as a residence by an individual or a single family; a building is an apartment building if it contains three or more such apartment units, that are not in a townhouse configuration. (Revised 9/14/04)~~

Assisted living facility. A residential facility, licensed by the Virginia Department of Social Services, in which aged, infirm or disabled persons reside, with one or more resident or nonresident staff persons, which provides or coordinates personal and health care services, 24-hour supervision and general assistance with the activities of daily living for its residents.

Attached communications tower. See *Communications tower*.

Attached dwelling. See *Dwelling, single-family attached.*

Auction house. A structure or enclosure where goods are stored with the intent of being sold by auction to the highest bidder.

Automated teller machine (ATM), accessory. A mechanized consumer banking device operated by a financial institution for the convenience of its customer located on a lot or within a building containing another use.

Automobile, salvage or wrecking yard. A junk yard consisting of that part of a lot not enclosed by a building, which is used for the storage or dismantling of damaged, inoperative, or obsolete vehicles or for the sale of such vehicles or of the salvaged parts there from.

~~*Automotive service station.* Buildings and premises, including not more than three interior service stalls, wherein the primary use is the supply and dispensation at retail of motor vehicle fuel, oil, batteries, tires and motor vehicle accessories, and where, in addition, the minor maintenance services may be rendered and sales made, such as lubrication, brake repair, muffler replacement, washing and polishing and the like; and sales of cold drinks, packaged foods and similar convenience items, but only when such sales are conducted inside the principal building as accessory and incidental to the primary use. Permissible uses do not include major mechanical and body work, painting, welding or other work involving noise, glare, fumes, smoke or other impacts to an extent greater than normally found at service stations. (Adopted 9/14/04)~~

~~*Automobile or truck sales, service, and repair, including body or fender repair, but not auto salvage or junk.* Buildings and premises, including interior service stalls, wherein the primary use is automobile or truck sales, service, and repair, including body or fender repair with no sales of packaged foods or similar convenience items. (Adopted 9/14/04)~~

~~*Automobile or truck parts sales, wholesale, but not junk.* A commercial wholesale establishment of which the principal use is sales of automobile and/or truck parts but not repair or maintenance services or fuel sales. (Adopted 9/14/04)~~

~~*Automobile storage lot, new or used cars, but not storage or sale of junk.* A place in which operable autos or light trucks and vans are stored pending sale or repair; an adjunct use to an existing auto sales or service use located adjacent. (Adopted 9/14/04)~~

~~*Automobile used car lot, or used truck sales.* A commercial retail establishment of which the principal use is sales of used automobiles, light trucks and/or vans, but no repair or maintenance services or fuel sales is available to the public. (Adopted 9/14/04)~~

Automotive service station. See *Fueling station.*

~~*Bakery, retail.* A commercial retail establishment that prepares baked goods for retail sales on site, and may include sit-down eating space as a subordinate, accessory use. (Adopted 9/14/04)~~

Basement. That portion of a building between the floor and ceiling which is wholly or partly underground and having more than one-half of its height below grade.

Bed and breakfast. A ~~structure or~~ building containing a maximum of ~~three~~ four guest rooms, having sleeping and eating accommodations ~~for not more than six overnight guests for compensation~~ where short-term lodging of no more than 14 days is provided, with or without meals, for compensation, and in which meals may be provided to guests only, and which is operated in accordance with all pertinent town code requirements. May be an accessory use within a *Single-family detached dwelling* or *Single-family detached farmhouse dwelling* as allowed by the use regulations of a zoning district. ~~(Revised 9/14/04)~~

Block. That property fronting on one side of a street or road and lying between two intersecting streets or roads or otherwise limited by a right-of-way, a waterway, an un-subdivided tract or any other physical barrier of such nature as to interrupt the continuity of development.

Board. The board of zoning appeals of the Town of Purcellville.

~~*Boardinghouse.* (See roominghouse.)~~

~~*Boat and boat trailer sales and storage.* Buildings and premises, including interior service stalls, wherein the primary use is boat and boat trailer sales and storage, with no sales of packaged foods or similar convenience items. (Adopted 9/14/04)~~

Brewery, winery or distillery. A facility wherein the primary use is the making of beer, wine or liquor that is open to the public for tours and tastings.

Bufferyard. Land area used to separate one use from another to absorb runoff or shield from dust, noise, lights or other such effects and to provide space for screening, all in accordance with the requirements of this ordinance.

Buildable area. The area of that part of the lot not included within the yards or open spaces herein required.

Buildable width. The width of that part of a lot not included within the open spaces and yards herein required.

Building. Any structure permanently affixed to a lot or lots and having a roof supported by columns or walls, for the housing or enclosure of persons, animals, or property of any kind.

Building, completely enclosed. Any building having no outside openings other than ordinary doors, windows, and ventilators.

Building, height of. The vertical distance from the average finished grade or from the average level of the finished grade at the front building line, if higher, to the highest point of the coping of a flat roof, or to the deck line or highest point of coping or parapet of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, shed, and gambrel roofs. When the highest wall of a building with a shed roof is within 35 feet of a street, the height of such building shall be measured to the highest point of coping or parapet.

Building, main. The principal building or one of the principal buildings on a lot, or the building or one of the principal buildings housing the principal use on the lot.

Building setback line. A line within a lot between which line and the street line of any abutting street no building or structure may be erected.

Bulk. A term used in this ordinance to describe the size and shape of a building or structure and its relationship to other buildings, to the lot area for a building, and to open spaces and yards.

Bus depot and maintenance facility. A facility for the temporary storage and maintenance of public and/or private buses; not an *Automobile, salvage or wrecking yard* or *Junk yard or automobile graveyard.*

Bus shelter. A small, roofed structure, usually having three walls, located near a street and designed primarily for the protection and convenience of bus passengers.

~~*Business or technical school.* A facility that provides training for employment in business skills such as clerical, computers, data processing and the like, or in trades such as construction skills and the like. (Adopted 9/14/04)~~

Car wash~~*Car wash or automobile laundry, automatic, or attended, or self-service*~~. An establishment for the washing and cleaning of automobiles and light trucks or vans; does not include repair services, vehicle storage or sales of ~~any~~ convenience goods. ~~(Adopted 9/14/04)~~

Catering. A service ~~establishment~~ facility in which food is prepared and delivered to off-site locations for serving; may be an accessory use to an *Eating establishment.* ~~restaurant or eating establishment. (Adopted 9/14/04)~~

Cellar. A story entirely underground or partly underground, with at least one-half of its height below grade.

Cemetery. Any land or structure used or intended to be used for the interment of human remains, excluding crematories and funeral homes.

Child care, commercial ~~center~~. An ~~licensed~~ establishment licensed by the Virginia Department of Social Services which offers care, protection, ~~and~~ supervision and/or education outside of a residential dwelling for compensation to six or more ~~than nine~~ children at a time during any 24-hour period, and then only for part of any 24 hour day. A commercial child care establishment shall not be located within a residential dwelling or on a residential lot, but when allowed by the use regulations of a zoning district, such establishment ~~child care center~~ may include a *Private school* ~~nursery schools, kindergartens~~ or other facility~~ies~~ for which the purpose is primarily educational, recreational, or therapeutic treatments as an accessory use.

Child care, residential. A program conducted within a residential dwelling which offers care, protection, supervision, and/or education to less than six children, exclusive of the provider's own children and any children who reside in the home, at a time during any 24-hour period, and then only for part of any 24 hour day, for compensation or otherwise.

Church~~es and~~ or other place~~s~~ of worship. A building or structure, or group of buildings or structures, which are primarily intended for the conducting of organized religious services and accessory uses associated therewith, including any building used for religious services by any denomination; ~~day~~ child care and ~~or~~ educational uses~~,~~ are not part of the definition of a church unless ~~other than those~~ conducted in conjunction with worship services or as allowed by the use regulations of a zoning district. ~~, are not part of the definition of a church. (Adopted 4/14/92 and Revised 9/14/04)~~

Clinic, urgent care. An establishment staffed by medical professionals exclusively for short-term treatment of injury or illness where patients ~~who~~ are not lodged overnight ~~are admitted for examination or treatment by physicians or dentists~~.

Club, private. See *Private club.* ~~(See Private club) (Revised 9/14/04)~~

~~*Coin-operated and vending machines for food, tobacco, ice, soft drinks, and sundries inside a building and for the use of occupants thereof.* Automatic vending machines that dispense food, tobacco, ice, soft drinks, and sundries, located inside the building. May be designed to accept all forms of cash or credit cards. (Adopted 9/14/04)~~

College~~s~~ or universit~~y~~ies. An institute of higher education authorized or accredited to award advanced degrees, which may include on-site student, faculty and/or employee housing facilities. ~~(Adopted 9/14/04)~~

~~*Commercial recreation facility, indoor.* Any enclosed or semi-enclosed establishment operated as a commercial enterprise (open to the public for a fee) in which are conducted recreational, therapeutic or athletic activities, whether or not under instruction, such as but not limited to: tennis, volleyball and other court games; soccer and lacrosse; swimming; gymnastics, dance, miniature golf, cultural activities, martial arts, archery, roller or ice skating, skateboarding, swimming, and activities incidental to the foregoing, but not including amusement rides or regular live entertainment. Incidental office, retail, and other commercial uses commonly established in such facilities shall be allowed as long as they are clearly accessory to and only serve the users of the principal facility. (Adopted 9/14/04; Ord. No. 05-05-04, § III, 5-10-2005)~~

~~*Commercial recreation facility, outdoor.* Any outdoor establishment operated as a commercial enterprise (open to the public for a fee) for the following activities: games and athletics, batting and~~

~~pitching cages, darts, hard and soft courts, miniature golf, radio-controlled vehicles and airplanes, pony rides, waterslides, cultural activities, martial arts, archery, camping, roller or ice skating rinks, skateboarding, picnicking, boating, fishing, swimming, golf driving ranges, and activities incidental to the foregoing, but not including amusement rides, amusement parks, golf courses, hunting preserves, shooting ranges, theme parks or motor vehicle race tracks. (Adopted 9/14/04)~~

Commercial child care. See *Child care, commercial.*

Commercial equestrian facility. See *Equestrian facility, commercial.*

Commercial indoor recreation facility. See *Recreation facility, commercial indoor.*

Commercial outdoor recreation facility. See *Recreation facility, commercial outdoor.*

Commercial uses of greater than 10,000 square feet. ~~Retail establishments are buildings for~~ Any use, otherwise listed as a permitted use within a zoning district, involving the display and sale of merchandise at retail or ~~for~~ the rendering of personal services ~~(but specifically exclusive of coal, wood and lumber yards),~~ when such use has a floor area of greater than 10,000 square feet. This term includes, but is not limited to, ~~such as~~ the following uses~~which will serve as illustration~~: *Construction/landscaping equipment and supply sales and service*; *Convenience store*; *Farm equipment & supply sales and service*; *Food processing, retail*; *Personal services establishment*; and *Retail sales, general*. ~~drugstore, news stand, food store, candy shop, antique store, gift shop, hardware store, household appliance store, furniture store, florist, optician, music store, tailor shop, barbershop and beauty shop; wholesale establishments are business establishments that sell merchandize in bulk to large scale buyers, usually other businesses, for the purpose of later retail distribution to the resident population, businesses and/or to tourists. (Adopted 9/14/04)~~

Commission. The planning commission of the Town of Purcellville, Virginia.

Communications tower. A structure of skeletal framework or a pole, guyed or self-supporting, used to support antennas. Guy wire, framework and other stabilizing devices are considered part of the structure of the tower. This definition explicitly excludes similar structures of 75 feet in height or less which solely support amateur radio antennas.

Communications tower, attached: A *Communications tower* which is placed on an existing building or other non-communications structure and increases the height of the existing structure by not more than ten feet.

Communications tower, free-standing: A *Communications tower* which is not attached to another structure.

Community or cultural facility. A facility typically engaged in nonprofit or quasi-public use for a public purpose, such as a community center, cultural center, museums senior center and the like.

Community garden. A public facility for the cultivation of fruits, vegetables or flowers by more than one person or family.

Commuter parking lot. See *Parking lot, commuter.*

Concept plan. Part of a special use permit application, prepared in accordance with *Article 8, Section 1: Special Use Permit* ~~of this ordinance~~, which may consist of visual and written representation depicting a layout and/or design of a proposed development. Once approved through the legislative process, this document becomes binding on the developer and his successors in interests. ~~(Ord. No. 08-08-06, § IV, 8-12-2008)~~

Concrete plant. A plant for the manufacture or mixing of concrete, cement and concrete and cement products, including any apparatus and uses incidental to such manufacturing and mixing.

Condominium. Real property and any incidentals thereto or interests therein which have been or are to be lawfully established as such under the Virginia Condominium Act.

Conservancy subdivision. A single-family residential development in which the residential lots are clustered together on a portion of the tract, leaving the largest portion of the tract in permanent open space. A conservancy subdivision may include the following categories of land:

a. Single-family lots: Smaller residential lots located in a contiguous grouping oriented along a street or a green.
b. Conservancy lots: Larger residential lots containing a designated building area with the remainder designated as permanent open space.
c. Open space: Land permanently preserved through an open space easement designated as greenbelt open space, conservancy open space and usable open space, as defined in this ordinance.

Construction/landscaping equipment and supply sales and service. A retail or wholesale commercial establishment engaged in the sale, rental, service and/or repair from the premises of equipment, goods and materials used during construction and landscaping activities, including but not limited to: brick, stone, lumber and other wood construction materials, pipes and other plumbing supplies, wiring and other electrical supplies, drywall, carpet and other flooring products, sand, gravel, potting soil, fertilizer, mulch, plants, tools and hardware, motorized construction equipment, motorized lawn and garden equipment, and related equipment and supplies. May include a *Nursery*, *Greenhouse*, and *Outdoor storage* as accessory uses.

Contractor's office and storage area. A facility in which a contractor conducts administrative activities, record-keeping, clerical work and other similar functions of the business in conjunction with the storage of vehicles, equipment and supplies for offsite use in the performance of any construction or land development trades; does not include an *Automobile, salvage or wrecking yard* or *Junk yard or automobile graveyard*.

Convalescent, nursing or rest home. See *Nursing home*. ~~Any institution however named, whether conducted for charity or for profit, which is advertised, announced or maintained for the express or implied purpose of caring for two or more nonrelated persons admitted thereto for the purpose of nursing or convalescent care. Nursing and convalescent care includes care given because of prolonged illness or defect or during the recovery from injury or disease, and includes any and all of the procedures commonly employed in waiting on the sick, such as administration of medicine, preparation of special diets, giving of bedside care, application of dressing and bandages, and the carrying out of treatments prescribed by a duly licensed practitioner of medicine.~~

Convenience store. A small-scale retail establishment offering for sale a limited line of groceries, beverages, periodicals and other household items intended for the convenience of the passerby. Such establishments may have on-site service of food and drink for immediate consumption.

Country inn. A building containing a maximum of nine guest rooms, having sleeping and eating accommodations where short-term lodging of no more than 14 days is provided, with or without meals, for compensation, and in which meals may be provided to guests only, and which is operated in accordance with all pertinent town code requirements. May be an accessory use within a *Single-family detached dwelling* or *Single-family detached farmhouse dwelling* as allowed by the use regulations of a zoning district. ~~A single-family dwelling in which the principal use is permanent residential quarters; and in which, as an accessory use, accommodations for from six through ten~~

~~guests in four through nine rooms are made available for transient occupancy for compensation, generally for not more than seven days. (Adopted 10/8/91)~~

Day nursery or child day care center. See *Child care, commercial.* ~~Facilities or programs for the care of more than four children away from their own home for any part of a 24-hour day, for compensation or otherwise.~~

Density, residential. Unless otherwise specified, the number of dwelling units per gross acre of residential land area, with gross acres including all the land area, including streets, easements, and open space portions of a developed site.

Detached single-family dwelling. See *Dwelling, single-family detached.*

Development. Any manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, the placement of mobile homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations.

Diameter at breast height (dbh). The diameter of a tree measured as the circumference of the tree trunk at 4.5 feet above the ground. In the case of multiple trunks, the collective circumstances of all trunks at 4.5 feet above grade will constitute dbh. ~~(Ord. No. 08-04-04, § II, 4-8-2008)~~

District. Any section of the Town of Purcellville in which the zoning regulations are uniform and so designated on the zoning district map.

~~*Dog kennel, commercial.* A place prepared to house, board, breed, handle or otherwise keep or care for dogs for sale or in return for compensation, or any place where more than five adult dogs are kept.~~

Drive-through ~~in~~ facility~~ies (including but not limited to drive through pharmacies, photo processing, dry-cleaning, video, free standing unmanned teller machines and drive in eating establishment uses not otherwise addressed~~. A portion of a commercial establishment in which patrons do business from their motor vehicles through a window or other remote device or station. ~~(Adopted 9/14/04)~~

Dry cleaning and laundry ~~Dry-cleaning~~ establishment~~s~~. An establishment which launders and/or dry cleans articles dropped off on the premises directly by the customer or where articles are dropped off, sorted, and picked up but where laundering or cleaning is done elsewhere. The alteration and mending of clothing items may be conducted as an accessory use. ~~Commercial establishments in which dry-cleaning processes are carried out. (Adopted 9/14/04)~~

Duplex dwelling. See *Dwelling, duplex.*

Dwelling. A building or portion thereof, designed or used exclusively for residential occupancy, as an independent housekeeping unit, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities, but not including boats, trailers, mobile homes, motor homes, hotels, motels, motor lodges, tourist courts, or tourist homes. ~~(Revised 9/14/04)~~

Dwelling, accessory. A subordinate dwelling unit in a main building or accessory building as approved by the board of zoning appeals under *Article 9: Board of Zoning Appeals.* This includes servants or caretakers quarters and guest houses.

Dwelling, apartment. A part of a building containing cooking and housekeeping facilities, consisting of a room or suite of rooms intended, designed, and used as a residence by an individual or a single family; a building is an apartment building if it contains three or more such apartment units, that are not in a townhouse configuration.

Dwelling, attached. See *Dwelling, single-family attached.* ~~(See Townhouse.)~~

Dwelling, detached single-family. See *Dwelling, single-family detached.* ~~A single-family dwelling entirely surrounded by a yard or other separation from other main buildings on the same lot or on adjacent lots. The term "single-family dwelling" as used in this ordinance shall be considered to mean a detached single-family dwelling unless specified as attached.~~

Dwelling, duplex. A structure arranged or designed to be occupied by two families, the structure having only two dwelling units attached by a common wall without openings, either vertical or horizontal, each with its own outside entrance. ~~(Ord. No. 05-05-03, § II, 5-10-2005)~~

Dwelling, multiple-family. A building designed for or occupied exclusively by three or more families living independently of each other.

Dwelling, single-family. A building designed for or occupied exclusively by one family.

Dwelling, single-family attached. A single-family dwelling designed to be sold as a unit but forming one of a group or series of three or more attached single-family dwellings separated from one another by party walls without doors, windows, or other provisions for human passage or visibility through such walls from basement to roof, and having roofs which may extend from one of the dwelling units to another.

Dwelling, single-family detached. A single-family dwelling entirely surrounded by a yard or other separation from other main buildings on the same lot or on adjacent lots.

Dwelling, single-family detached farmhouse. A single-family dwelling entirely surrounded by a yard and located on or abutting an *Agriculture/horticulture* use occupied by the owner of the land or a tenant whose primary job is running the farm.

Dwelling unit. A room or group of rooms occupied or intended to be occupied as separate living quarters by a single-family or other group of persons living together as a household or by a person living alone and having its own permanently installed cooking and sanitary facilities.

Eating establishment~~s~~. An eating establishment is any building in which, for compensation, food or beverages are dispensed for consumption within the structure or in outdoor areas next to the structure, including, among other establishments, restaurants, cafes, cafeterias, tea rooms, ~~confectionery shops~~ and refreshment stands. ~~(Adopted 9/14/04)~~

Equestrian facility, commercial. Horse, donkey or mule facilities utilized as a business, including stables, indoor and outdoor riding rings, paddocks, and other buildings or structures accessory and incidental to the above uses.

Equestrian facility, residential. Horse, donkey or mule facilities utilized for personal enjoyment and not as a business, including stables, indoor and outdoor riding rings, paddocks, and other buildings or structures accessory and incidental to the above uses, provided that no more than one such animal shall be kept for each acre of land on the premises.

Family. A group of people living together consisting of: a) One or more persons related* by blood or marriage together with any number of natural, foster, step or adopted children, domestic servants, nurses and therapists and no more than two roomers or boarders; or b) No more than four unrelated persons; or c) Per § 15.2-2291 of the Code of Virginia, up to eight individuals residing in a residential facility that suffer from mental illness, mental retardation, or developmental disabilities and have one or more resident counselors or other staff persons. For the purposes of this subsection, mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in § 54.1-3401; or d) up to eight individuals residing in a residential facility that are aged, infirm or disabled and have one or more resident counselors or other staff persons. For

purposes of this subsection, "residential facility" means any assisted living facility or residential facility in which aged, infirm or disabled persons reside with one or more resident counselors or other staff persons and for which the Department of Social Services is the licensing authority pursuant to this Code.

* Persons who are related includes husbands, wives, parents, children, grandparents, grandchildren, brothers, sisters, aunts, uncles, cousins, nephews, nieces (including step or half relationships) as demonstrated by official public records such as government-issued identification, birth or marriage certificates; or by affidavits.

Farm and community market. An event in which multiple vendors on a regularly scheduled basis, but no more than two days per week, meet to sell at retail to the public farm produce, food stuffs, art work or handicrafts substantially grown or produced by the seller, members of seller's family or farm laborers employed by seller upon property owned or leased by the seller.

Farm equipment and supply sales and service. A retail or wholesale commercial establishment engaged in the sale, rental, service and/or repair from the premises of equipment, goods and materials used in soil preparation and maintenance, the planting and harvesting of crops, and other operations and processes pertaining to farming and ranching, including, but not limited to: farm tools and implements, seed, feed, grain, tack, animal care products, motorized farming equipment, and related equipment and supplies; may include custom milling of grain and feed and *Outdoor storage* as accessory uses.

~~*Farm supply and service establishments, implement sales, rental and service, feed and seed store, including custom milling of grain and feed.* Wholesale or retail commercial establishment for the sale, rental and/or repair of heavy equipment including farm machinery, construction equipment and related items, and/or the storage and sale of feed, seed and related items, including custom milling of grain and feed. (Adopted 9/14/04)~~

Financial institution~~, without drive-in facilities~~. An establishment in which customers frequent the site for the purposes of buying and selling securities, obtaining loans, depositing and withdrawing money, and the like. ~~(Adopted 9/14/04)~~

Fire, rescue or police station~~s (volunteer or otherwise)~~. A~~n establishment~~ facility from which fire, ~~and~~ rescue, and/or police vehicles operate and in which they are stored and maintained, and which may include offices and/or transient lodging accommodations for the personnel who staff the vehicles. ~~(Adopted 9/14/04)~~

Firing range, indoor. A facility, contained within a completely enclosed building, used for shooting at targets with rifles, pistols or other firearms which complies with all federal and state regulations for such use.

Fitness center. A private fitness establishment which may offer for use aerobic training and/or strength training equipment, saunas, locker rooms and shower facilities and instruction in general health and physical fitness. Such use may provide massages, provided not more than five percent of the gross floor area is used for massages. ~~(Ord. No. 05-05-04, § III, 5-10-2005)~~

Floodplain. (a) A relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation; (b) an area subject to the unusual and rapid accumulation of surface waters from any source. (for further definitions pertaining to floodplains, see *Article 12: Floodplain District*~~Article 12 Floodplain District~~). ~~(Revised 9/14/04)~~

Floor area.

a. Commercial, business, and industrial buildings, or buildings containing mixed uses: The sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings but not including: (1) attic space providing headroom of less than seven feet; (2) basement space not used for retailing; (3) uncovered steps or fire escapes; (4) accessory water towers or cooling towers; (5) accessory off-street parking spaces; and (6) accessory off-street loading spaces.

b. Residential buildings: The sum of the gross horizontal areas of the several floors of a dwelling, exclusive of garages, basements, and open porches, measured from the exterior faces of the exterior walls.

Food processing, retail. A facility in which the preparation, processing, and packaging of food products, but not the slaughtering of animals, occurs in conjunction with the retail sale of such food products for consumption at an off-site location. Examples of activities include bakeries, creameries and confectioneries.

Food processing, wholesale. A facility in which the preparation, processing and packaging of food products, but not the slaughtering of animals, occurs for the sale of such food products in bulk to large scale buyers, usually other businesses, for the purpose of later retail distribution to the resident population, businesses and/or to tourists.

Free-standing communications tower. See *Communications tower*.

Frontage.

a. *Street (or road) frontage:* All of the property on one side of a street or road between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.

b. *Lot frontage:* The distance for which the front boundary line of the lot and the street or road line are coincident.

Fuel pump. A pump for dispensing all forms of gasoline or similar fuel for motor vehicles in one self-contained unit, which may include more than one hose. ~~(See pump, fuel).~~

Fuel pump, accessory. A *Fuel pump* located on the premises of a business and used solely by such business; retail fuel sales to the general resident population are prohibited.

Fueling station. Any lot or parcel of land or portion thereof used partly or entirely for the storing, retail sale and dispensing of flammable liquids, combustible liquids, liquefied flammable gas, or flammable gas into the fuel tanks of motor vehicles. Accessory uses of such an establishment may include a *Convenience store, Car wash*, and/or building including not more than three interior service stalls where minor maintenance services may be rendered and sales made, such as lubrication, brake repair, muffler replacement, and the like but not including major mechanical and body work, painting, welding or other work involving noise, glare, fumes, smoke or other impacts to an extent greater than normally found at fueling stations.

Funeral home ~~*or undertaking establishment*~~*.* An establishment used primarily for human funeral services, which may or may not include facilities on the premises for embalming, performance of autopsies or other surgical procedures, and storage of funeral-related supplies and vehicles, but does not include facilities for cremation. ~~(Adopted 9/14/04)~~

~~*Garage, private.* An accessory building used for storage purposes only and having a floor area of not more than 900 square feet.~~

Garage, parking~~ or storage, but not auto or truck repair~~. See *Parking structure*. ~~A structure used solely for the parking of motor vehicles (other than a carport or garage in a residential district), but does not include repair, storage, sales or maintenance of vehicles; may be public or private; may be free or for a fee. (Adopted 9/14/04)~~

Garage, private. An accessory building used for storage purposes only and having a floor area of not more than 900 square feet.

~~*Garage, public.* A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, renting, selling, or storing motor-driven vehicles.~~

General retail sales. See *Retail sales, general*.

Government~~al~~ office~~s~~ and assembly room. A facility~~ structure, or part thereof~~, owned by~~ or leased and occupied~~ and used for administrative, technical or professional office activities of ~~by~~ an agency or political subdivision of the United States of America, the ~~c~~Commonwealth of Virginia, a county or a town or city which may include rooms or an accessory building where groups of people gather for a meeting, event or regularly scheduled program. ~~(Adopted 9/14/04)~~

Government operations facility. A facility owned by an agency or political subdivision of the United States of America, the Commonwealth of Virginia, a county or a town or city where vehicles, equipment and supplies necessary for providing government services are stored and maintained; *Governmental office and assembly room* may be included as an accessory use. This use does not include any facilities defined as *Public utility, major* or *Public utility, minor*.

Grade. Grade or grade elevation shall be determined by averaging the elevations of the finished ground adjacent to all the corners and/or other principal points in the perimeter wall of the building.

Green-house~~s, commercial, wholesale or retail~~. A structure with translucent walls and/or roof used to sprout or grow vegetation for later sale or planting. ~~(Adopted 9/14/04)~~

Group home. A residential facility, licensed by the Virginia Department of Behavioral Health and Developmental Services, in which no more than eight (8) mentally ill, intellectually disabled or developmentally disabled persons reside, with one or more resident or nonresident staff persons. Mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in § 54.1-3401 of the Code of Virginia.

~~*Guest house.* Living quarters within a detached accessory building located on the same premises with the main building for use by temporary guests of the occupants of the premises, and not rented or otherwise used as a separate dwelling unless permitted by the terms of this ordinance.~~

Guest room. A room which is intended, arranged or designed to be occupied, or which is occupied, by one or more guests paying direct or indirect compensation therefore, but in which no provision is made for cooking.

Heritage tree(s). Any tree or grouping of trees that has been designated by the town council or in the comprehensive plan to have notable historic or cultural interest. ~~(Ord. No. 08-04-04, § II, 4-8-2008)~~

Home occupation. An occupation, including any professional, vocational, business, trade and/or personal service, excluding retail sales, conducted by the occupant of a dwelling unit, which is incidental to the primary use of the property as a residence.

Hospital. A building or group of buildings, having room facilities for overnight patients, used for providing services for the in-patient medical or surgical care of sick or injured humans, and which may include related facilities, central service facilities, and staff offices; provided, however, that such

related facility must be incidental and subordinate to the main use and must be an integral part of the hospital operations.

Hotel~~, motel, motor lodge or tourist home~~. ~~(Revised 9/14/04)~~

~~*Hotel:*~~ A building designed or occupied as a temporary living place for individuals who are, for compensation, lodged with or without meals, and in which provisions may or may not be made for cooking in individual rooms or suites. A hotel may include restaurants, taverns or club rooms, public banquet halls, ballrooms and meeting rooms. A hotel contains a central entrance lobby and does not provide a motor vehicle parking space adjacent to each individual room as does a motel.

~~*Motel: A building designed as a temporary living place, like a hotel, except that each unit is provided with its own off-street parking facility.* A motel may include restaurants, taverns or club rooms, public banquet halls, ballrooms and meeting rooms.~~

~~*Tourist court; tourist home; motor lodge:* Any group of dwelling units, combined or separated, used for the purpose of housing transient guests, each unit of which is provided with its own toilet, washroom and off-street parking facility, but does not include restaurants, taverns or club rooms, public banquet halls, ballrooms and meeting rooms.~~

Indoor firing range. See *firing range, indoor*.

Inoperative motor vehicle. Any motor vehicle, trailer, or semi-trailer which has not been in operating condition for a period of 60 days or longer. Such condition is characterized by broken or removed parts, including tires, required for legal operation of the vehicle on public streets, by an expired or missing state inspection sticker, by expired or missing state license plates, and/or by an expired or missing local decal. ~~(Ord. No. 08-04-04, § II, 4-8-2008)~~

~~*Institutions.* Philanthropic or cultural facilities such as museums, libraries and art galleries, public or private, but not including schools. (Adopted 9/14/04)~~

Junk. Dilapidated and inoperative automobiles, trucks, tractors, and other such vehicles and parts thereof, dilapidated wagons and other kinds of vehicles and parts thereof, discarded appliances, scrap building material, scrap contractor's equipment, tanks, casks, cans, barrels, boxes, drums, piping, bottles, glass, wood scraps, old iron, machinery, rags, paper, excelsior, hair, mattresses, beds or bedding or any other kind of scrap or waste material which is stored, kept, handled, or displayed.

Junk yard or automobile graveyard. The use of any area of land lying within 100 feet of a state highway or the use of more than 200 square feet of land area in any location for the storage, keeping or abandonment of junk, including scrap metals or other scrap materials. The term "junk yard" shall include the term "automobile graveyard" as any lot or place which is exposed to the weather upon which more than five motor vehicles of any kind, incapable of being operated, are placed.

Kennel. A place prepared to house, board, handle or otherwise keep or care for dogs and other small domestic animals in return for compensation, or any place where more than five adult dogs are kept.

Laboratory. A facility used for scientific research, investigation, testing, or experimentation related to natural resources, medical resources, and manufactured materials but excluding the testing of explosives. Facilities for the manufacture or sale of products shall only be allowed when incidental to the main purpose of the laboratory.

Laundr~~ies~~y. See *Dry cleaning and laundry establishment.* ~~Commercial retail establishments that provide laundry services. (Adopted 9/14/04)~~

Laundromat~~s~~. Commercial retail establishments that provide self-serve washing and drying services. ~~(Adopted 9/14/04)~~

~~*Lawn mower, yard and garden equipment, rental, sales and service.* Retail commercial establishment at which lawn mower, yard and garden equipment, rental, sales and service are carried out; does not include large farm machinery, trucks or heavy equipment. (Adopted 9/14/04)~~

Librar~~y~~~~ies~~. An institution for the custody, circulation and administration of a collection of books, manuscripts, etc., but not for the sale of such. ~~(Adopted 9/14/04)~~

Light manufacturing. See *Manufacturing, light.*

Lighted sports field. A field for competitive sports, including but not limited to: baseball, football, lacrosse, and soccer, that is illuminated by any man-made device located outdoors that produces light by any means.

Loading space. A space within a building or on the premises providing for the standing, loading or unloading of vehicles.

Lot. A parcel of land occupied or intended to be occupied by a main building or groups of main buildings and accessory buildings, together with such yards, lot width and lot areas as are required by this ordinance, and having frontage upon a street or road, either shown on a plat of record or considered a unit of property and described by metes and bounds. Such lot may consist of a single lot of record or a part or combination of one or more lots of record. ~~(Ord. No. 04-12-04, §§ 1, 2, 12-14-2004)~~

Lot, corner. A lot abutting upon two or more streets at their intersection where the interior angle of intersection is not greater than 135 degrees. A lot abutting upon a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines intersect at an interior angle of less than 135 degrees. A reversed corner lot is a corner lot that is turned, with reference to an adjoining lot, to front on another street.

Lot coverage. That portion of the lot that is covered by buildings and structures.

Lot, depth of. The average horizontal distance between the front and rear lot lines.

Lot, double frontage. A lot, other than a corner lot, which has a frontage on two streets.

Lot line, front. The line separating the lot from a street on which it fronts. On a corner lot, the front shall be deemed to be along the shorter dimension of the lot; and where the dimensions are equal, the front shall be on that street on which a predominance of the other lots in the block front.

Lot line, rear. The lot line opposite and most distant from the front lot line.

Lot line, side. Any lot line other than a front or rear lot line.

Lot of record. A lot shown upon a plan of subdivision or upon a plat attached or referred to in a deed described by metes and bounds in a deed recorded in the clerk's office of the circuit court of the county.

Lot width. The horizontal distance between the side lot lines measured at the front building setback line.

~~*Lumber and building supply.* Retail or wholesale commercial establishment that sells wood construction materials and related building supplies. (Adopted 9/14/04)~~

Machine shop. An establishment where lathes, presses, grinders, shapers, and other wood and metal working machines are used.

Major public utility. See *Public utility, major*.

Major transmission lines. See *Public utility, minor.* ~~The main lines, pipes, pumps and similar facilities, used for transmitting, collecting or distributing a public utility service or commodity to areas within a jurisdiction, distinguished from the smaller lines that bring service to particular customers. (Adopted 9/14/04)~~

Manufactured home. A structure subject to federal regulation, which is transportable in one or more sections; is eight body feet or more in width and 40 body feet or more in length in the traveling mode, or is 320 or more square feet when erected on-site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure.

Manufacturing, light. The processing or fabrication of certain materials or products where no process involved will produce noise, vibration, air pollution, fire hazard, or noxious emission which will disturb or endanger neighboring properties.

Memorial tree. Any tree that has been designated by the town council to be a special commemorating memorial tree. ~~(Ord. No. 08-04-04, § II, 4-8-2008)~~

Mini-storage facility. A building, portion of a building, or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property.

Minor public utility. See *Public utility, minor*.

Modular home. A movable or portable dwelling over 32 feet in length and over 20 feet wide, designed and constructed without a carriage or hitch, as a stationary house constructed for placement upon a permanent foundation, to be connected to utilities, for year-round occupancy. It can consist of one or more components that can be retracted when transported and subsequently expanded for additional capacity, or of two or more units separately transportable but designed to be joined and joined into one integral unit.

~~*Monument sales establishments (with incidental processing to order, but not including the shaping of headstones).* Retail or wholesale commercial establishment that sells headstones for grave sites and other stone or masonry monuments. (Adopted 9/14/04)~~

~~*Motorcycle or off-road vehicle sales and service.* Retail commercial establishment that sells and services motorcycles, off-road vehicles and related items. (Adopted 9/14/04)~~

Multiple-family dwelling. See *Dwelling, multiple-family*.

Multiple-use development. A development shown on a single approved site plan consisting of two or more permitted uses or uses allowed by special use permit in the zoning district within which the development is located.

Nature preserve. Sites with environmental resources intended to be preserved in their natural state.

Nonconforming lot. An otherwise legally platted lot that does not conform to the minimum area, width or depth requirements of this ordinance for the district in which it is located either at the effective date of this ordinance or as a result of subsequent amendments to the ordinance.

Nonconforming structure. A building or structure that does not conform with the lot area, yard, height, lot coverage, or other area regulations of this ordinance, or is designed or intended for a use that does not conform to the use regulations of this ordinance, for the district in which it is located,

either at the effective date of this ordinance or as a result of subsequent amendments to this ordinance.

Nonconforming use. The otherwise legal use of a building or structure or of a tract of land that does not conform to the use regulations of this ordinance for the district in which it is located, either at the effective date of this ordinance or as a result of subsequent amendments to this ordinance.

Nursery. An outdoor area for the growing of plants, trees and shrubs for sales and planting off-site.

Nursery schools~~; kindergartens; child care center; day nursery; day care center~~. See *Child care, commercial.* ~~A licensed establishment operated as a commercial enterprise or public facility which is operated only during a part of any 24-hour day for the purpose of providing care, protection, supervision and/or education for compensation to more than nine children or more than four aged, infirm, or disabled adults who mainly reside elsewhere. (Adopted 9/14/04)~~

~~*Nurseries for growing plants, trees and shrubs.* A commercial establishment that grows plants, trees and shrubs for sales and planting off-site. Maybe include retail sales of such plants, as well as accessory sales of related items such as fertilizer and mulch, but only as subordinate activities. (Adopted 9/14/04)~~

Nursing home. An extended or intermediate care facility, licensed by the Virginia Department of Health, in which nursing services and health-related services are provided on a continuing basis for the treatment and inpatient care of two or more non-related individuals who, by reason of advanced age, chronic illness or other infirmity are unable to care for themselves.

Office~~s—Business, professional, or administrative~~. ~~The~~ A facility in which the administrative activities, record-keeping, clerical work and other similar functions of a business, professional service, medical practitioner, industry, or government are conducted, and, in the case of professions such as lawyers, engineers, dentists, physicians, and the like, the facility where such professional services are rendered. ~~(Adopted 9/14/04)~~

~~*Offices—Medical or dental.* The facility in which the administrative activities, record-keeping, clerical work and other similar functions of a dentist, physician or other medical practitioner are conducted and the facility where such professional services are rendered. (Adopted 9/14/04)~~

Open space. Land set aside, dedicated and designed to protect natural environmental resources, to serve as a visual amenity, and/or to provide recreational opportunities within a private development or, if owned by the Town of Purcellville or other public agency, within the community at large. Such land shall be primarily naturally vegetated or landscaped, but may include limited paved areas, such as sidewalks, pedestrian plazas, trails, and recreational courts. Such land shall not include streets, driveways, parking areas, structures, above ground public utilities, including storm water management facilities, or other improvements, except as may be approved for recreational or historic preservation purposes in a site plan or subdivision plat. The following are the only three recognized types of open spaces:

Open space, common. Open space within or related to a residential development, not within individually owned lots or dedicated for public use or associated with non-residential or rental apartment uses, that is owned by a non-profit organization as described in *Article 7, Section 7.4: Open Space for Residential Properties*~~article 7, section 6.4~~, and is designed and intended for the common use or enjoyment of the residents of the development.

Open space, public. Open space owned by the Town of Purcellville or other public agency and maintained by it for the use and enjoyment of the general public.

Open space, private. Open space within a private non-residential or rental apartment development that is designed and intended for the common use or enjoyment of the occupants of the development. ~~(Ord. No. 04-12-04, §§ 1, 2, 4-8-2004)~~

Outdoor storage. An accessory unenclosed area located on an *All-weather surface* to the rear of the lot where equipment, merchandise, materials, and supplies are stored for more than 24 hours. Outdoor storage shall not be used for the storage of inoperative motor vehicles and junk.

Outdoor storage lot. A lot consisting of an unenclosed area ~~accessory industrial use~~ located on an ~~all-weather surface~~ *All-weather surface* adjacent to an existing commercial or industrial use ~~the rear of the lot and~~ where equipment, merchandise, materials, and supplies are stored for more than 24 hours. Outdoor storage lots are not ~~automobile~~ *Automobile, salvage or wrecking yards, Junk yards or automobile graveyards, or Vehicle sales storage lot~~s or automobile used car lots~~*, as defined in this article. Outdoor storage lots shall ~~are~~ not be used for the storage of inoperative motor vehicles and junk. ~~(Ord. No. 08-04-04, § II, 4-8-2008)~~

Park. Land used for either or both active and/or passive recreational use. Parks may contain landscaped or naturally vegetated areas, recreational buildings and facilities and parking for vehicles. Public parks are open to the public; access to private parks is controlled by the owners.

Parking lot. An all-weather surface not located in a street or alley; containing motor vehicle parking spaces to accommodate customers and/or employees, either with or without charge; and connected with a street or alley by a paved driveway which affords ingress and egress for a motor vehicle without requiring another motor vehicle to be moved. ~~Parking garages are not parking lots.~~ Parking lots shall ~~are~~ not be used as ~~o~~*Outdoor storage lot~~s~~* or *Vehicle sales* ~~, automobile~~ *storage lot~~s, or automobile used car lots,~~* as defined in this article. ~~(Ord. No. 08-04-04, § II, 4-8-2008)~~

Parking lot, commuter. A facility designed for short term parking of vehicles where the occupants of such vehicles transfer to public transit to continue their trips.

Parking lot, public. A use consisting of a *Parking lot* constructed of a dust-free, all-weather material ~~An area~~ containing one or more parking spaces for operable self-propelled passenger vehicles, designed for and available to the general public as an accommodation for patrons, customers or employees, either with or without charge. ~~(Ord. No. 08-04-04, § II, 4-8-2008)~~

~~*Parks.* Land used for either or both active and/or passive recreational use. Parks may contain landscaped or naturally vegetated areas, recreational buildings and facilities and parking for vehicles. Public parks are open to the public; access to private parks is controlled by the owners. Unlighted parks do not have illuminated courts, fields, parking areas or other facilities. Lighted parks have some areas that are illuminated for nighttime use. (Adopted 9/14/04)~~

Parking space off-street. An all-weather surfaced area not in a street or alley and having an area of not less than 162 square feet (nine feet by 18 feet), exclusive of driveways, permanently reserved for the temporary storage of one vehicle and connected with a street or alley by a paved driveway which affords ingress and egress for an automobile without requiring another automobile to be moved.

Parking structure. A structure or portion thereof composed of one or more levels or floors used exclusively for the parking or storage of operable motor vehicles. A parking structure may be totally below grade or either partially or totally above grade with those levels being either open or enclosed.

~~*Parkways.* A roadway designed to blend with the surrounding landscape by means of grading and landscaping. (Adopted 9/14/04)~~

Personal service~~s~~ establishment. Retail personal services such as barber and beauty establishments, optician, seamstress, tailor, and the like. ~~(Adopted 9/14/04)~~

Petroleum, propane, and other flammable liquids, storage, distribution, and sales. A facility that stores more than 15,000 gallons of petroleum, propane and/or other flammable liquids in above-ground and/or below-ground tanks for the eventual distribution to the consumer by means of a fleet of vehicles designed to hold and dispense such liquids. Accessory uses include the parking and storage of the distribution vehicles, the outside or inside storage of propane tanks, and the fueling of propane-fueled vehicles.

Petting farm. A collection of farm animals or gentle exotic animals for children to pet and feed.

Playground~~s~~. A recreational area which is graded and either planted in grass or paved, or a combination of both, which may have play equipment, and which may be lighted or unlighted. Does not include miniature golf grounds, golf driving ranges, mechanical amusement devices or accessory uses such as refreshment stands and equipment sales or rentals. ~~(Adopted 9/14/04)~~

~~*Plumbing and electrical supply sales.* Retail or wholesale commercial establishment that sells plumbing or electrical supplies. (Adopted 9/14/04)~~

Police station~~s~~. See *Fire, rescue or police station.* ~~An office space used for administrative functions of local government law enforcement personnel. (Adopted 9/14/04)~~

Porch. A structural part of a building that is enclosed and covered by a roof that is usually separate from the main roof of the structure. A porch is generally associated with an entrance to the structure but also may be a covered and enclosed deck. ~~(Adopted 3/12/96)~~

Premises. A lot, together with all buildings and structures thereon.

Printing, publishing and engraving~~ establishments, photocopying, photographic processing or blueprinting~~. An ~~retail~~ establishment providing convenient services for printing or photocopying ~~copies of~~ flyers, brochures, photographs, blueprints and the like, for small scale users~~; or a printing plant which produces large runs of printed materials, including books, reports and the like, mainly for businesses, organizations and large scale users~~. ~~(Adopted 9/14/04)~~

~~*Private clubs including health clubs.* An organization catering exclusively to members and their guests, including premises and buildings, for recreational or athletic purposes which are not conducted primarily for gain; provided, there are not conducted any vending stands, merchandising or commercial activities, except as required generally for membership and purposes of such clubs; includes civic clubs. (Adopted 9/14/04)~~

Private club~~, lodge, public benefit association, meeting or assembly hall, or fraternal organization or sorority~~. A facility where the principal purpose is for members of ~~used by~~ a non-profit organization or group of people organized for a common purpose to meet to pursue common ~~civic-oriented~~ goals, interests and activities, and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and bylaws. These clubs and organizations may engage in activities consistent with their nonprofit status. ~~(Adopted 9/14/04)~~

Private garage. See *Garage, private.*

Private school~~s~~. See *School, private.* ~~A facility owned by a private entity that provides a curriculum of elementary, secondary and/or collegiate academic instruction, including kindergartens, elementary schools, junior high or middle schools, high schools and colleges. (Adopted 9/14/04)~~

Public or government~~al~~ building~~s~~, facility, ~~and~~ or use~~s~~ not otherwise defined. Any facility owned or operated by a public utility or an agency of local, regional, state or federal government and not

otherwise defined within this article. ~~A building, or part thereof, owned or leased and occupied and used by an agency or political subdivision of the United States of America, the commonwealth, a county or a town or city. (see also Governmental Offices) (Revised 9/14/04)~~

Public parking lot. See *Parking lot, public.*

Public recreation facility. See *Recreation facility, public.*

Public school. See *School, public*.

Public utility. A business or service and the facilities and appurtenances thereto, which is engaged in regularly supplying the public with potable water, sanitary sewer, electricity, gas, storm sewer, telephone or cable communications, and other similar public commodities or services. Does not include *Communications towers.*

Public utility, major. Public utility, major shall include the following: electric substations and other distribution centers, electrical generating plants and facilities, sewage treatment and disposal facilities, storage facilities for natural gas, oil and other petroleum products, supply yards for any public utility, dial centers, repeater stations, water purifications facilities, microwave facilities, satellite earth stations, water storage facilities and maintenance facilities incidental to any use set forth above. ~~(Ord. No. 07-06-06, § II, 6-12-2007)~~

Public utility, minor. Public utilities, minor shall include the following: electric transformer; natural gas transmission facilities; telecommunication facilities (including, but not limited to, exchanges); water and sewer transmission, collection, distribution and metering devices~~devises~~; and water and sewage pumping stations. ~~(Ord. No. 07-06-06, § II, 6-12-2007)~~

Public water and sewer system~~s~~. A water or sewer system owned and operated by a municipality or county, or owned and operated by a corporation approved by the governing body and properly chartered and certified by the State Corporation Commission, and subject to special regulations as herein set forth.

~~*Public utility or public service or transportation uses.* A business or service and the facilities and appurtenances thereto, which is engaged in regularly supplying the public with electricity, gas, storm sewer, telephone or cable communications, and other similar public commodities or services. Does not include public water or sewer services or facilities, or telecommunications towers. (Adopted 9/14/04)~~

~~*Pump, fuel.* A pump for dispensing all forms of gasoline or similar fuel for motor vehicles in one self contained unit directly adjacent to one corresponding refueling space. (Adopted 9/14/04)~~

Pumping station~~s~~ or regulator station~~s~~. See *Public utility, minor.* ~~An appurtenant structure for collecting, processing or distributing a public utility commodity, including electric substations and a water or sewer systems. (Adopted 9/14/04)~~

Radio or television ~~broadcasting~~ studio~~s or offices~~. A structure or part thereof, containing studio or office space used for the administrative or technical activities of radio or television broadcasting ~~or telecommunications services~~. ~~(Adopted 9/14/04)~~

Radio, television, telephone or other communication tower. See *Communications tower.* ~~(Adopted 9/14/04)~~

~~*Communications tower, attached:* Any communications antenna which is placed on an existing building or other non-communications structure, and increasing the height of the existing structure by not more than ten feet.~~

~~*Communications tower, free-standing:* An independent structure of skeletal framework or a pole, guyed or self supporting, used to support antennas. Guy wire, framework and other stabilizing devices are considered part of the structure of the tower.~~

~~*Recreational uses or facilities for a private membership (such as clubs and lodges, golf courses, game courts, swimming pools, archery range, fishing or boating lakes, picnic grounds, or similar activities, and accessory facilities, including sale of food, beverages, bait, incidentals, supplies and equipment).* A sports or recreation facility principally for the use of members and guests, may include indoor or outdoor facilities. (Adopted 9/14/04)~~

Recreation facility, commercial indoor. Any enclosed or semi-enclosed establishment operated as a commercial enterprise (open to the public for a fee) in which are conducted recreational, therapeutic or athletic activities, whether or not under instruction, such as but not limited to: tennis, volleyball and other court games; soccer and lacrosse; indoor golf cages, batting cages, bowling alleys, billiards and other games of skill; swimming; gymnastics, dance, miniature golf, cultural activities, martial arts, archery, roller or ice skating, skateboarding, and activities incidental to the foregoing, but not including amusement rides or regular live entertainment. Incidental office, retail, and other commercial uses commonly established in such facilities shall be allowed as long as they are clearly accessory to and only serve the users of the principal facility.

Recreation facility, commercial outdoor. Any outdoor area or establishment operated as a commercial enterprise (open to the public for a fee) for the following activities, such as but not limited to: games and athletics, batting and pitching cages, darts, hard and soft courts, miniature golf, radio-controlled vehicles and airplanes, pony rides, waterslides, cultural activities, martial arts, archery, camping, roller or ice skating rinks, skateboarding, picnicking, boating, fishing, swimming, golf driving ranges, and activities incidental to the foregoing, but not including amusement rides, amusement parks, golf courses, hunting preserves, shooting ranges, theme parks or motor vehicle race tracks.

Recreation facility, public. Any facility defined as *Recreation facility, commercial indoor* or *Recreation facility, commercial outdoor* operated by an agency of local, regional, state or federal government.

Regulations. The whole body of regulations, text, charts, tables, diagrams, maps, notations, references, and symbols, contained or referred to in this ordinance.

~~*Rental or sale of luggage trailers and pick-up truck caps but not including truck trailer bodies except campers and travel trailers.* A commercial retail establishment for the rental or sale of luggage trailers for motor vehicles and the rental or sale of pick-up truck caps, and may include camper attachments and travel trailers with sleeping accommodations. (Adopted 9/14/04)~~

~~*Rental of household items, tools and appliances.* A business establishment that rents household consumer merchandize, including tools and appliances, to the general resident population. (Adopted 9/14/04)~~

~~*Repair service establishment.* A business establishment that repairs consumer merchandise, tools or appliances. (Adopted 9/14/04)~~

Residential child care. See *Child care, residential.*

Residential equestrian facility. See *Equestrian facility, residential.*

Retail food processing. See *Food processing, retail.*

Retail sales, accessory. The sale or rental of consumer merchandise to the general resident population and/or to tourists as an accessory use to an existing use otherwise allowed.

Retail sales, general~~ establishment~~. A business establishment ~~that sells~~ engaged in the sale or rental of consumer merchandise ~~merchandize or services~~ to the general resident population and/or to tourists, including household goods, clothing, ~~hair care~~appliances, and other such items. Does not include *Construction/landscaping equipment and supply sales and service* or *Farm equipment and supply sales and service.* ~~(Adopted 9/14/04)~~

~~*Restaurant or cafeteria, lunchroom or snack bar for the use of employees who work in the building where such facility is located, provided such facility has no exterior entrances or exits or signs.* A structure, or any part thereof, in which food or beverages are prepared and dispensed for consumption at the time of sale, and which is primarily to serve the employees who work in the building. (Adopted 9/14/04)~~

~~*Roominghouse.* A building other than a hotel, motel, or motor lodge where, for compensation and by prearrangement for definite periods, lodging, meals, or lodging and meals are provided for three or more persons but containing no more than five sleeping rooms.~~

School. A facility owned by a governmental or private entity that provides a curriculum of early childhood, elementary, secondary and/or collegiate academic instruction, including preschools, kindergartens, elementary schools, junior high or middle schools, high schools and colleges.

School, private. A *School* owned by a non-governmental entity.

School, public. A *School* owned by a governmental entity.

School, special instruction. A ~~school~~ facility primarily devoted to giving instruction in ~~professional,~~ musical, artistic, scientific or other special subjects, exclusive of a conventional full-day primary or secondary curriculum; includes student learning or tutoring center. ~~(Ord. No. 08-08-03, § V, 8-12-2008)~~

School, technical~~, trade, or business~~. A ~~commercial school~~ facility which primarily provides instruction to adults in vocational and/or business skills. ~~(Ord. No. 08-08-03, § V, 8-12-2008)~~

~~*Schools.* A facility owned by a governmental or private entity that provides a curriculum of elementary, secondary and/or collegiate academic instruction, including kindergartens, elementary schools, junior high or middle schools, high schools and colleges. (Adopted 9/14/04)~~

Screening. A method of visually shielding or obscuring one abutting or nearby structure or use from another by use of planted vegetation, fences, walls or berms in accordance with the terms of this ordinance.

Service/repair establishment. A business establishment that repairs consumer merchandise, tools or appliances but not motorized vehicles, equipment or machinery.

Shopping center. A group of commercial establishments planned, owned, and managed as a total entity with on-site parking, loading areas separated from customer access, unified design, landscaping and signage in accordance with an approved plan. ~~(Ord. No. 07-06-06, § II, 6-12-2007)~~

Sign. For definitions pertaining to signs, see ~~a~~*Article 6, Section 3: General Sign Regulations*.

Sign shop. An establishment that manufactures signage and engages in the retail sale of signs, banners, or similar items.

Single-family attached dwelling. See *Dwelling, single-family attached.*

Single-family detached dwelling. See *Dwelling, single-family detached*. ~~A structure arranged or designed to be occupied by one family, the structure having only one dwelling unit, with the exclusion of mobile or manufactured homes and trailers, and which is entirely surrounded by open space or yards on the same lot. (Adopted 9/14/04)~~

Single-family detached farmhouse dwelling. See *Dwelling, single-family detached farmhouse.*

Single-family dwelling. See *Dwelling, single-family*.

Site plan. A document which is a detailed engineered drawing of the proposed improvements included and required in the development of a given lot, prepared in accordance with ~~a~~*Article 11, Section 5: Site Plans* ~~of this ordinance~~. For the purposes of this ordinance, a site plan is not to be construed as a concept plan, as required by other provisions of this ordinance. Reference ~~a~~Article 5 of the Land Development and Subdivision Control Ordinance. ~~(Ord. No. 08-08-06, § IV, 8-12-2008)~~

Special event. A temporary indoor or outdoor use, lasting seven (7) consecutive days or less, that extends beyond the normal uses and standards allowed by the zoning ordinance which is intended to or likely to attract substantial crowds and is unlike the customary or usual activities generally associated with the property where the event is to be located. Includes *Event* as defined in *[insert correct citation upon adoption]* of the Town Code.

Special instruction school. See *School, special instruction.*

Specimen tree. Any tree which has been individually designated by the town council to be notable by virtue of its outstanding size and quality for its particular species. ~~(Ord. No. 08-04-04, § II, 4-8-2008)~~

Special exception. A special use exception, yard exception, or height exception specifically listed in this ordinance which may be permitted in a specified district or in all districts in accordance with terms of this ordinance by the board of zoning appeals under certain conditions, such conditions to be determined in each case by the terms of this ordinance and by the board of zoning appeals.

Special use permit. The permit for a use listed as requiring such permit in this ordinance and which may be in a specified district under certain conditions, such conditions to be determined in each case by the terms of this ordinance and by the town council of the Town of Purcellville after public hearing and report by the planning commission in accordance with the procedures specified by this ordinance and applicable state law.

Storage warehouse. A use engaged in storage and distribution of goods or materials for sale in a business located on the premises; does not include *Mini-storage facility*.

Story. That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it. For the purpose of height measurement for any building other than a detached single-family dwelling a basement shall be counted as a story if its ceiling is over five feet above the level from which the height of the building is measured or if it is used as a separate dwelling unit by other than a janitor or other employee and his family.

Story, half. A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior sides are not more than two feet above the floor of such story, provided, however, that any such story used as a separate dwelling unit, by other than a janitor or other employee and his family, shall be counted as a full story.

Street (road). A public or private thoroughfare which affords the principal means of access to abutting properties.

Street~~,~~ centerline. The centerline of a street shall mean the centerline thereof as shown in any of the official records of the town or as established by the Virginia Department of Highways and Transportation. If no such centerline has been established, the centerline of a street shall be a line lying midway between the side lines of the right-of-way thereof.

Street line (right-of-way line). The line between a lot, tract or parcel of land and a contiguous street.

Structural alteration. Any change in the supporting members of a building or structure, including bearing walls, partitions, columns, beams, girders or similar parts of a building or structure, and any substantial change in the roof of a building.

Structure. Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground, including, but without limiting the generality of the foregoing, mobile homes, monopoles, swimming pools, backstops for tennis courts, gazebos, and pergolas. ~~(Revised 3/12/96)~~

Studio~~s or shops for artists, sculptor, designer, photographers, writers, teachers, jewelers, tailors, weavers or other crafts, sculptors or musicians~~. A structure or part of a structure which serves as the working space for an artist, sculptor, weaver, photographer, writer, dancer, musician, yoga instructor, and the like. ~~etc. (Adopted 9/14/04)~~

Substation~~s~~. See *Public utility, major*. ~~An appurtenant structure for collecting, processing or distributing a public utility commodity. (Adopted 9/14/04)~~

~~*Taxidermist.* One who prepares, stuffs and mounts the skins of animals in lifelike form. (Adopted 9/14/04)~~

Technical school. See *School, technical.*

Temporary food truck/trailer. A licensed, motorized vehicle or trailer, temporarily parked for no longer than three (3) days consecutively or 60 total days within a calendar year, that is a self-contained temporarily parked food service operation, used to store, prepare, display or serve food intended for individual portion service.

Temporary stand~~s, or outdoor areas for sale of produce, Christmas trees, wreaths, holly, and the like~~. A structure or designated area for ~~the~~ temporary retail sales of ~~produce or seasonal plant materials or fireworks~~ merchandise by a single vendor, including, but not limited to: produce, Christmas trees, fireworks, arts and crafts, previously prepared food, and the like. Does not include *Eating establishments* or *Temporary food truck/trailer*.

Theater. A building or part of a building devoted to showing motion pictures, or for dramatic, dance, musical, or other live performances although incidental use for private meetings, exhibits, and presentations shall be permitted. ~~A structure designed and used for dramatic performances, musical performances or the showing of motion picture films. (Adopted 9/14/04)~~

Townhouse. See *Dwelling, single-family attached.* ~~A single-family dwelling designed to be sold as a unit but forming one of a group or series of three or more attached single-family dwellings separated from one another by party walls without doors, windows, or other provisions for human passage or visibility through such walls from basement to roof, and having roofs which may extend from one of the dwelling units to another.~~

Treatment plants. See *Public utility, major*. ~~The central facility for treatment and purification of water or wastewater, as part of a public water or sewer system owned and operated by a county or municipality or other government entity, or by an approved private operator to serve a community area. (Adopted 9/14/04)~~

Upholstery shop. An establishment that repairs and replaces upholstery to household and office furnishings; does not include motor vehicle upholstering or repair.

Urgent care clinic. See *Clinic, urgent care*.

Utility storage yard~~s~~. A yard area in which materials, equipment and/or vehicles used for construction, excavating or similar activities involved in the construction and maintenance of a public utility system are stored, kept and/or maintained. ~~(Adopted 9/14/04)~~

Variance. A variance from application of the strict terms of this ordinance which may be granted in a specific case by the board of zoning appeals under the terms of this ordinance and applicable state law.

Vehicle repair, light. Buildings and premises including no more than five interior service stalls, wherein the primary use is the supply and replacement at retail of oil, batteries, tires and motor vehicle accessories, and where in addition, the maintenance and repair services may be rendered and sales made, such as oil changes, chassis lubrication, brake replacement and repair, muffler replacement, washing and polishing and the like. Permissible uses do not include major mechanical and body work, painting, welding, or other work involving noise, glare, fumes, smoke or other impacts to an extent greater than normally found at heavy vehicle repair facilities. ~~(Adopted 9/14/04)~~

Vehicle sales and service. Buildings and premises, including any interior service stalls, wherein the primary use is the sale, rental, service, and/or repair of automobiles, trucks, recreational vehicles, motorcycles, all-terrain vehicles, boats, and trailers; not an *Automobile, salvage or wrecking yard* or *Junk yard or automobile graveyard.*

Vehicle sales storage lot. A place in which operable vehicles are stored pending sale; not an *Automobile, salvage or wrecking yard* or *Junk yard or automobile graveyard.* An adjunct use to an existing *Vehicles sales and service* use located adjacent.

Veterinary clinic~~ or hospital for small animals~~. A facility for the provision of surgical or other medical treatment to animals. Such animals may be kept in the facility during the recovery period or while under medical treatment only. ~~(Adopted 9/14/04)~~

Water storage tank~~s~~. See *Public utility, major.* ~~Tanks for the storage of a public water supply or approved private communal water supply. (Adopted 9/14/04)~~

Wholesale food processing. See *Food processing, wholesale*.

Wholesale sales. An establishment that sells merchandise in bulk to large scale buyers, usually other businesses, for the purpose of later retail distribution to the resident population, businesses and/or to tourists.

Yard. An open space other than a court, on a lot, and unoccupied and unobstructed from the ground upward, except as otherwise provided in this ordinance.

Yard, front. A yard lying between the front lot line and the front building setback line, and extending across the full width of the lot. The front yard depth shall be the minimum distance, measured horizontally, between the front building setback line and the front lot line.

Yard measurement. In measuring a yard, the building line shall be deemed to mean a line parallel to the nearest lot line drawn through the point of a building or the point of a group of buildings nearest to such lot line, and the measurement shall be taken at right angles from the building line to the nearest lot line.

Yard, rear. A yard lying between the rear lot line and the nearest part of the building not hereinafter excepted, and extending across the full width of the lot. The rear yard depth shall mean the minimum distance, measured horizontally, between any part of the building not specifically excepted and the rear lot line.

Yard, side. A yard lying between a side lot line and the nearest part of the building or use not hereinafter excepted, and extending from the front yard to the rear yard, or if there be no front or rear yard, to the front or rear lot lines. Side yard width shall mean the minimum distance, measured horizontally, between any part of the building or use not specifically excepted and the nearest side lot line.

Yard/garage sale. Any sale entitled "garage sale," "yard sale," "barn sale," "lawn sale," or any similar casual, temporary sale of tangible personal property on any portion of a residential lot, as allowed by the use regulations of a zoning district, which is advertised by any means whereby the public at large can be made aware of such sale. Such sales are limited to a period of no more than three consecutive days.