

1 **ARTICLE 2. - DISTRICTS AND DISTRICT MAPS**

2 **Section 1. - Establishment of districts.**

3 In order to regulate and restrict the location and use of buildings and land for trade, industry,
4 residence, and other purposes in accordance with the objectives of the comprehensive plan; to
5 regulate and restrict the location, height and size of buildings hereafter erected or structurally
6 altered, the size of yards and other open spaces and the density of population, the following zoning
7 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 <u>District</u>
X	Transitional <u>District</u>
IP	Institutional and Public Use District
AC	Agricultural Conservancy/Commercial District

8
9 The purpose statements which accompany each district are intended to describe in a general
10 way the character of uses to be encouraged in the district, to assist with selection of appropriate
11 districts for application to various conditions of land use, existing or planned, and to assist with
12 interpretation of questions which may arise with respect to particular land uses in particular

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

15 **Section 5. - Interpretation of district boundaries.**

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

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

- 23 a. In cases where a boundary line is given a position within a road, street or alley, navigable
24 or non-navigable stream, it shall be deemed to be in the center of the right-of-way of the
25 road, street, alley, or stream, and if the actual location of such road, street, alley, or stream
26 varies slightly from the location as shown on the zoning map, then the actual location shall
27 control.
- 28 b. In cases where a boundary line is shown as being located a specific distance from a road or
29 street line or other physical feature, this distance shall control.
- 30 c. Where the district boundaries are shown on the zoning map to approximately coincide with
31 lot lines or town limit line, the lot lines or town limit line shall be construed to be the district
32 boundary line unless otherwise indicated.
- 33 d. In cases where district boundaries as shown on the zoning map do not coincide or
34 approximately coincide with road or street lines, alley lines or lot lines, and no dimensions
35 are shown, the location of such district boundary lines shall be determined by the use of the
36 scale appearing on the map.
- 37 e. If, because of error or omission in the zoning map, any property in the jurisdiction of this
38 ordinance is not shown as being in a zoning district, such property shall be classified R-T
39 single-family residential district until changed by amendment and the following regulations
40 shall apply:

- 41 1. ~~Permissible Permitted~~ uses. A building or land in this district shall be used only in
42 accordance with Article 4, Section 1: Use Regulations. ~~for the following purposes:~~
 - 43 i. ~~Detached single-family dwellings. Accessory dwelling units are permitted as a~~
44 ~~special exception by the board of zoning appeals under article 9.~~
 - 45 ii. ~~Facilities and structures necessary for rendering public utility service, including~~
46 ~~poles, wires, transformers, telephone booths and the like for electrical power~~
47 ~~distribution or communication service, and underground pipelines or conduits for~~
48 ~~electrical, gas, sewer, or water service.~~
 - 49 iii. ~~Stable, private, or keeping of horses, ponies or other livestock for personal~~
50 ~~enjoyment and not as a business, provided that any building for keeping of animals~~
51 ~~shall be located at least 100 feet from any side or rear lot line and provided that~~
52 ~~no more than one such animal shall be kept for each acre of land on the premises,~~
53 ~~as a special exception.~~
 - 54 iv. ~~Yard sale or garage sale for the disposal of used household items, provided such~~
55 ~~sales are not conducted for more than three days per year, and include items~~

56 assembled only from households in the immediate neighborhood. Signs associated
57 with the sale shall comply with the district regulations and shall not be attached
58 to trees or utility poles, and shall be removed by the owner of the sign(s) within
59 24 hours following the day of the sale. Failure to remove the sign(s) will result in
60 removal by town staff.

61 v. ~~Accessory buildings and uses.~~

62 vi. ~~Home occupations.~~

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

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

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

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

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

74 iv. ~~Bed and breakfast.~~

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

- 77 4. Lot size standards.

78 i. Single-family detached dwellings:

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

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

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

83 d. Minimum street frontage: 25 feet.

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

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

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

89 v. Averaging lot area and cluster subdivisions are permitted in Article 6, Section 5:
90 Cluster Subdivisions.

- 91 5. Yard and setback standards.

92 i. Single-family detached dwelling:

93 Minimum front yard: 50 feet.

94 Minimum side yard: 30 feet.

95 Minimum rear yard: 50 feet.

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

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

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

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

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

107 **Section 6. - Interim zoning of annexation areas.**

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

112 follows:

County AR1	goes to	Town X
County PD-G1	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

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

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

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118 **ARTICLE 4. - DISTRICT REGULATIONS**

119 **Section 1. - Use Regulations. Reserved.**

120 1.1 Use table.

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

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

<u>Symbol</u>	<u>Use Type</u>	<u>Meaning</u>
<u>P</u>	<u>Permitted Uses</u>	<u>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.</u>
<u>SE</u>	<u>Special Exception Uses</u>	<u>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.</u>
<u>SUP</u>	<u>Uses Allowed by Special Use Permit</u>	<u>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.</u>
<u>PPU</u>	<u>Principal Permitted Uses (PDH District Only)</u>	<u>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.</u>
<u>SPU</u>	<u>Secondary Permitted Uses (PDH District Only)</u>	<u>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.</u>
	<u>Prohibited Uses</u>	<u>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.</u>

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126 Use Table

<u>Use</u>	<u>R2</u>	<u>R3</u>	<u>R3A</u>	<u>R8</u>	<u>R15</u>	<u>C1</u>	<u>MC</u>	<u>C4</u>	<u>CM1</u>	<u>M1</u>	<u>PDH</u>	<u>X</u>	<u>IP</u>	<u>AC</u>	<u>RT</u>	<u>Use Standard</u>
<u>Accessory buildings and uses</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>SPU</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Art. 4, Sec. 12.1</u>

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

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

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

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

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

127

128 1.2 Use standards.

129 1. Accessory buildings and uses:

130 a. General standards.

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

133 b. Reserved.

134 2-3. Reserved.

135 4. Agriculture/horticulture:

136 a. General standards.

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

141 b. Reserved.

142 5-16. Reserved.

143 17. Bus shelter:

144 a. General standards.

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

147 b. Reserved.

148 18-19. Reserved.

149 20. Car wash:

150 a. General standards.

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

153 b. Reserved.

154 21-23. Reserved.

155 24. Child care, commercial:

156 a. General standards.

157 i. Maximum enrollment of 150 students daily.

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

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

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

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

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

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

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

<u>Number of Persons</u>	<u>Street Type</u>
<u>1-75</u>	<u>Local</u>
<u>76-150</u>	<u>Collector</u>

179
180 v. All such uses shall be located so as to permit the pick-up and discharge of all
181 persons on the site.

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

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

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

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

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

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

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

196 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:

- 235 1. The traffic generated by the proposed use shall be adequately and safely
236 served by roads, pedestrian connections and other transportation services.
- 237 2. All such uses shall be located so as to have direct access to an existing or
238 programmed public street of sufficient right-of-way and cross-section width
239 to accommodate pedestrian and vehicular traffic to and from the use as
240 determined by the zoning administrator. To assist in making this
241 determination, each applicant, at the time of site plan application, shall
242 provide an estimate of the maximum expected trip generation, the
243 distribution of these trips by mode and time of day, and the expected service
244 area of the facility.
- 245 3. A site plan shall be submitted and reviewed in accordance with the
246 requirements and procedures of Article 11, Section 5: Site Plans and the
247 requirements set forth in Article 5 of the Land Development and Subdivision
248 Control Ordinance (LDSCO) unless granted a waiver in accordance with
249 Article 5, Section 5.1.B of the LDSCO.
- 250 b. Reserved.
- 251 34-35. Reserved.
- 252 36. Communications tower:
- 253 a. General standards.
- 254 i. The maximum tower height is 125 feet.
- 255 ii. In the C-4 district, such use may only be located north of the former W&OD railroad
256 right-of-way, as shown on Map 9.1 in Article 4, Section 9: C-4 Central Commercial
257 District.
- 258 b. Reserved.
- 259 37-39. Reserved.
- 260 40. Concrete plant:
- 261 a. Reserved.
- 262 b. District standards.
- 263 i. In the C-4 district, such use may only be located north of the former W&OD railroad
264 right-of-way, as shown on Map 9.1 in Article 4, Section 9: C-4 Central Commercial
265 District.
- 266 41-42. Reserved.
- 267 43. Conservancy subdivision:
- 268 a. General standards.
- 269 i. See Article 4, Section 15.5.2: Conservancy subdivision: Lot, bulk and open space
270 requirements.
- 271 b. Reserved.
- 272 44-45. Reserved.
- 273 46. Construction/landscaping equipment and supply sales and service:

- 274 a. General standards.
- 275 i. All inventory and materials shall be stored under cover, within an enclosed area,
- 276 screened from view of public streets or within a fully enclosed building.
- 277 b. District standards.
- 278 i. In the C-4 district, such use may only be located north of the former W&OD railroad
- 279 right-of-way, as shown on Map 9.1 in Article 4, Section 9: C-4 Central Commercial
- 280 District.
- 281 47-48. Reserved.
- 282 49. Contractor's office and storage area:
- 283 a. Reserved.
- 284 b. District standards.
- 285 i. In the C-1 and C-4 districts, any equipment and materials must be stored within an
- 286 enclosed building.
- 287 50-52. Reserved.
- 288 53. Drive-through facility:
- 289 a. General standards.
- 290 i. Such a use shall have on all sides the same architectural treatment or shall be
- 291 architecturally compatible with the building group or neighborhood with which it
- 292 is associated.
- 293 ii. Such a use shall be designed so that pedestrian and vehicular circulation is
- 294 coordinated with that on adjacent properties.
- 295 iii. The site shall be designed to minimize the potential for turning movement
- 296 conflicts and to facilitate safe and efficient on-site circulation. Parking and stacking
- 297 spaces shall be provided and located in such a manner as to facilitate safe and
- 298 convenient vehicle and pedestrian access to all uses on the site.
- 299 iv. The lot shall be of sufficient area and width to accommodate the use or
- 300 combination of uses and any such use shall not adversely affect any nearby
- 301 existing or planned residential areas as a result of the hours of operation, noise
- 302 generation, parking, glare or other operational factors.
- 303 v. Drive-through stacking lanes shall be a minimum 100 feet from any residential lot.
- 304 The planning commission may modify or waive this requirement if it determines
- 305 that the impacts to nearby residences will be minimal.
- 306 vi. Speakers in drive-through areas shall not be audible from adjacent residential
- 307 uses. Sound attenuation walls, landscaping or other mitigation measures may be
- 308 required as necessary.
- 309 vii. Pedestrian walkways should not intersect the drive-through aisles, but where
- 310 there is no alternative, they shall have clear visibility.
- 311 viii. Drive-through aisles shall have a minimum 12-foot width on curves and a
- 312 minimum 11-foot width on straight sections.

- 313 ix. Drive-through aisles shall provide sufficient stacking area behind the menu board
314 for drive-through eating establishments and behind the service window for other
315 drive-through uses to accommodate a minimum of six (6) cars (approximately 114
316 feet).
- 317 x. No drive-through aisles shall exit directly into a public right-of-way. Aisles shall be
318 integrated with the on-site circulation and shall merge with the driveway.
- 319 xi. Drive-through aisles shall be separated from landscaping areas by a six-inch high,
320 poured in place, concrete curb or other suitable protective device approved by the
321 Zoning Administrator.
- 322 xii. Landscaping shall screen drive-through aisles from the public right-of-way and
323 shall be used to minimize the visual impacts of menu board signs and directional
324 signs.
- 325 b. District standards.
- 326 i. In the C-4 district, such use may only be located north of the former W&OD railroad
327 right-of-way, as shown on Map 9.1 in Article 4, Section 9: C-4 Central Commercial
328 District.
- 329 54-55. Reserved.
- 330 56. Dwelling, accessory:
- 331 a. General standards.
- 332 i. The owner of a property with an accessory dwelling must reside in either the
333 primary dwelling or the accessory dwelling.
- 334 ii. An accessory dwelling shall not exceed 25 percent of the total floor area of the
335 main dwelling nor contain less than 500 square feet of floor area.
- 336 iii. Whether the accessory dwelling is a subordinate dwelling unit in the primary
337 building or located in an accessory building, the general appearance of a single-
338 family dwelling lot shall be maintained.
- 339 iv. No exterior stairways to a second floor shall be constructed at the front of the main
340 building.
- 341 v. At least three (3) off-street parking spaces must be available on the property for
342 use by the owner-occupant and the tenant.
- 343 vi. If the accessory dwelling is located in an accessory structure, such structure must
344 have the following minimum setbacks from side and rear property lines:
- 345 1. Side yard: Same as principal structure;
- 346 2. Rear yard: Same as side yard for principal structure, but not less than ten (10)
347 feet
- 348 b. Reserved.
- 349 57-58. Reserved.
- 350 59. Dwelling, apartment:
- 351 a. Reserved.
- 352 b. District standards.

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

358 60-61. Reserved.

359 62. Dwelling, multiple-family:

360 a. General standards.

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

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

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

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

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

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

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

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

392 ix. The maximum lot coverage shall be 40 percent.

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

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

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

403 b. Reserved.

404 63-64. Reserved.

405 65. Dwelling, single-family attached:

406 a. General standards.

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

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

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

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

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

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

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

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

- 437 4. Townhouse developments shall have provisions ensuring that nonpublic
438 common green areas remain for use and enjoyment of occupants and shall be
439 properly maintained without expense to the Town of Purcellville in
440 accordance with the Condominium Act, §§ 55-79.39 et seq. Code of Virginia,
441 as amended.
- 442 vi. The minimum front yard per dwelling unit shall be 15 feet. The minimum rear yard
443 shall be 25 feet. The minimum side yard for end and corner lots shall be ten feet.
- 444 vii. Every dwelling unit shall have a minimum gross floor area of 1,200 square feet
445 with a minimum of 600 square feet per floor, exclusive of attic and exclusive of
446 basements which are more than 50 percent underground.
- 447 viii. Maximum building height for townhouses shall be 35 feet.
- 448 ix. The maximum lot coverage shall be 40 percent.
- 449 x. Rear access may be required for emergency vehicles as determined by the fire
450 marshal.
- 451 xi. No motor vehicle shall be parked on any lot upon which a townhouse has been or
452 is to be erected unless a garage is provided as part of the unit. No townhouse shall
453 have a garage or carport attached to its exterior facade. No garage shall be
454 converted to living area.
- 455 xii. Townhouse dwellings abutting each other shall have complementary but not
456 identical facades.
- 457 xiii. There shall be at least three but no more than eight townhouse dwellings
458 continuously connected; provided that the average number of units continuously
459 connected shall not exceed six. There shall be an open space of at least 20 feet
460 between any two such groups of continuously connected buildings.
- 461 xiv. No more than two abutting townhouse dwellings shall have the same front yard
462 setbacks. Building setback variations as required shall be at least three feet. No
463 more than two abutting townhouses shall have a common roof line.
- 464 xv. Soundproof and fireproof walls shall be provided between adjoining dwellings at
465 least up to and including the underside of the roof.
- 466 xvi. Service areas and rear yards visible from a street shall be appropriately screened
467 as approved by the Zoning Administrator.
- 468 xvii. Each lot containing a townhouse shall provide a private rear yard at least 300
469 square feet in area and at least 15 feet in depth enclosed visually by uniform fences
470 or walls.
- 471 xviii. Each dwelling shall be self-contained as to heating, air conditioning and utilities.
- 472 xix. The developer shall provide front yard areas and common areas with lawn and
473 appropriate shrubbery planting except on areas designated for walks and
474 driveways. The lawn and shrubbery planting shall be subject to approval by the
475 zoning administrator.
- 476 xx. Common refuse bins shall be completely screened from view by means of a fence
477 or wall, and a gate which can be latched open and closed.

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

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

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

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

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

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

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

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

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

513 b. Reserved.

514 66-68. Reserved.

515 69. Eating establishment:

516 a. Reserved.

517 b. District standards.

518 i. In the C-1 district, any such use shall be limited to not more than 15 percent of the
519 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.

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

558 92-93. Reserved.

559 94. Fueling station:

560 a. General standards.

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

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

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

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

568 b. Reserved.

569 95-100. Reserved.

570 101. Home occupation:

571 a. General standards.

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

573 b. Reserved.

574 102-104. Reserved.

575 105. Kennel:

576 a. General standards.

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

580 b. Reserved.

581 106-107. Reserved.

582 108. Laboratory:

583 a. General standards.

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

585 b. Reserved.

586 109-111. Reserved.

587 112. Lighted sports field:

588 a. General standards.

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

591 b. Reserved.
592 113-114. Reserved.
593 115. Machine shop:
594 a. General standards.
595 i. Punch presses exceeding 40-ton rated capacity and drop hammers are prohibited.
596 b. Reserved.
597 116-117. Reserved.
598 118. Manufacturing, light:
599 a. Reserved.
600 b. District standards.
601 i. In the C-1 district, such use shall be limited to the onsite production of stairs and
602 similar goods made of wood.
603 119-121. Reserved.
604 122. Office:
605 a. Reserved.
606 b. District standards.
607 i. In the R-3A district, such use shall only be allowed in conjunction with residential
608 use of the property and shall comply with the regulations of Article 4, Section 3A.4
609 Use Limitations.
610 123-124. Reserved.
611 125. Outdoor storage lot:
612 a. Reserved.
613 b. District standards.
614 i. In the C-4 district, such use may only be located north of the former W&OD railroad
615 right-of-way, as shown on Map 9.1 in Article 4, Section 9: C-4 Central Commercial
616 District.
617 126-131. Reserved.
618 132. Personal services establishment:
619 a. Reserved.
620 b. District standards.
621 i. In the C-1 district, any such use shall be limited to not more than 15 percent of the
622 total floor area of a multiple-use development, as defined in Article 15: Definitions.
623 133-154. Reserved.
624 155. Retail sales, general:
625 a. Reserved.
626 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:

<u>Number of Persons</u>	<u>Street Type</u>
<u>1-75</u>	<u>Local</u>
<u>76-150</u>	<u>Collector</u>

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.

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

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

- 667 1. The dimensions, boundary lines and area of the lot or parcel.
- 668 2. The location, dimensions and height of any building, structure, or addition,
669 whether existing or proposed.
- 670 3. The distance from all property lines to the existing or proposed building,
671 structure or addition, shown to the nearest foot.
- 672 4. The dimensions and size of all outdoor recreation space and the location of
673 such space in relation to all lot lines.

674 b. District standards.

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

678 159-160. Reserved.

679 161. School, special instruction:

680 a. General standards.

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

<u>Number of Persons</u>	<u>Street Type</u>
<u>1-75</u>	<u>Local</u>
<u>76-150</u>	<u>Collector</u>

690
691 ii. All such uses shall be located so as to permit the pick-up and discharge of all
692 persons on the site.

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

- 695 1. The dimensions, boundary lines and area of the lot or parcel.
- 696 2. The location, dimensions and height of any building, structure, or addition,
697 whether existing or proposed.

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

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

702 b. Reserved.

703 162-163. Reserved.

704 164.School, technical:

705 a. General standards.

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

714

<u>Number of Persons</u>	<u>Street Type</u>
<u>1-75</u>	<u>Local</u>
<u>76-150</u>	<u>Collector</u>

715

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

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

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

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

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

725 165-166. Reserved.

726 167.Sign shop:

727 a. Reserved.

728 b. District standards.

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

731 168-170. Reserved.

732 171.Studio:

733 a. Reserved.

734 b. District standards.

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

738 172-177. Reserved.

739 178. Vehicle sales and service:

740 a. General standards.

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

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

752 b. Reserved.

753 179-180. Reserved.

754 181. Veterinary clinic:

755 a. General standards.

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

759 b. Reserved.

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

761 *2.1 Purpose of the district.*

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

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

772 2.2 ~~Permissible Permitted~~ uses.

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

- 775 1. ~~Detached single-family dwellings. Accessory dwelling units are permitted as a special~~
776 ~~exception by the board of zoning appeals under article 9.~~
- 777 2. ~~Facilities and structures necessary for rendering public utility service, including poles,~~
778 ~~wires, transformers, telephone booths and the like for electrical power distribution or~~
779 ~~communication service, and underground pipelines or conduits for electrical, gas, sewer, or~~
780 ~~water service.~~
- 781 3. ~~Stable, private, or keeping of horses, ponies or other livestock for personal enjoyment and~~
782 ~~not as a business, provided that any building for keeping of animals shall be located at least~~
783 ~~100 feet from any side or rear lot line and provided that no more than one such animal shall~~
784 ~~be kept for each acre of land on the premises, as a special exception.~~
- 785 4. ~~Yard sale or garage sale for disposal of used household items, provided such sales are not~~
786 ~~conducted for more than three days per year, and include items assembled only from~~
787 ~~households in the immediate neighborhood. Signs associated with the sale shall comply~~
788 ~~with the district regulations and shall not be attached to trees or utility poles, and shall be~~
789 ~~removed within 24 hours.~~
- 790 5. ~~Accessory buildings and uses.~~
- 791 6. ~~Home occupations as defined in article 3, section 8.~~
- 792 7. ~~Residential day or home child care for five or fewer children subject to article 6, section 7.1.~~
793 ~~(Adopted 1/12/93)~~

794 2.3 ~~Reserved. Uses permitted by special use permit.~~

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

- 798 1. ~~Convalescent homes, rest homes, nursing homes or homes for the aged.~~
- 799 2. ~~Family care homes or foster homes.~~
- 800 3. ~~Radio or television transmission or receiving tower not more than 50 feet in height.~~
- 801 4. ~~Bed and breakfast.~~

802 2.4 ~~Permitted signs, on residential lots and commercial lots in residential districts.~~

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

804 2.5 Lot size standards.

- 805 1. Single-family detached dwelling:
806 Minimum lot area:
 - 807 a. With both public water service and public sewer service: 15,000 square feet.
 - 808 b. With public water service but not public sewer service: 17,500 square feet.

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

810 Minimum lot width:

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

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

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

814 Minimum lot depth:

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

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

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

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

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

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

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

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

826 *2.6 Yard and setback standards.*

827 1. Single-family detached dwelling:

828 Minimum front yard: 25 feet.

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

830 Minimum rear yard: 25 feet.

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

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

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

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

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

841 *2.7 Reserved. Special provisions for corner lots.*

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

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

847 *2.8 Height standards.*

- 848 1. Buildings may be erected up to 2½ stories and 35 feet in height except that:
 - 849 a. The height limit for dwellings may be increased up to 45 feet and up to three stories
850 provided there are two side yards for each permitted use each of which is at least 15
851 feet plus one foot or more for each side yard for each additional foot of building height
852 over 35 feet upon granting of a special exception by the board of zoning appeals under
853 Article 9: Board of Zoning Appeals~~article 9~~.
 - 854 b. A public or semi-public building, such as a school, church, or library, may be erected to
855 a height of 60 feet from grade provided that required front, side and rear yards shall be
856 increased one foot for each foot in height over 35 feet.
 - 857 c. Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, and flag
858 poles of any height, and television antennas up to 50 feet in height, are exempt from
859 height regulations. Parapet walls may be up to four feet above the height of the building
860 on which the walls rest.
 - 861 d. No accessory structure which is within ten feet of any party lot line shall be more than
862 one story in height. All accessory structures shall be of less height than the main
863 buildings on the lot.

864 *2.9 Off-street parking and loading standards.*

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

868 *2.10 Landscaping, screening and open space.*

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

871 **Section 3. -- R-3 {Duplex} R~~r~~esidential district.**

872 *3.1 Purpose of the district.*

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

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

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

886 3.2 Permissible Permitted-uses.

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

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

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

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

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

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

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

907 7.—~~Residential day care or home child care for six or fewer children subject to article 6, section~~
908 ~~7.1. (Adopted 1/12/93)~~

909 3.3 Reserved. Uses permitted by special use permit or commission permit.

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

913 1.—~~Bed and breakfast facility.~~

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

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

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

917 5.—~~Nursery schools, kindergartens, child care centers, day nursery, or day care centers subject~~
918 ~~to article 6, section 7.2, special regulations for residential day care or home child care,~~
919 ~~nursery schools, kindergartens, child care centers, day nursery or day care centers. (Revised~~
920 ~~1/12/93)~~

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

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

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

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

932 ~~9a. Veterinary clinic or hospital for small animals.~~

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

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

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

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

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

952 *3.4 Permitted signs.*

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

954 *3.5 Lot size standards.*

955 1. Single-family detached dwelling:

956 Minimum lot area:

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

960 Minimum lot width:

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

- 962 b. With public water service but not public sewer service: 85 feet.
- 963 c. Without public sewer service or public water service: 100 feet.
- 964 Minimum lot depth:
- 965 a. With both public water service and public sewer service: 100 feet.
- 966 b. With public water service but not public sewer service: 125 feet.
- 967 c. Without public sewer service or public water service: 150 feet.
- 968 2. Duplex dwelling: Duplex dwellings are permitted only on lots with both public sewer and
- 969 water service. All requirements below are per dwelling unit.
- 970 Minimum lot area: 8,500 square feet.
- 971 Minimum lot width: 75 feet.
- 972 Minimum lot depth: 100 feet.
- 973 Minimum street frontage: 25 feet per dwelling unit for detached single-family and duplex
- 974 dwellings.
- 975 Other uses same as for single-family detached dwelling or as specified in the district regulations.
- 976 Minimum lot area for individual or on-site sewage disposal systems is subject to health
- 977 department requirements.
- 978 Lot width is measured at the front building setback line.
- 979 Cluster subdivisions are permitted in Article 6, Section 5: Cluster Subdivisions~~article 6.~~
- 980 The dwelling units and individual lots of a duplex dwelling may be sold separately if separate
- 981 utilities systems are provided and if separate lots for the dwelling units in a building are created
- 982 in conformance with the subdivision regulations.
- 983 3.6 *Yard and setback standards.*
- 984 1. Single-family detached and duplex dwellings:
- 985 Minimum front yard: 25 feet.
- 986 Minimum side yard:
- 987 Single-family detached dwelling: Ten feet. Total width of both side yards shall be at
- 988 least 25 feet.
- 989 Duplex dwelling: No requirement for interior lot line for dwelling units with common
- 990 vertical wall and separate lots; minimum side yard on lot line without common wall
- 991 shall be 12.5 feet.
- 992 Minimum rear yard: 25 feet.
- 993 The minimum front yard shall be measured from the front lot line to the front building
- 994 setback line.

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

997 *3.7 Reserved.*

998 *3.8 Height standards.*

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

1000 a. The height limit for dwellings may be increased up to 45 feet and up to three stories
1001 provided there are two side yards for each permitted use each of which is at least 15
1002 feet plus one foot or more for each side yard for each additional foot of building height
1003 over 35 feet, upon granting of a special exception by the board of zoning appeals under
1004 Article 9: Board of Zoning Appeals~~article 9.~~

1005 b. A public or semi-public building, such as a school, church, library, or general hospital,
1006 may be erected to a height of 60 feet provided that required front, side and rear yards
1007 shall be increased one foot for each foot in height over 35 feet.

1008 c. Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, and flag
1009 poles of any height, and television antennas up to 50 feet in height, are exempt from
1010 height regulations. Parapet walls may be up to four feet above the height of the building
1011 on which the walls rest.

1012 d. Except as provided in Article 6, Section 4.7: Accessory Buildings and Structures~~article 6,~~
1013 ~~section 4~~, no accessory structure which is at least five feet but less than ten feet from
1014 any lot line shall be more than 20 feet in height. Accessory Structures at least ten feet
1015 from any lot line may be up to 28 feet in height.

1016 *3.9 Off-street parking and loading standards.*

1017 Subject to Article 6, Section 1: Off-street Parking Requirements and Article 6, Section 2: Off-street
1018 Loading Requirements. Off-street parking and loading design standards and space requirements
1019 for particular uses are contained in article 6.

1020 *3.10 Landscaping, screening and open space.*

1021 Regulations for landscaping, screening and open space are contained in Article 7: Landscaping,
1022 Buffering, and Open Space Regulations~~article 7.~~

1023 **Section 3A. - R-3A Historic office/residential district.**

1024 *3A.1 Purpose.*

1025 The purpose of this zoning district is to provide the option for limited professional office use in
1026 conjunction with established residential uses in areas recommended by the Town
1027 Comprehensive Plan for Historic Office/Residential uses in order to maintain the integrity of
1028 existing historic properties while providing opportunities for alternative development
1029 compatible with the historic character of the area and the residential character of the
1030 neighborhood. The residential appearance and historic character of existing structures shall be
1031 preserved. Likewise any new construction shall maintain a residential appearance compatible
1032 with the historic architectural character of the Purcellville Historic District.

1033 3A.2 ~~Permissible Permitted~~ uses.

1034 ~~A building or land in this district shall be used only in accordance with Article 4, Section 1: Use~~
1035 ~~Regulations.~~

1036 a. ~~Single-family dwelling.~~

1037 b. ~~Office—business, professional, or administrative offices, in conjunction with residential uses~~
1038 ~~of the property.~~

1039 c. ~~Offices—medical or dental, in conjunction with residential uses of the property, provided~~
1040 ~~that such offices do not exceed a maximum of 1,600 square feet in floor area.~~

1041 d. ~~Multi family dwelling provided that it is in conjunction with the permitted non-residential~~
1042 ~~use of the structure in which it is located.~~

1043 e. ~~Artist studios in conjunction with residential uses of the property~~

1044 f. ~~Retail sales, internet only, via electronic advertisement with remote storage and shipment,~~
1045 ~~in conjunction with residential uses of the property. No significant storage of inventory shall~~
1046 ~~be permitted on the premises with the exception of prototypes and models.~~

1047 g. ~~Bed and breakfast facilities of not more than four guest bedrooms.~~

1048 h. ~~Accessory buildings and uses, including but not limited to accessory garages, home~~
1049 ~~occupations, accessory storage, accessory off-street parking and loading spaces, and~~
1050 ~~accessory signs.~~

1051 3A.3 ~~Reserved. Uses permitted by special use permit.~~

1052 a. ~~Bed and breakfast facility.~~

1053 b. ~~Nursing home.~~

1054 c. ~~School of special instruction.~~

1055 d. ~~School—technical, trade or business.~~

1056 3A.4 Use limitations.

1057 a1. Non-residential uses shall not exceed 50 percent of the above ground (i.e., non-basement)
1058 floor area of all principal structures on the property, provided however that the town
1059 council, after the recommendation of the planning commission, may as a part of a zoning
1060 map amendment permit non-residential use of up to 60 percent of the above ground floor
1061 area of a principal structure. A floor plan, which indicates the mix of residential and non-
1062 residential uses in each structure on the property, shall be submitted with a zoning map
1063 amendment application. Once a zoning map amendment has been approved, the Zoning
1064 Administrator may approve a revised floor plan as a part of a zoning permit application,
1065 provided that the approved ratio of residential to non-residential uses on the property does
1066 not change.

1067 b2. Notwithstanding aArticle 6, sSection 4.3.2, principal uses may be permitted in accessory
1068 structures.

1069 e3. The residential and historic appearance and character shall be maintained in the case of
1070 existing structure(s).

- 1071 ~~d4.~~ In the event new structures are proposed, such structures shall maintain the residential and
1072 historic character of the area and be architecturally compatible with the other principal
1073 structures on the property.
- 1074 ~~e5.~~ Off-street parking shall be located to the rear or side of the structure located closest to the
1075 street and large parking areas shall not be conspicuous from the street. If located to the side,
1076 ~~the parking area screening~~ shall be ~~screened from the street and structures on neighboring~~
1077 ~~lots provided at the lot line~~ by landscaping or decorative walls or fences to a minimum
1078 height of six feet.
- 1079 ~~f6.~~ For the purposes of this ordinance, the commercial area of a bed and breakfast shall be
1080 determined as any area used exclusively for the bed and breakfast (including, but not
1081 limited to, guest bedrooms, bathrooms, and separate living areas). Areas which are shared
1082 (including, but not limited to, dining areas and shared living areas) shall be considered
1083 residential.

1084 *3A.5 Permitted signs.*

1085 ~~Subject to Article 6, Section 3: General Sign Regulations. One freestanding, wall, projecting, or~~
1086 ~~awning sign per property no more than six square feet in area shall be permitted. Free standing~~
1087 ~~signs shall be no higher than five feet above ground and shall be set back at least five feet from~~
1088 ~~all property lines. Signs shall not be illuminated past 10:00 p.m.~~

1089 *3A.6 Lot size standards.*

- 1090 ~~a1.~~ Minimum Lot width: 70 feet.
- 1091 ~~b2.~~ Minimum Lot depth: 100 feet.
- 1092 ~~e3.~~ Minimum Lot area: 8,000 square feet.

1093 *3A.7 Yard and setback standards.*

1094 The following provisions shall apply only to new construction, including modifications to
1095 existing structures.

- 1096 ~~a1. Principal structures: F~~Minimum front yard: Ten feet ~~or such other greater distance~~
1097 ~~established in the zoning map amendment.~~
- 1098 ~~b2. Principal structures: S~~Minimum side yard: Ten feet.
- 1099 ~~e3. Principal structures: R~~Minimum rear yard: 25 feet.
- 1100 ~~d4.~~ Accessory structures attached to a principal structure shall be considered part of the
1101 principal structure for the purpose of determining setbacks. Detached accessory structures
1102 shall be setback by at least half of the distances specified in paragraphs a. through c. above.

1103 The town council may, as a part of a concept plan for a zoning map amendment application,
1104 approve specified non-residential uses in any existing structure which cannot meet the setback
1105 requirements established by this ordinance, including accessory structures.

1106 *3A.8 Reserved. Special provisions for corner lots.*

1107 ~~Shall be the same as for R-3.~~

1108 3A.9 Height standards.

1109 The following provisions shall apply only to new construction, including modifications to
1110 existing structures.

1111 a1. Principal structures: 35 feet.

1112 b2. Accessory structures (other than signs): No accessory structure that is within ten feet of any
1113 property line shall be more than 15 feet in height. However, a maximum height of 20 feet
1114 shall be permitted if the accessory structure is setback an additional one foot for every foot
1115 increase in height over 15 feet.

1116 3A.10 Off-street parking and loading standards.

1117 ~~Subject to Article 6, Section 1: Off-street Parking Requirements and Article 6, Section 2: Off-street~~
1118 ~~Loading Requirements. Off-street parking requirements shall be as prescribed by article 6,~~
1119 ~~provided however, that the number of required off-street parking spaces specified by article 6~~
1120 ~~shall be considered both minimum and maximum parking requirements for any non-residential~~
1121 ~~use in this district.~~

1122 3A.11 Landscaping, screening and open space.

1123 Shall be as prescribed by ~~Article 7: Landscaping, Buffering, and Open Space Regulations~~ article 7.

1124 **Section 4. - R-8 Townhouse residential district.**

1125 4.1 Purpose of the district.

1126 The purpose of this district is to provide for medium-density single-family detached and duplex
1127 residential development and medium-density townhouse residential development together
1128 with those public and semi-public uses and accessory uses as may be necessary or are normally
1129 compatible with residential surroundings. In general, urbanization is planned and utilities and
1130 public services exist or are planned to be adequate for the type or types of development
1131 contemplated. Certain special care facilities and certain governmental, educational, recreational
1132 and utility uses are ~~allowed permitted~~ by special use permit subject to such restrictions and
1133 requirements as will ensure compatibility with residential surroundings.

1134 An alternative to the basic area and dimensional regulations of this district may be employed to
1135 permit cluster development with the objective of improved use of the land and more economical
1136 provision of streets and utilities ~~in accordance with Article 6, Section 5: Cluster Subdivisions. {See~~
1137 ~~article 6.5 [article 6, section 5].}~~

1138 4.2 ~~Permissible Permitted~~ uses.

1139 A building or land ~~in this district~~ shall be used only ~~in accordance with Article 4, Section 1: Use~~
1140 ~~Regulations. for the following purposes:~~

1141 1. ~~Detached single-family dwellings and accessory dwelling units subject to the regulations of~~
1142 ~~the R-3 duplex residential district.~~

1143 2. ~~Duplex dwellings, detached or semi-detached, subject to the regulations of the R-2 [R-3]~~
1144 ~~duplex residential district.~~

- 1145 ~~3.—Attached single-family dwellings (townhouses) subject to the special regulations of section~~
1146 ~~4.11 below.~~
- 1147 ~~{4.—Reserved.}~~
- 1148 ~~5.—Facilities and structures necessary for rendering public utility service, including poles,~~
1149 ~~wires, transformers, telephone booths and the like for electrical power distribution or~~
1150 ~~communication service, and underground pipelines or conduits for electrical, gas, sewer, or~~
1151 ~~water service.~~
- 1152 ~~6.—Yard sale or garage sale for disposal of used household items, provided such sales are not~~
1153 ~~conducted for more than three days per year, and include items assembled only from~~
1154 ~~households in the immediate neighborhood. Signs associated with the sale shall comply~~
1155 ~~with the district regulations and shall not be attached to trees or utility poles, and shall be~~
1156 ~~removed within 24 hours.~~
- 1157 ~~7.—Accessory buildings and uses, including but not limited to accessory private garages,~~
1158 ~~swimming pools, home occupations, accessory storage, accessory off-street parking and~~
1159 ~~loading spaces, and accessory signs as herein regulated. (Amended 4/14/92)~~
- 1160 ~~8.—Home occupations as defined in article 3, section 8.~~
- 1161 ~~9.—Residential day care or home child care for five or fewer children subject to article 6, section~~
1162 ~~7.1. (Adopted 1/12/93)~~

1163 ~~4.3 *Reserved. Uses permitted by special use permit.*~~

1164 ~~The following uses may be permitted by special use permit approved by the town council~~
1165 ~~following report by the planning commission in accordance with the procedures, guides and~~
1166 ~~standards of article 8:~~

- 1167 ~~1.—Convalescent homes, rest homes, nursing homes or homes for the aged.~~
- 1168 ~~2.—Family care homes or foster homes.~~
- 1169 ~~3.—Radio or television transmission or receiving tower not more than 50 feet in height.~~

1170 ~~4.4 *Permitted signs.*~~

1171 ~~Subject to Article 6, Section 3: General Sign Regulationsthe general sign regulations of article 6.~~

1172 ~~4.5 *Lot size standards.*~~

- 1173 ~~1. Single-family detached dwelling and duplex dwelling:~~
1174 ~~For minimum lot area, minimum lot width and minimum depth see R-3 regulations.~~
- 1175 ~~2. ~~Attached-s~~Single-family attached dwellings (townhouses) public water and sewer required.~~
1176 ~~Minimum lot area: 2,000 square feet, not to exceed eight units per acre.~~
- 1177 ~~Minimum lot width: 20 feet.*~~
- 1178 ~~Minimum lot depth: 100 feet.~~

1179 ~~*See Article 4, sSection 1.24.11: Use Standards below for special regulations for ~~townhouses~~~~
1180 ~~single-family attached dwellings.~~

1181 Lot width is measured at the front building setback line.

1182 Minimum lot width shall be 30 feet for end and corner lots. All townhouse dwellings except
1183 end dwellings and corner lots shall occupy the full width of the lot.

1184 Other uses same as for single-family ~~detached or two-family~~ dwellings or as specified in the
1185 district regulations.

1186 Minimum street frontage is 25 feet for ~~detached~~ single-family detached and duplex
1187 dwellings.

1188 Minimum lot area for individual or on-site sewage disposal systems is subject to health
1189 department requirements.

1190 Cluster subdivisions are permitted in Article 6, Section 5: Cluster Subdivisions~~article 6.~~
1191 Special provisions for single-family attached dwellings~~townhouse projects~~ are found in
1192 Article 4, Section 1.2: Use Standards~~section 4.11 [of this article].~~

1193 *4.6 Yard and setback standards.*

1194 1. Single-family detached and duplex dwellings: ~~{See R-3 district regulations}.~~

1195 2. ~~Attached-s~~Single-family attached dwellings (townhouses):

1196 Minimum front yard: 15 feet.

1197 Minimum side yard: Ten feet.*

1198 Minimum rear yard: 25 feet.

1199 *Minimum side yards for end lots only.

1200 Minimum front yard shall be 40 feet from the street centerline if street right-of-way is less
1201 than 50 feet in width.

1202 The minimum front yard shall be measured from the front lot line to the front building
1203 setback line.

1204 Other principal structures same as single-family detached dwelling or as required in the
1205 district regulations.

1206 Accessory structures attached to the main building shall be considered part of the main
1207 building and comply with front, side and rear yard requirements. (For decks see Article 6,
1208 Section 4.7: Accessory Buildings and Structures~~article 6, section 4.~~)

1209 Detached accessory structures shall not be closer than five feet to any property line.

1210 See Article 4, Section 1.2: Use Standards~~section 4.11 below~~ for special regulations for single-
1211 family attached dwellings ~~townhouses~~ and accessory structures.

1212 *4.7 Reserved.*

1213 *4.8 Height standards.*

1214 1. Buildings may be erected up to 2½ stories and 35 feet in height except that:

- 1215 a. Townhouses may include three stories but may not exceed 35 feet in height.
- 1216 b. The height limit for dwellings other than townhouses may be increased up to 45 feet
- 1217 and up to three stories provided there are two side yards for each permitted use each
- 1218 of which is at least 15 feet plus one foot or more for each side yard for each additional
- 1219 foot of building height over 35 feet.
- 1220 c. A public or semi-public building, such as a school, church, library, or general hospital,
- 1221 may be erected to a height of 60 feet provided that required front, side and rear yards
- 1222 shall be increased one foot for each foot in height over 35 feet.
- 1223 d. Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, and flag
- 1224 poles of any height, and television antennas up to 50 feet in height, are exempt from
- 1225 height regulations. Parapet walls may be up to four feet above the height of the building
- 1226 on which the walls rest.
- 1227 e. No accessory structure which is within ten feet of any party lot line shall be more than
- 1228 one story in height. All accessory structures shall be of less height than the main
- 1229 buildings on the lot.

1230 *4.9 Off-street parking and loading standards.*

1231 ~~Subject to Article 6, Section 1: Off-street Parking Requirements and Article 6, Section 2: Off-street~~
 1232 ~~Loading Requirements. Off-street parking and loading design standards and space requirements~~
 1233 ~~for particular uses are contained in article 6.~~

1234 *4.10 Landscaping, screening and open space.*

1235 Regulations for landscaping, screening and open space are contained in Article 7: Landscaping,
 1236 Buffering, and Open Space Regulations ~~article 7.~~

1237 *4.11 ~~Reserved. Special regulations for townhouses.~~*

1238 ~~1. The minimum project area shall be 2.0 acres. The overall project design shall be prepared~~
 1239 ~~to preserve natural topography and vegetation and to minimize the adverse impact of~~
 1240 ~~moving and parked vehicles within the development and its surroundings by means of~~
 1241 ~~town-scale grid and curved streets, clustered building groups, careful distribution of open~~
 1242 ~~space, interior screened parking, interrupted parking bays or courts, landscape screening,~~
 1243 ~~and other design features.~~

1244 ~~2. A maximum density of eight units per gross acre, excluding floodplain and slopes exceeding~~
 1245 ~~25 percent, shall be permitted.~~

1246 ~~3. Minimum lot and yard requirements for townhouses shall comply with the requirements of~~
 1247 ~~sections 4.5 and 4.6 above. Lots may be delineated by dashed lines and need not be sold~~
 1248 ~~separately in qualified condominium projects.~~

1249 ~~4. Every dwelling unit shall have a minimum gross floor area of 1,200 square feet with a~~
 1250 ~~minimum of 600 square feet per floor, exclusive of attic and exclusive of basements which~~
 1251 ~~are more than 50 percent underground.~~

1252 ~~5. Maximum building height for townhouses shall comply with the requirements of section 4.8~~
 1253 ~~above.~~

1254 ~~6. The maximum lot coverage shall be 40 percent.~~

- 1255 ~~7.—A minimum of six dwellings are required for each development.~~
- 1256 ~~8.—Rear access may be required for emergency vehicles as determined by the fire marshal.~~
- 1257 ~~9.—A common green area may be provided in lieu of a part of the minimum lot area, subject to~~
- 1258 ~~the following provisions:~~
- 1259 ~~a.—When a common green area is provided, the minimum lot area may be reduced below~~
- 1260 ~~2,000 square feet where the planning commission and town council find that such~~
- 1261 ~~reduction results in usable, common open space and the provision of active~~
- 1262 ~~recreational facilities such as swimming pools, tot lots, multipurpose courts or playing~~
- 1263 ~~fields. In no event, however, shall the minimum lot area be reduced below 1,500 square~~
- 1264 ~~feet or maximum density be increased above eight units per gross acre.~~
- 1265 ~~b.—When a common green area is provided, the maximum lot coverage specified may be~~
- 1266 ~~increased in proportion to the reduction in the minimum lot area, but in no event may~~
- 1267 ~~the lot coverage including dwelling and accessory buildings exceed 50 percent.~~
- 1268 ~~c.—The common green area may be utilized only for lawns, trees, planting area,~~
- 1269 ~~ornamental pools, similar landscaping uses, and swimming pools. No part of the~~
- 1270 ~~common green area may be utilized for automobile driveways or parking areas, for~~
- 1271 ~~sidewalks or paved play areas, or for other similar paved areas.~~
- 1272 ~~d.—In connection with townhouse developments, provisions satisfactory to the town~~
- 1273 ~~council shall be met by the developer to assure that nonpublic common green areas for~~
- 1274 ~~use and enjoyment of occupants, shall be properly maintained without expense to the~~
- 1275 ~~Town of Purcellville in accordance with the Condominium Act, Code of Virginia, as~~
- 1276 ~~amended.~~
- 1277 ~~10.—No motor vehicle shall be parked on any lot upon which a townhouse has been or is to be~~
- 1278 ~~erected unless a garage is provided as part of the unit. No townhouse shall have a garage or~~
- 1279 ~~carport attached to its exterior facade. No garage shall be converted to living area.~~
- 1280 ~~11.—Townhouse dwellings abutting each other shall have complementary but not identical~~
- 1281 ~~facades.~~
- 1282 ~~12.—There shall be at least three but no more than eight townhouse dwellings continuously~~
- 1283 ~~connected; provided that the average number of units continuously connected shall not~~
- 1284 ~~exceed six. There shall be an open space of at least 20 feet between any two such groups of~~
- 1285 ~~continuously connected buildings.~~
- 1286 ~~13.—No more than two abutting townhouse dwellings shall have the same front yard setbacks.~~
- 1287 ~~Building setback variations as required shall be at least three feet. No more than two~~
- 1288 ~~abutting townhouses shall have a common roof line.~~
- 1289 ~~14.—Soundproof and fireproof walls shall be provided between adjoining dwellings at least up~~
- 1290 ~~to and including the underside of the roof.~~
- 1291 ~~15.—Each lot containing a townhouse shall provide a private rear yard at least 300 square feet~~
- 1292 ~~in area and at least 15 feet in depth enclosed visually by uniform fences or walls.~~
- 1293 ~~16.—Each dwelling shall be self-contained as to heating, air conditioning and utilities.~~
- 1294 ~~17.—The developer shall provide front yard areas and common areas with lawn and appropriate~~
- 1295 ~~shrubby planting except on areas designated for walks and driveways. The lawn and~~
- 1296 ~~shrubby planting shall be subject to review and approval by the zoning administrator.~~

1297 ~~18. Common refuse bins shall be completely screened from view by means of a fence or wall,~~
1298 ~~and an appropriately designed gate which can be latched open and closed.~~

1299 ~~19. Each development site shall have a publicly dedicated or approved private street~~
1300 ~~throughout the development so as to adjoin all private parking lots and access courts.~~
1301 ~~Townhouse lots which abut a private street and/or parking lot or access court shall meet~~
1302 ~~the following criteria:~~

1303 ~~a. Private streets, parking lots and access courts shall be constructed in conformance with~~
1304 ~~the standards set forth in article 6 of this ordinance.~~

1305 ~~b. A homeowner's association shall be formed to ensure maintenance of private streets,~~
1306 ~~parking lots and access courts.~~

1307 ~~c. No more than 25 lots shall abut a parking lot or access court. For the purpose of this~~
1308 ~~regulation, an access court is a series of parking spaces served directly by a private~~
1309 ~~accessway which has only an access connection to a public or private street and which~~
1310 ~~is connected to no more than one other access court so that the two together have two~~
1311 ~~access connections to public or private streets and together serve no more than 50 lots.~~

1312 ~~d. All private streets, parking lots and access courts shall provide permanent pedestrian~~
1313 ~~and vehicular access between the lots created and a public street.~~

1314 ~~e. Parking lots and access courts shall be landscaped according to article 7 of this~~
1315 ~~ordinance.~~

1316 ~~f. Private streets, parking lots and access courts shall be clearly identified as private. A~~
1317 ~~single sign, not to exceed two square feet in area, shall be posted at the entrance of each~~
1318 ~~such street or parking court, displaying only the words "Private Drive" and the~~
1319 ~~addresses of any residences utilizing the private street or parking court.~~

1320 ~~g. All private streets shall be at least 30 feet in width, shall be of a paved surface and~~
1321 ~~constructed in accordance with then applicable Virginia Department of Transportation~~
1322 ~~pavement design standards and in accordance with the subdivision ordinance. All~~
1323 ~~private streets abutting dwellings shall also provide a sidewalk between the private~~
1324 ~~street and such dwellings. All private cul-de-sacs shall conform to the~~
1325 ~~recommendations of the fire marshal.~~

1326 ~~20. Accessory structures shall not exceed ten feet in height and shall be attached to the fence so~~
1327 ~~as not to create an unserviceable area.~~

1328 *4.12 Repealed.*

1329 **Section 5. - R-15 Apartment residential district.**

1330 *5.1 Purpose of the district.*

1331 The purpose of this district is to provide for medium to high density residential use and to
1332 provide for variety in housing types and densities as well as for those public and semi-public
1333 uses and accessory uses as may be necessary or are normally associated with residential
1334 surroundings. In general, urbanization is planned and utilities and public services exist or are
1335 planned to be adequate for the type or types of development contemplated. Certain special care
1336 facilities and certain governmental, educational, recreational and utility uses are allowed
1337 permitted by special use permit subject to such restrictions and requirements as will ensure
1338 compatibility with residential surroundings.

1339 An alternative to the basic area and dimensional regulations of this district may be employed to
1340 permit cluster and/or planned housing development with the objective of improved use of the
1341 land and more economical provision of streets and utilities in accordance with Article 6, Section
1342 5: Cluster Subdivisions. ~~(See article 6.5 [article 6, section 5].)~~

1343 5.2 Permissible Permitted uses.

1344 A building or land in this district shall be used only in accordance with Article 4, Section 1: Use
1345 Regulations. ~~for the following purposes:~~

- 1346 ~~1.—Detached single-family dwellings and accessory dwelling units subject to the regulations of~~
1347 ~~the R-3 duplex residential district. An accessory unit in an accessory building is permitted~~
1348 ~~as a special exception by the board of zoning appeals. (Revised 5/12/92)~~
- 1349 ~~2.—Two family or duplex dwellings, detached or semi-detached, subject to the regulations of~~
1350 ~~the R-3 duplex residential district.~~
- 1351 ~~3.—Attached single-family dwellings (townhouses) subject to the regulations of section 5.12~~
1352 ~~below.~~
- 1353 ~~4.—Multiple family dwellings subject to the special regulations of section 5.13 below.~~
- 1354 ~~5.—Facilities and structures necessary for rendering public utility service, including poles,~~
1355 ~~wires, transformers, telephone booths and the like for electrical power distribution or~~
1356 ~~communication service, and underground pipelines or conduits for electrical, gas, sewer, or~~
1357 ~~water service.~~
- 1358 ~~6.—Yard sale or garage sale for disposal of used household items, provided such sales are not~~
1359 ~~conducted for more than three days per year, and include items assembled only from~~
1360 ~~households in the immediate neighborhood. Signs associated with the sale shall comply~~
1361 ~~with the district regulations and shall not be attached to trees or utility poles, and shall be~~
1362 ~~removed within 24 hours.~~
- 1363 ~~7.—Accessory buildings and uses, including but not limited to accessory private garages,~~
1364 ~~swimming pools, home occupations, accessory storage, accessory off-street parking and~~
1365 ~~loading spaces, and accessory signs as herein regulated. (Revised 4/14/92)~~
- 1366 ~~8.—Home occupations as defined in article 3, section 8.~~
- 1367 ~~9.—Residential day care or home child care for five or fewer children subject to article 6, section~~
1368 ~~7.1. (Revised 1/12/93)~~

1369 5.3 Reserved. Uses permitted by special use permit.

1370 ~~The following uses may be permitted by special use permit approved by the town council~~
1371 ~~following report by the planning commission in accordance with the procedures, guides and~~
1372 ~~standards of article 8:~~

- 1373 ~~1.—Bed and breakfast facility.~~
- 1374 ~~2.—Convalescent homes, rest homes, nursing homes or homes for the aged.~~
- 1375 ~~3.—Family care homes and foster homes.~~
- 1376 ~~4.—Radio or television transmission or receiving tower not more than 50 feet in height.~~

1377 5.4 Permitted signs.

1378 Subject to ~~Article 6, Section 3: General Sign Regulations~~the general sign regulations of article 6.

1379 5.5 Lot size standards.

- 1380 1. Single-family detached dwellings: ~~{See R-3 district regulations}~~.
- 1381 2. Duplex dwellings: ~~{See R-3 district regulations}~~.
- 1382 3. ~~Attached s~~Single-family attached dwellings (townhouses) public water and public sewer
- 1383 required:

1384 *Minimum lot area:* 2,000 square feet, not to exceed eight units per acre.

1385 *Minimum lot width:* 20 feet.

1386 *Minimum lot depth:* 100 feet.

1387 See ~~Article 4, Section 1.2: Use Standards section 5.12 below~~for special regulations for single-

1388 family attached dwelling~~townhouses~~.

- 1389 4. Multiple-family dwellings ~~Three families or more,~~public water and public sewerage
- 1390 required:

1391 *Minimum lot area:* Two acres.

1392 *Minimum lot width:* 100 feet.

1393 *Minimum lot depth:* 125 feet.

1394 ~~Dwellings for the elderly and handicapped same as for other multiple-family dwellings~~

1395 ~~except that above three units density shall not exceed 30 units per acre.~~

1396 Other uses same as for single-family detached dwelling or as specified in the district

1397 regulations.

1398 Minimum lot area for individual or on-site sewage disposal systems is subject to health

1399 department requirements.

1400 Lot width is measured at the front building setback line.

1401 Minimum street frontage is 25 feet for detached dwellings and duplexes.

1402 Cluster subdivisions are permitted in ~~Article 6, Section 5: Cluster Subdivisions~~article 6.

1403 See ~~Article 4, Section 1.2: Use Standards sections below~~for special regulations for single-

1404 family attached dwelling~~townhouses~~, and multiple-family dwellings.

1405 5.6 Yard and setback standards.

1406 Single-family detached and duplex dwellings: ~~{See R-3 district regulations}~~.

1407 See ~~Article 4, Section 1.2: Use Standards sections below~~for special regulations for single-family

1408 attached dwelling~~townhouses~~ and multiple-family dwellings.

1409 The minimum front yard shall be measured from the front lot line to the front building setback
1410 line.

1411 Other principal structures same as single-family detached dwelling or as required in the district
1412 regulations.

1413 Accessory structures attached to the main building shall be considered part of the main building
1414 and comply with front, side and rear yard requirements. (For decks see Article 6, Section 4.7:
1415 Accessory Buildings and Structures~~article 6, section 4.~~)

1416 Detached accessory structures shall not be closer than five feet to any property line.

1417 *5.7 Reserved.*

1418 *5.8 Height standards.*

- 1419 1. Buildings may be erected up to 2½ stories and 35 feet in height except that:
- 1420 a. The height limit for dwellings other than townhouses may be increased up to 45 feet
1421 and up to three stories provided there are two side yards for each permitted use each
1422 of which is at least 15 feet plus one foot or more for each side yard for each additional
1423 foot of building height over 35 feet, upon granting of a special exception by the board
1424 of zoning appeals under Article 9: Board of Zoning Appeals~~article 9~~
 - 1425 b. A public or semi-public building, such as a school, church, library, or general hospital,
1426 may be erected to a height of 60 feet provided that required front, side and rear yards
1427 shall be increased one foot for each foot in height over 35 feet.
 - 1428 c. Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, and flag
1429 poles of any height, and television antennas up to 50 feet in height, are exempt from
1430 height regulations. Parapet walls may be up to four feet above the height of the building
1431 on which the walls rest.
 - 1432 d. No accessory structure which is within ten feet of any party lot line shall be more than
1433 one story in height. All accessory structures shall be of less height than the main
1434 buildings on the lot.

1435 *5.9 Off-street parking and loading standards.*

1436 Subject to Article 6, Section 1: Off-street Parking Requirements and Article 6, Section 2: Off-street
1437 Loading Requirements. Off-street parking and loading design standards and space requirements
1438 for particular uses are contained in article 6.

1439 *5.10 Landscaping, screening and open space.*

1440 Regulations for landscaping, screening and open space are contained in Article 7: Landscaping,
1441 Buffering, and Open Space Regulations~~article 7.~~

1442 *5.11 Reserved.*

1443 ~~*5.12– Reserved. Special regulations for townhouses.*~~

- 1444 ~~1. The minimum project area shall be 2.0 acres. The overall project design shall be prepared~~
1445 ~~to preserve natural topography and vegetation and to minimize adverse impact of moving~~
1446 ~~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.~~

- 1490 ~~13. Townhouse dwellings abutting each other shall have complementary but not identical~~
1491 ~~facades.~~
- 1492 ~~14. There shall be at least three but no more than eight townhouse dwellings continuously~~
1493 ~~connected; provided that the average number of units continuously connected shall not~~
1494 ~~exceed eight. There shall be an open space of at least 15 feet between any two such groups~~
1495 ~~of continuously connected buildings.~~
- 1496 ~~15. No more than two abutting townhouse dwellings shall have the same front yard setbacks.~~
1497 ~~Building setback variations as required shall be at least two feet. No more than two abutting~~
1498 ~~townhouses shall have a common roof line.~~
- 1499 ~~16. Soundproof and fireproof walls shall be provided between adjoining dwellings at least up~~
1500 ~~to and including the underside of the roof.~~
- 1501 ~~17. Service areas and rear yards visible from a street shall be appropriately screened as~~
1502 ~~approved by the town council.~~
- 1503 ~~18. Each lot containing a townhouse shall provide a private rear yard at least 200 square feet~~
1504 ~~in area and at least 15 feet in depth.~~
- 1505 ~~19. Each dwelling shall be self-contained as to heating, air conditioning and utilities.~~
- 1506 ~~20. The developer shall provide front yard areas and common areas with lawn and appropriate~~
1507 ~~shrubbery planting except on areas designated for walks and driveways. The lawn and~~
1508 ~~shrubbery planting shall be subject to review and approval by the zoning administrator.~~
- 1509 ~~21. Common refuse bins shall be completely screened from view by means of a fence or wall,~~
1510 ~~and an appropriately designed gate which can be latched open and closed.~~
- 1511 ~~22. Each development site shall have a publicly dedicated or approved private street~~
1512 ~~throughout the development so as to adjoin all private parking lots and access courts.~~
1513 ~~Townhouse lots which abut a private street and/or parking lot or access court shall meet~~
1514 ~~the following criteria:~~
- 1515 ~~a. Private streets, parking lots and access courts shall be constructed in conformance with~~
1516 ~~the standards set forth in article 6 of this ordinance.~~
- 1517 ~~b. A homeowner's association shall be formed to ensure maintenance of private streets,~~
1518 ~~parking lots and access courts.~~
- 1519 ~~c. No more than 25 lots shall abut a parking lot or access court. For the purpose of this~~
1520 ~~regulation, an access court is a series of parking spaces served directly by a private~~
1521 ~~accessway which has only an access connection to a public or private street and which~~
1522 ~~is connected to no more than one other access court so that the two together have two~~
1523 ~~access connections to public or private streets and together serve no more than 50 lots.~~
- 1524 ~~d. All private streets, parking lots and access courts shall provide permanent pedestrian~~
1525 ~~and vehicular access between the lots created and a public street.~~
- 1526 ~~e. Parking lots and access courts shall be landscaped according to article 7 of this~~
1527 ~~ordinance.~~
- 1528 ~~f. Private streets, parking lots and access courts shall be clearly identified as private. A~~
1529 ~~single sign, not to exceed two square feet in area, shall be posted at the entrance of each~~
1530 ~~such street or parking court, displaying only the words "Private Drive" and the~~
1531 ~~addresses of any residences utilizing the private street or parking court.~~

1532 ~~g. All private streets shall be at least 30 feet in width, shall be of a paved surface and~~
1533 ~~constructed in accordance with then applicable Virginia Department of Transportation~~
1534 ~~pavement design standards and in accordance with the subdivision ordinance. All~~
1535 ~~private streets abutting dwellings shall also provide a sidewalk between the private~~
1536 ~~street and such dwellings. All private cul-de-sacs shall conform to the~~
1537 ~~recommendations of the fire marshal.~~

1538 ~~23. Accessory structures shall not exceed ten feet in height and shall be located only to the rear~~
1539 ~~of the main structure and shall be no closer than one foot from the side or rear property line~~
1540 ~~or ten feet from the outside line of end and corner lots, unless it constitutes part of a fence~~
1541 ~~or wall.~~

1542 ~~5.13- Reserved. Special regulations for multiple-family dwellings.~~

1543 ~~1. The minimum area requirement for a multiple-family dwelling shall be two acres. (Adopted~~
1544 ~~10/12/93)~~

1545 ~~2. Overall project density shall not exceed 15 dwelling units per acre, exclusive of public~~
1546 ~~rights-of-way.~~

1547 ~~3. The development or project shall be designed to promote harmonious relationships with~~
1548 ~~surrounding adjacent and nearby developed properties, particularly in larger~~
1549 ~~developments or projects where more than one building is involved, and to this end may~~
1550 ~~employ such design techniques as may be appropriate to a particular case, including use of~~
1551 ~~building types, orientation, spacing and setback of buildings, careful use of topography,~~
1552 ~~maintenance of natural vegetation, location of access points, recreation areas, open spaces,~~
1553 ~~and parking areas, grading, landscaping, and screening.~~

1554 ~~4. The principal means of access to an apartment development or project containing more~~
1555 ~~than 24 dwelling units shall be from an arterial or collector thoroughfare of adequate~~
1556 ~~physical and functional design to handle anticipated traffic needs. Secondary access to a~~
1557 ~~local street will be permitted only in cases where there are overriding factors of health or~~
1558 ~~safety for future residents of the project or where the arrangement and conditions of the~~
1559 ~~minor streets are such that the projected increase in traffic will not substantially affect the~~
1560 ~~use and enjoyment of the street by present or future residents.~~

1561 ~~5. No apartment building shall contain more than 12 dwelling units and no more than three~~
1562 ~~apartment buildings shall be contiguous. This standard does not apply to housing for the~~
1563 ~~elderly and handicapped.~~

1564 ~~6. No apartment building shall be located closer than 35 feet from any public right-of-way or~~
1565 ~~closer than 15 feet from a private drive, access road or open common parking area whether~~
1566 ~~oriented to the front, sides or rear of the buildings, except that parking areas may be located~~
1567 ~~within five feet and private drives may be located within ten feet of any blank or windowless~~
1568 ~~wall.~~

1569 ~~7. No apartment building shall be located closer than 25 feet from a side or rear property line.~~
1570 ~~This regulation does not apply to existing buildings which are converted to apartment use.~~

1571 ~~8. A minimum distance of 25 feet shall separate any two buildings or groups of apartment~~
1572 ~~buildings from any other abutting use or building type.~~

1573 ~~9. The maximum lot coverage shall be 40 percent.~~

- 1574 ~~10. At least 400 square feet of commonly useable open space shall be provided for each dwelling~~
1575 ~~unit; at least 200 square feet for each dwelling unit for the elderly and handicapped.~~
- 1576 ~~11. Where community refuse containers are provided as accessory uses to apartment~~
1577 ~~developments, such containers shall be conveniently located for pick-up vehicle access and~~
1578 ~~completely screened from view by means of a fence or wall and an appropriately designed~~
1579 ~~gate which can be latched open and closed.~~
- 1580 ~~12. Each apartment dwelling unit shall contain at least 600 square feet of livable floor area,~~
1581 ~~exclusive of garages, carports, cellars, basements, attics, open porches, patios, or~~
1582 ~~breezeways, except that up to ten percent of the units may be constructed with less floor~~
1583 ~~area than this minimum. This standard does not apply to dwelling units for the elderly and~~
1584 ~~handicapped.~~

1585 ~~5.14-Reserved.~~

1586 ~~5.15-Reserved.~~

1587 **Section 6. - C-1 Office commercial district.**

1588 *6.1 Purpose of the district.*

1589 The purpose of this district is to provide for planned office parks or for offices and similar
1590 business buildings and limited office support uses, in attractive surroundings with types of uses,
1591 structures, plantings, and signs so controlled as to be generally compatible with medium density
1592 or low density residential surroundings. ~~The district can be applied to large or small areas if~~
1593 ~~development standards are complied with. (Revised 4/9/91 and 8-12-08)~~

1594 *6.2 Permissible Permitted uses.*

1595 A building or land in this district shall be used only in accordance with Article 4, Section 1: Use
1596 Regulations. ~~for the following purposes:~~

1597 ~~1. Accessory uses, as follows:~~

1598 ~~a. Coin operated and vending machines for food, tobacco, ice, soft drinks, and sundries~~
1599 ~~inside a building and for the use of occupants thereof.~~

1600 ~~b. Cafeteria, lunchroom or snack bar for the use of employees who work in the building~~
1601 ~~where such facility is located, provided such facility has no exterior entrances or exits~~
1602 ~~or signs.~~

1603 ~~c. Storage of office supplies or merchandise normally carried in stock or used in~~
1604 ~~connection with a permitted use, subject to applicable district regulations and provided~~
1605 ~~such storage area does not exceed 25 percent of the total floor area of the building.~~

1606 ~~2. Adult care center.~~

1607 ~~3. Child care center, subject to the provisions of article 6, 7.2.~~

1608 ~~4. Clinics, medical or dental.~~

1609 ~~5. Commercial recreation facilities, indoor and/or outdoor, of not more than 10,000 square~~
1610 ~~feet.~~

1611 ~~6. Eating establishment, provided that any such freestanding use be limited to not more than~~
1612 ~~15 percent of the total floor area of a unified, mixed-use development plan on a lot of no less~~

1613 than two acres. Nothing here shall prohibit the division of the site into lots of less than two
1614 acres after approval of the unified, mixed-use development plan.

1615 ~~7.—Financial institutions, without drive-through or drive-in facilities.~~

1616 ~~8.—Fitness centers of not more than 10,000 square feet.~~

1617 ~~9.—Funeral home or undertaking establishment.~~

1618 ~~10.—Hotel, motel or suites hotel.~~

1619 ~~11.—Offices and office buildings, business, professional, or administrative.~~

1620 ~~12.—Parks, and other public facilities as identified in the comprehensive plan.~~

1621 ~~13.—Personal service establishments, provided that any such freestanding use be limited to not~~
1622 ~~more than 15 percent of the total floor area of a unified, mixed-use development plan.~~

1623 ~~14.—Pharmacies, without drive-through facilities.~~

1624 ~~15.—Printing, publishing and engraving establishment, blueprinting, photocopying and similar~~
1625 ~~uses provided that no use permitted in this item shall occupy more than 5,000 square feet~~
1626 ~~of floor area.~~

1627 ~~16.—Radio or television broadcasting studios or offices or telephone, or radio or television~~
1628 ~~communications center.~~

1629 ~~17.—School, special instruction.~~

1630 ~~18.—School, technical, trade or business.~~

1631 ~~19.—Veterinary hospital.~~

1632 ~~20.—Brewery, winery or distillery provided all such facilities are open to the public on a regular~~
1633 ~~basis for tastings, tours or retail sales.~~

1634 *6.3 Reserved. Uses permitted by special use permit or commission permit.*

1635 The following uses may be permitted by special use permit approved by the town council
1636 following report by the planning commission in accordance with the procedures, guides and
1637 standards of article 8:

1638 ~~1.—Car wash.~~

1639 ~~2.—Churches and other places of worship and their accessory uses associated therewith.~~
1640 ~~Accessory uses may include daycare, "soup kitchens," temporary shelters, special camps~~
1641 ~~and other services provided by the congregation but which are considered by this ordinance~~
1642 ~~to be secondary to the primary function of the church for religious services.~~

1643 ~~3.—Commercial recreation facilities, indoor and/or outdoor of greater than 10,000 square feet.~~

1644 ~~4.—Drive-in or drive-through facilities for financial institutions, pharmacies or eating~~
1645 ~~establishments, subject to the standards of Section 4.6.10.~~

1646 ~~5.—Fitness centers of greater than 10,000 square feet.~~

1647 ~~6.—Hospital for humans.~~

1648 ~~7.—Medical offices.~~

1649 ~~8.—Radio or television transmission or receiving tower more than 60 feet in height, measured~~
1650 ~~from grade, provided that for portions of the structure greater than 35 feet in height,~~

1651 required front, side and rear yards shall be increased one foot for each foot in height over
1652 35 feet.

1653 ~~9. Manufacture of stairs and similar wood products.~~

1654 6.4 Permitted signs.

1655 Subject to ~~Article 6, Section 3: General Sign Regulation~~the general sign regulations of article 6.

1656 6.5 Lot size standards.

1657 1. For permitted uses the minimum lot size shall be 20,000 square feet.

1658 2. Minimum street frontage is 50 feet.

1659 6.6 Yard and setback standards.

1660 1. Minimum front yard: 35 feet.

1661 2. Minimum side yard: none, except 15 feet when a lot abuts a residential district.

1662 3. Minimum rear yard: 20 feet; 40 feet if adjacent to a residential district.

1663 4. Minimum setback and buffer from streams: a planted buffer strip of at least 100 feet in
1664 width must be provided between any existing stream that drains a watershed area of 100
1665 or more acres, and all proposed buildings and paved parking areas. However, the developer
1666 may submit a plan for approval by the zoning administrator to reduce the buffer to not less
1667 than 50 feet, provided that the plan includes alternative measures that would achieve the
1668 same level of protection for water quality and wildlife habitat as would a 100-foot wide
1669 buffer.

1670 5. Building coverage shall be limited to a maximum of 40 percent of lot area.

1671 6. Maximum total lot coverage of building and parking is 60 percent.

1672 7. The zoning administrator may grant an administrative modification of these setback
1673 requirements upon recommendation of the board or architectural review, which shall
1674 include a written explanation of how any such modification will better accomplish the
1675 purpose and intent of the district.

1676 6.7 Special regulations for offices and other business buildings.

1677 1. Site plan required. Site development plan approval is required. An office park or office
1678 buildings or other buildings shall be designed to promote harmonious relationships with
1679 surrounding adjacent and nearby properties, developed and undeveloped, including
1680 providing a coordinated appearance when viewed from adjacent highways, and to this end
1681 may employ such design techniques as may be appropriate to a particular ~~area~~ease,
1682 including location of permitted uses, orientation, spacing and setback of buildings,
1683 maintenance of natural vegetation, location of access points, size and location of signs, open
1684 spaces, and parking areas, grading, landscaping and servicing.

1685 6.8 Height standards.

1686 Buildings may be erected up to 45 feet in height provided that:

1687 1. Any building or part of a building which is located within 50 feet of an R-2 or R-3 residential
1688 district shall not exceed two stories and 35 feet in height.

- 1689 2. Principal structures may be erected to a height of 60 feet from grade provided that for
1690 portions of the building greater than 45 feet in height, required front, side and rear yards
1691 shall be increased one foot for each foot in height over 45 feet.
- 1692 3. Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, and flag poles
1693 of any height, and television antennas up to 60 feet in height, are exempt from height
1694 regulations. Parapet walls may be up to four feet above the height of the building on which
1695 the walls rest.
- 1696 4. No accessory structure which is within ten feet of any adjoining owner lot line shall be more
1697 than one story or 15 feet high. All accessory structures shall be of less height than the main
1698 buildings on the lot.

1699 *6.9 Additional design standards for all uses.*

- 1700 1. New commercial developments incorporating multiple buildings shall be designed to
1701 provide a cohesive appearance, using materials, detailing and colors to provide overall
1702 similarity and compatibility among structures. Design features of individual buildings,
1703 structures or storefronts shall be subordinate to the overall design of the development as a
1704 whole.
- 1705 2. Projects containing many buildings or a variety of functions shall provide variety in building
1706 size and massing. A general transition from small or low buildings along street frontages to
1707 larger and taller buildings on the interior of the site shall be achieved.
- 1708 3. On large commercial sites of greater than two acres, development of several smaller
1709 buildings to create visual interest, human scale and variety, shall be achieved, rather than a
1710 single large building. The use of smaller buildings, appropriately positioned and sited as a
1711 means of breaking up large parking expanses shall be achieved.
- 1712 4. Solid walls, dull or minimal facades shall be avoided along public streets or pedestrian ways.
- 1713 5. Parking shall be designed to the rear of the lot when possible. Shared entrances shall be
1714 used wherever possible and, when parking lots are adjacent, the lots shall be connected to
1715 parking areas on adjacent sites and integrated with each other whenever possible.
- 1716 6. Vehicular entrances/exits shall be consolidated and shared among adjacent properties to
1717 minimize traffic conflicts. Individual points of access along major roadways shall be
1718 avoided. Access shall be provided by secondary roads and common driveways wherever
1719 possible.
- 1720 7. Parking lots shall be screened from view through the use of such elements as landscaping
1721 and/or street trees.
- 1722 8. Mechanical equipment, including rooftop equipment, such as generators and air
1723 conditioning units, shall be screened from public view in a manner compatible with the site
1724 and using material similar to the buildings and harmonious with the overall design.
- 1725 9. Loading and service areas shall be oriented away from public views.

1726 *6.10 Additional standards and requirements for special permit uses.*

1727 In addition to the general standards set forth in ~~Article 8, Section 1: Special Use Permit~~
1728 ~~section 2~~, all ~~developments requiring a~~ special use permits shall be reviewed for compliance with ~~the~~
1729 ~~additional design standards of section 7.9~~ Section 6.9: Additional Design Standards for All Uses above,

1730 the Town of Purcellville Design Guidelines and Article 4, Section 1.2: Use Standards. ~~the following~~
1731 ~~additional requirements:~~

1732 ~~1. Drive-in financial institutions, drive-through pharmacies, drive-in or drive-through eating~~
1733 ~~establishments, and other permissible drive-in uses requiring a special use permit shall~~
1734 ~~meet the following additional standards:~~

1735 ~~a. Such a use shall have on all sides the same architectural treatment or shall be~~
1736 ~~architecturally compatible with the building group or neighborhood with which it is~~
1737 ~~associated.~~

1738 ~~b. Such a use shall be designed so that pedestrian and vehicular circulation is coordinated~~
1739 ~~with that on adjacent properties.~~

1740 ~~c. The site shall be designed to minimize the potential for turning movement conflicts and~~
1741 ~~to facilitate safe and efficient on-site circulation. Parking and stacking spaces shall be~~
1742 ~~provided and located in such a manner as to facilitate safe and convenient vehicle and~~
1743 ~~pedestrian access to all uses on the site.~~

1744 ~~d. In reviewing such a use or combination of uses, it shall be determined that the lot is of~~
1745 ~~sufficient area and width to accommodate the use and that any such use will not~~
1746 ~~adversely affect any nearby existing or planned residential areas as a result of the hours~~
1747 ~~of operation, noise generation, parking, glare or other operational factors.~~

1748 ~~e. For a drive-through pharmacy, signs shall be required to be posted in the vicinity of the~~
1749 ~~stacking area stating the limitations on the use of the window service and/or drive-~~
1750 ~~through lane. Such signs shall not exceed two square feet in area or be located closer~~
1751 ~~than five feet to any lot line.~~

1752 ~~f. Drive-through stacking lanes shall be a minimum 100 feet from any residential lot. The~~
1753 ~~planning commission may modify or waive this requirement if it determines that the~~
1754 ~~impacts to nearby residences will be minimal.~~

1755 ~~g. Speakers in drive-through areas shall not be audible from adjacent residential uses.~~
1756 ~~Sound attenuation walls, landscaping or other mitigation measures may be required as~~
1757 ~~necessary.~~

1758 ~~h. Pedestrian walkways should not intersect the drive-through aisles, but where there is~~
1759 ~~no alternative, they shall have clear visibility.~~

1760 ~~i. Drive-through aisles shall have a minimum 12-foot width on curves and a minimum~~
1761 ~~11-foot width on straight sections.~~

1762 ~~j. Drive-through aisles shall provide sufficient stacking area behind the menu board for~~
1763 ~~drive-through restaurants and behind the service window for other drive-through uses~~
1764 ~~to accommodate a minimum of six cars (approximately 114 feet).~~

1765 ~~k. No drive-through aisles shall exit directly into a public right-of-way. Aisles shall be~~
1766 ~~integrated with the on-site circulation and shall merge with the driveway.~~

1767 ~~l. Drive-aisles shall be separated from landscaping areas by a six-inch high, poured in~~
1768 ~~place, concrete curb or other suitable protective device meeting town approval.~~

1769 ~~m. Landscaping shall screen drive-through aisles from the public right-of-way and shall~~
1770 ~~be used to minimize the visual impacts of menu board signs and directional signs.~~

1771 ~~2.—A traffic impact analysis shall be required as part of any special use permit application,~~
1772 ~~including but not limited to proposed traffic flow, sight visibility for emerging vehicles,~~
1773 ~~roadway capacity for turning movements, and other public safety factors, as well as~~
1774 ~~proposed actions necessary to mitigate adverse impacts. The requirement for a traffic~~
1775 ~~impact analysis may be waived or reduced in scope by the town public works director if he~~
1776 ~~or she determines in writing that the level of impact does not warrant such study.~~

1777 *6.11 Off-street parking and loading standards.*

1778 ~~*Subject to Article 6, Section 1: Off-street Parking Requirements and Article 6, Section 2: Off-street*~~
1779 ~~*Loading Requirements. Off-street parking and loading standards and space requirements for*~~
1780 ~~*particular uses are contained in article 6.*~~

1781 *6.12 Landscaping, screening and open space.*

1782 Regulations for landscaping, screening and open space are contained in ~~*Article 7: Landscaping,*~~
1783 ~~*Buffering, and Open Space Regulations*~~~~article 7.~~

1784 **Section 7. - MC Mixed commercial district.**

1785 *7.1 Purpose of the district.*

1786 The purpose of this district is to provide sufficient space in appropriate locations for a variety of
1787 retail shopping, office uses and miscellaneous recreational and service activities, generally
1788 serving the town, its neighborhoods and the surrounding area of the county and to implement
1789 the town's comprehensive plan. These uses should be developed as compact centers in or near
1790 developed areas where retail and service activities now exist or are planned. Since these areas
1791 are generally located along major thoroughfares and at the major gateways to the town, the
1792 district includes ~~side-site~~ design standards to minimize traffic congestion and conflict and
1793 landscaping and sign standards to minimize distracting visual clutter and to enhance the
1794 appearance of the district. To enhance the general character of the district, its function of local
1795 and neighborhood service, and its compatibility with surrounding uses, the size of certain by-
1796 right uses is limited and special standards are included to address automobile intensive uses. ~~In~~
1797 ~~accord with the provisions of article 5, section 4, non-conforming uses may be re-established~~
1798 ~~within two years after discontinuing operation, and may appeal to be re-established after~~
1799 ~~ceasing operation for up to three years.~~

1800 *7.2 ~~Permissible Permitted~~ uses.*

1801 ~~*A building or land in this district shall be used only in accordance with Article 4, Section 1: Use*~~
1802 ~~*Regulations.*~~

- 1803 ~~1.—Bakeries, retail.~~
- 1804 ~~2.—Financial institutions without drive-in facilities, or with drive-in facilities subject to the~~
1805 ~~provisions of article 4, section 7.13, Use limitations.~~
- 1806 ~~3.—Personal service establishment.~~
- 1807 ~~4.—Bed and breakfast facility.~~
- 1808 ~~5.—Repair service establishment (excluding motor vehicle repair).~~
- 1809 ~~6.—Catering.~~

- 1810 ~~7.—Offices, medical or dental.~~
- 1811 ~~8.—Offices, professional, business or administrative.~~
- 1812 ~~9.—Funeral home or undertaking establishment.~~
- 1813 ~~10.—Veterinary clinic or hospital for small animals.~~
- 1814 ~~11.—Laundries, laundromats or dry-cleaning establishments of not more than 2,500 square feet.~~
- 1815 ~~12.—Printing, publishing, and engraving establishments, photographic processing or~~
- 1816 ~~blueprinting of not more than 5,000 square feet.~~
- 1817 ~~13.—Radio and television stations and studios or recording studios, but not towers.~~
- 1818 ~~14.—Rental of household items, tools, and appliances, subject to the provisions of article 4,~~
- 1819 ~~section 7.13.~~
- 1820 ~~15.—Eating establishments, without drive-through or drive-in service, not to exceed 4,000~~
- 1821 ~~square feet.~~
- 1822 ~~16.—Retail sales establishment of not more than 10,000 square feet.~~
- 1823 ~~17.—Studios or shops for artists, photographers, writers, teachers, jewelers, weavers or other~~
- 1824 ~~crafts, sculptors or musicians.~~
- 1825 ~~18.—Temporary stands, or outdoor areas for sale of produce, Christmas trees, wreaths, holly, and~~
- 1826 ~~the like.~~
- 1827 ~~19.—Accessory uses.~~
- 1828 ~~20.—Churches and other places of worship.~~
- 1829 ~~21.—Public or government buildings and uses, including governmental offices, libraries, schools,~~
- 1830 ~~fire stations (volunteer or otherwise), parks, parkways and playgrounds, subject to the~~
- 1831 ~~provisions of article 8 regarding commission permits, as applicable.~~
- 1832 ~~22.—Public utility, minor.~~
- 1833 ~~23.—Farm and community market.~~
- 1834 ~~24.—Brewery, winery or distillery provided all such facilities are open to the public on a regular~~
- 1835 ~~basis for tastings, tours or retail sales.~~
- 1836 ~~25.—Indoor commercial recreation facilities.~~
- 1837 ~~26.—Health club or fitness center.~~
- 1838 ~~7.3 Reserved. Uses permitted by special use permit.~~
- 1839 ~~1.—Automobile service station, subject to the provisions of article 4, section 7.13.~~
- 1840 ~~2.—Automobile or truck sales, service, and repair, including body or fender repair, but not auto~~
- 1841 ~~salvage or junk, subject to the provisions of article 4, section 7.13.~~
- 1842 ~~3.—Automobile or truck parts sales, wholesale, but not junk.~~
- 1843 ~~4.—Automobile storage lot, new or used cars, but not storage or sale of junk.~~
- 1844 ~~5.—Automobile used car lot, or used truck sales, subject to the provisions of article 4, section~~
- 1845 ~~7.13.~~
- 1846 ~~6.—Boat and boat trailer sales and storage.~~

- 1847 ~~7. Car wash or automobile laundry, automatic, or attended, or self-service. Such uses are~~
1848 ~~required to have a water recycling system operating to minimize the water usage of such a~~
1849 ~~use.~~
- 1850 ~~8. Eating establishment exceeding 4,000 square feet.~~
- 1851 ~~9. Eating establishments, with drive-through or drive-in service, subject to the limitations of~~
1852 ~~section 7.14 below.~~
- 1853 ~~10. Farm supply and service establishments, implement sales, rental and service, feed and seed~~
1854 ~~store, including custom milling of grain and feed.~~
- 1855 ~~11. Hotel, motel, motor lodge, or tourist home.~~
- 1856 ~~12. Institutions, educational or philanthropic, including museums and art galleries.~~
- 1857 ~~13. Monument sales establishments with incidental processing to order, but not including the~~
1858 ~~shaping of headstones.~~
- 1859 ~~14. Motorcycle or off-road vehicle sales and service.~~
- 1860 ~~15. Nursery schools, kindergartens, child care centers, day nurseries, or day care centers,~~
1861 ~~subject to article 6, section 7.2.~~
- 1862 ~~16. Private club, lodge, meeting or assembly hall, or fraternal organization or sorority.~~
- 1863 ~~17. Plumbing and electrical supply sales, subject to the provisions of article 4, section 7.13.~~
- 1864 ~~18. Printing, publishing, and engraving establishments, photocopying, photographic processing~~
1865 ~~or blueprinting, over 5,000 square feet.~~
- 1866 ~~19. Private schools, business or technical schools, colleges or universities subject to the~~
1867 ~~standards contained in article 6, section 7.3.~~
- 1868 ~~20. Recreational uses or facilities for a private membership, such as clubs and lodges, golf~~
1869 ~~courses, game courts, swimming pools, archery range, fishing or boating lakes, picnic~~
1870 ~~grounds, or similar activities, and accessory facilities, including sale of food, and beverages,~~
1871 ~~bait, incidentals, supplies and equipment.~~
- 1872 ~~21. Rental or sale of luggage trailers and pick-up truck caps but not including truck trailer~~
1873 ~~bodies except campers and travel trailers.~~
- 1874 ~~22. Taxidermists.~~
- 1875 ~~23. Outdoor commercial recreation facilities.~~
- 1876 ~~24. Lawn mower, yard and garden equipment, rental, sales and service.~~
- 1877 ~~25. Lumber and building supply subject to the provisions of article 4, section 7.13, Use~~
1878 ~~limitations.~~
- 1879 ~~26. Nurseries for growing plants, trees, and shrubs.~~
- 1880 ~~27. Green houses, commercial, wholesale, or retail.~~
- 1881 ~~28. Laundries, laundromats or dry-cleaning establishments over 5,000 square feet.~~
- 1882 ~~29. Drive-in facilities not listed or addressed above, including but not limited to drive-through~~
1883 ~~pharmacies, photo processing, dry-cleaning, video, free standing unmanned teller machines~~
1884 ~~and uses not otherwise addressed in this district.~~

1885 ~~30. Any other permitted or permissible freestanding commercial used listed in section 7.2 of~~
1886 ~~10,000 square feet or greater.~~

1887 ~~31. Multi-family residential dwellings, provided that such units are located only on the second~~
1888 ~~floor above first floor non-residential uses and do not exceed 12 dwelling units per gross~~
1889 ~~acre. Such multi-use buildings shall not exceed two stories.~~

1890 *7.4 Reserved. Public uses requiring a commission permit.*

1891 ~~Unless a public use, including a park or other public area, public building or public structure,~~
1892 ~~public utility facility, or public service corporation facility other than railroad facility, whether~~
1893 ~~publicly or privately owned, is already shown on the adopted comprehensive plan, a commission~~
1894 ~~permit must be obtained from the planning commission before such use is constructed,~~
1895 ~~established or authorized in accordance with the provisions of article 8 in order to establish that~~
1896 ~~the general location or approximate location, character, and extent of the use is substantially in~~
1897 ~~accord with the adopted comprehensive plan.~~

1898 ~~Widening, narrowing, extension, enlargement, vacation or change of use of public buildings or~~
1899 ~~areas shall also require the issuance of a commission permit in accordance with the provision of~~
1900 ~~article 8.~~

1901 ~~The following specific uses may be permitted in this district by a commission permit approved~~
1902 ~~by the planning commission in accordance with the procedures, guides and standards of article~~
1903 ~~8:~~

1904 ~~1. Local, state and federal government operations consisting of one or more of the following:~~
1905 ~~warehouses, storage yards and substations, distribution and facility maintenance~~
1906 ~~operations, and accessory buildings.~~

1907 ~~2. Public utility, major.~~

1908 ~~3. Accessory buildings or structures associated with uses requiring a commission permit.~~

1909 *7.5 Lot size standards.*

1910 1. Minimum lot area: 20,000 square feet.

1911 2. Minimum lot width: 100 feet. Lot width is measured at the minimum front yard building
1912 restriction line.

1913 3. Minimum lot depth: 150 feet.

1914 4. Minimum street frontage: 50 feet.

1915 a. Exception to minimum street frontage: The minimum street frontage may be reduced
1916 to a minimum of 30 feet for one lot of a two-lot subdivision provided that any resulting
1917 lot with frontage less than 50 feet shall not require new individual access to a public
1918 street for ingress and egress of vehicular traffic, but rather shall share use of a
1919 previously existing legal access to a public street with a contiguous parcel.

1920 *7.6 Yard and setback standards.*

1921 1. Minimum front yard: Ten feet. See ~~Article 6: Supplementary Regulations~~ ~~article 6~~ for
1922 exception for signs and certain other structures.

1923 2. Minimum side yard: 15 feet, if adjacent to a residential district.

- 1924 3. Minimum rear yard: 20 feet; 40 feet if adjacent to a residential district.
- 1925 4. Refer to *Article 6: Supplementary Regulations*~~article 7~~ for additional provisions that may
- 1926 qualify the minimum yard requirements set forth above.

1927 *7.7 Reserved.*

1928 *7.8 Height and bulk regulations.*

- 1929 1. Maximum building height: 45 feet and not in excess of three stories except that:
- 1930 a. For office buildings and financial institutions, any building or part of a building which
- 1931 is located within 200 feet of an R-2 or R-3 residential district shall not exceed two
- 1932 stories or 30 feet in height.
- 1933 b. A public or semi-public building, such as a school, church, or library, may be erected to
- 1934 a height of 60 feet from grade provided that the setback from the property line for that
- 1935 portion of the building exceeding 45 feet shall be increased one foot for each foot in
- 1936 height over 35 feet.
- 1937 c. Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, and
- 1938 flagpoles of any height, and television and radio antennas up to 50 feet in height, are
- 1939 exempt from height regulations. Parapet walls may be up to four feet above the height
- 1940 of the building on which the walls rest.
- 1941 d. No accessory structure which is within ten feet of any adjoining property line shall be
- 1942 more than one story high. All accessory structures shall be of less height ~~of~~ than the
- 1943 main buildings on the lot.
- 1944 2. Maximum lot coverage: 40 percent of the lot area.
- 1945 3. a. Minimum landscaped open space for parcels of two acres or less: 15 percent.
- 1946 b. Minimum landscaped open space for parcels greater than two acres and less than six
- 1947 acres: 20 percent.
- 1948 c. Minimum landscaped open space for parcels six acres or greater: 25 percent.
- 1949 4. Maximum floor area ratio: 0.6.

1950 *7.9 Additional design standards for all uses.*

- 1951 1. Site plan. Where approval of a site plan is required, the plan shall be designed to promote
- 1952 sensitive use of topography and to promote harmonious relationships with adjacent and
- 1953 nearby residential properties, developed or undeveloped, and to this end shall provide
- 1954 effective screening along side and rear properties lines by means of fences, walls, hedges,
- 1955 planting screen or natural vegetation in accordance with the requirements of this
- 1956 ordinance.
- 1957 2. Refuse. Refuse containers and refuse storage shall be located in a paved area and hidden
- 1958 from general public view, either from within or outside the premises, by means of fences,
- 1959 walls, or landscape planting.
- 1960 3. Drainage. Provision shall be made for proper stormwater drainage from parking and
- 1961 loading areas. Water shall not be permitted to drain from such areas onto adjacent property
- 1962 except into a natural watercourse or a drainage easement. Provision shall be made for
- 1963 protection against erosion and sedimentation in accordance with applicable town
- 1964 ordinances.

- 1965 4. New commercial developments incorporating multiple buildings shall be designed to
- 1966 provide a cohesive appearance, using materials, detailing and colors to provide overall
- 1967 similarity and compatibility among structures. Design features of individual buildings,
- 1968 structures or storefronts shall be subordinate to the overall design of the development as a
- 1969 whole.
- 1970 5. Projects containing many buildings or a variety of functions shall provide variety in building
- 1971 size and massing. A general transition from small or low buildings along street frontages to
- 1972 larger and taller buildings on the interior of the site shall be achieved.
- 1973 6. On large commercial sites, development of several smaller buildings to create visual
- 1974 interest, human scale and variety, shall be achieved, rather than a single large building. The
- 1975 use of smaller buildings, appropriately positioned and sited as a means of breaking up large
- 1976 parking expanses shall be achieved.
- 1977 7. Solid walls, dull or minimal facades shall be avoided along public streets or pedestrian ways.
- 1978 8. Parking shall be designed to the rear of the lot when possible. Shared entrances shall be
- 1979 used wherever possible and, when parking lots are adjacent, the lots shall be connected to
- 1980 parking areas on adjacent sites and integrated with each other whenever possible.
- 1981 9. Vehicular entrances/exits shall be consolidated and shared among adjacent properties to
- 1982 minimize traffic conflicts. Individual points of access along major roadways shall be
- 1983 avoided. Access shall be provided by secondary roads and common driveways wherever
- 1984 possible.
- 1985 10. Parking lots shall be screened from view through the use of such elements as earthen berms,
- 1986 landscaping and/or street trees.
- 1987 11. Mechanical equipment, including rooftop equipment, such as generators and air
- 1988 conditioning units, shall be screened from public view in a manner compatible with the site
- 1989 and using material similar to the buildings and harmonious with the overall design.
- 1990 12. Loading and service areas shall be oriented away from public views.

1991 *7.10 Off-street parking and loading standards.*

1992 ~~Subject to Article 6, Section 1: Off-street Parking Requirements and Article 6, Section 2: Off-street~~

1993 ~~Loading Requirements. Off-street parking and loading design standards and space requirements~~

1994 ~~for particular uses are contained in article 6.~~

1995 *7.11 Landscaping, screening and open space.*

1996 Regulations for landscaping, screening and open space are contained in ~~Article 7: Landscaping,~~

1997 ~~Buffering, and Open Space Regulations~~ article 7.

1998 *7.12 Permitted signs.*

1999 Subject to ~~Article 6, Section 3: General Sign Regulation~~ the general sign regulations of article 6.

2000 *7.13 Reserved. Use limitations for specific permitted and permissible uses.*

2001 ~~1.—Automotive service stations:~~

- 2002 a.—Automotive service stations shall be limited to an office and a retail sales area not to
2003 exceed a total of 1,500 square feet, and not more than eight fuel pumps for the sale and
2004 dispensing of fuel.
- 2005 b.—Bulk storage of flammable liquids must be underground.
- 2006 c.—No lighting fixture may extend to a height greater than 15 feet.
- 2007 d.—Temporary storage of wrecked or inoperative vehicles or storage or rental of luggage
2008 trailers, campers, vans, or similar equipment will not be permitted.
- 2009 2.—Automobile sales (new or used), service and repair:
- 2010 a.—Storage of equipment or materials or damaged vehicles shall be inside a fully enclosed
2011 building and all major repairs shall be conducted within a fully enclosed building.
- 2012 b.—The parking of vehicles for sale by individual owners at strategic locations in shopping
2013 centers to maximize exposure to major thoroughfares and the traveling public is
2014 prohibited. The owners of the retail and service commercial shopping center shall be
2015 responsible for the posting of the property to prohibit such activity. Responsibility for
2016 the enforcement of these provisions will bear upon the owners of the shopping center,
2017 but if posting has occurred the owners of the vehicles for sale will bear the burden of
2018 the violation unless it is proven the shopping center owners have not actively enforced
2019 their restrictions on the parking of vehicles for sale.
- 2020 3.—Drive in financial institutions shall be permitted by right in accordance with the following:
- 2021 a.—Drive in financial institutions shall be permitted by right when such use is located
2022 within a building of a shopping center with a building footprint of at least 25,000
2023 square feet which contains at least six other uses which are not drive in or drive-
2024 through eating establishments, drive in financial institutions or vehicle light service
2025 establishments and when all uses within that building are connected by party walls or
2026 partitions to form one continuous structure; and
- 2027 b.—Vehicular access to all such uses shall be provided only via the internal circulation
2028 system of the shopping center; and
- 2029 c.—The shopping center and the building in which such drive in financial institution is
2030 located shall be subject to an approved unified site plan; and
- 2031 d.—No more than two such drive in or drive through uses shall be permitted per shopping
2032 center.
- 2033 4.—Drive in financial institutions which do not meet the limitations of article 4, section 7.13.3
2034 above may be allowed by special use permit in accordance with the provisions of article 8
2035 and the zoning district requirements.
- 2036 5.—Farm supply and service establishments, implement sales, rental and service and feed and
2037 seed stores may include storage of fertilizer in bags or in tanks (dry only) or in a completely
2038 enclosed building.
- 2039 6.—Lumber and building supply, plumbing supply and electrical supply uses shall be required
2040 to store all inventory and materials under cover, within an enclosed area, screened from
2041 view of public streets or within a fully enclosed building.
- 2042 7.—Rental of household items, tools and appliances shall be conducted in an enclosed structure
2043 and all storage of inventory and supplies shall be within an enclosed structure.

2044 7.14 Additional standards and requirements for special permit uses.

2045 In addition to the general standards set forth in ~~Article 8, Section 1: Special Use Permit~~~~article 8,~~
2046 ~~section 2~~, all developments requiring a special use permits shall be reviewed for compliance
2047 with Section 7.9: Additional Design Standards for All Uses ~~the additional design standards of~~
2048 ~~section 7.9~~ above, the Town of Purcellville Design Guidelines and Article 4, Section 1.2: Use
2049 Standards. ~~the following additional requirements:~~

2050 ~~1. Drive-in financial institutions, drive-through pharmacies, drive-in or drive-through eating~~
2051 ~~establishments, and other permissible drive-in uses requiring a special use permit shall~~
2052 ~~meet the following additional standards:~~

2053 ~~a. Such a use shall have on all sides the same architectural treatment or shall be~~
2054 ~~architecturally compatible with the building group or neighborhood with which it is~~
2055 ~~associated.~~

2056 ~~b. Such a use shall be designed so that pedestrian and vehicular circulation is coordinated~~
2057 ~~with that on adjacent properties.~~

2058 ~~c. The site shall be designed to minimize the potential for turning movement conflicts and~~
2059 ~~to facilitate safe and efficient on-site circulation. Parking and stacking spaces shall be~~
2060 ~~provided and located in such a manner as to facilitate safe and convenient vehicle and~~
2061 ~~pedestrian access to all uses on the site.~~

2062 ~~d. In reviewing such a use or combination of uses, it shall be determined that the lot is of~~
2063 ~~sufficient area and width to accommodate the use and that any such use will not~~
2064 ~~adversely affect any nearby existing or planned residential areas as a result of the hours~~
2065 ~~of operation, noise generation, parking, glare or other operational factors.~~

2066 ~~e. For a drive-through pharmacy, signs shall be required to be posted in the vicinity of the~~
2067 ~~stacking area stating the limitations on the use of the window service and/or drive-~~
2068 ~~through lane. Such signs shall not exceed two square feet in area or be located closer~~
2069 ~~than five feet to any lot line.~~

2070 ~~f. Drive-through stacking lanes shall be a minimum 100 feet from any residential lot. The~~
2071 ~~planning commission may modify or waive this requirement if it determines that the~~
2072 ~~impacts to nearby residences will be minimal.~~

2073 ~~g. Speakers in drive-through areas shall not be audible from adjacent residential uses.~~
2074 ~~Sound attenuation walls, landscaping or other mitigation measures may be required as~~
2075 ~~necessary.~~

2076 ~~h. Pedestrian walkways should not intersect the drive-through aisles, but where there is~~
2077 ~~no alternative, they shall have clear visibility.~~

2078 ~~i. Drive-through aisles shall have a minimum 12-foot width on curves and a minimum~~
2079 ~~11-foot width on straight sections.~~

2080 ~~j. Drive-through aisles shall provide sufficient stacking area behind the menu board for~~
2081 ~~drive-through restaurants and behind the service window for other drive-through uses~~
2082 ~~to accommodate a minimum of six cars (approximately 114 feet).~~

2083 ~~k. No drive-through aisles shall exit directly into a public right-of-way. Aisles shall be~~
2084 ~~integrated with the on-site circulation and shall merge with the driveway.~~

- 2085 ~~l.— Drive aisles shall be separated from landscaping areas by a six inch high, poured in~~
2086 ~~place, concrete curb or other suitable protective device meeting town approval.~~
- 2087 ~~m.— Landscaping shall screen drive-through aisles from the public right of way and shall~~
2088 ~~be used to minimize the visual impacts of menu board signs and directional signs.~~
- 2089 ~~2.— A traffic impact analysis shall be required as part of any special use permit application,~~
2090 ~~including but not limited to proposed traffic flow, sight visibility for emerging vehicles,~~
2091 ~~roadway capacity for turning movements, and other public safety factors, as well as~~
2092 ~~proposed actions necessary to mitigate adverse impacts.~~

2093 **Section 8. - Reserved.**

2094 **Section 9. - C-4 Central commercial district.**

2095 *9.1 Purpose of the district.*

2096 The purpose of this district is to provide for an appropriate variety of uses in the historic center
2097 for commercial, financial, professional, governmental, recreation, entertainment, and cultural
2098 activities, in accordance with the purposes and goals of the comprehensive plan. It is intended
2099 to promote a convenient and relatively compact arrangement of uses and buildings that enhance
2100 the sense of place and pedestrian orientation of the downtown area, and to this end required
2101 yards are minimal and permitted building bulk and coverage is relatively high. Medium density
2102 residential development is permitted to encourage housing convenient to places of shopping and
2103 work. Signing and outdoor storage are restricted in order to promote an attractive and stable
2104 urban environment.

2105 *9.2 ~~Permissible~~ Permitted uses.*

2106 A building or land in this district shall be used only in accordance with Article 4, Section 1: Use
2107 Regulations. ~~for the following purposes:~~

- 2108 ~~1.— Accessory buildings and uses.~~
- 2109 ~~2.— Adult care center.~~
- 2110 ~~3.— Apartments within the upper stories of a building or group of buildings containing offices,~~
2111 ~~retail or other commercial uses. Apartment units may be served by ground floor entrances~~
2112 ~~or lobbies, but no greater than 50 percent of the gross floor area of the ground floor may be~~
2113 ~~used for residential living space, provided that such residential living space is at the rear of~~
2114 ~~the building and the front half of the ground floor is habitable space used for other, non-~~
2115 ~~residential permitted uses.~~
- 2116 ~~4.— Bakeries, retail.~~
- 2117 ~~5.— Child care center, subject to the provisions of article 6, [section] 7.2.~~
- 2118 ~~6.— Commercial recreation facilities, indoor and outdoor.~~
- 2119 ~~7.— Eating establishments without drive-in or drive-through facilities.~~
- 2120 ~~8.— Feed, seed and garden stores, with accessory outdoor storage and display.~~
- 2121 ~~9.— Financial institutions without drive-in or drive-through facilities.~~
- 2122 ~~10.— Fitness center.~~

- 2123 ~~11. Funeral home or undertaking establishment.~~
- 2124 ~~12. Garage, parking, but not auto or truck repair.~~
- 2125 ~~13. Hotel, inn, or bed and breakfast facility.~~
- 2126 ~~14. Indoor theater.~~
- 2127 ~~15. Institutions, educational or philanthropic, including museums, libraries and art galleries.~~
- 2128 ~~16. Laundries, laundromats or dry-cleaning establishments.~~
- 2129 ~~17. Medical or dental clinics.~~
- 2130 ~~18. Offices, general business or professional.~~
- 2131 ~~19. Parking lots.~~
- 2132 ~~20. Personal service establishments.~~
- 2133 ~~21. Printing, publishing, and engraving establishments, photocopying, photographic processing~~
- 2134 ~~or blueprinting.~~
- 2135 ~~22. Radio and television stations and studios or recording studios, but not towers.~~
- 2136 ~~23. Retail sales establishments.~~
- 2137 ~~24. School, special instruction.~~
- 2138 ~~25. School, technical, trade, or business.~~
- 2139 ~~26. Single family detached dwellings. (Revised 4/14/92)~~
- 2140 ~~27. Structured parking garage.~~
- 2141 ~~28. Temporary stands, or outdoor areas for sale of produce, Christmas trees, wreaths, holly, and~~
- 2142 ~~the like.~~
- 2143 ~~29. Veterinary hospital.~~
- 2144 ~~30. Farm and community market.~~
- 2145 ~~31. Brewery, winery or distillery provided all such facilities are open to the public on a regular~~
- 2146 ~~basis for tastings, tours or retail sales.~~

2147 *9.3 Reserved. Uses permitted by special use permit.*

2148 The following uses may be permitted by special use permit approved by the town council
2149 following report by the planning commission in accordance with the procedures, guides and
2150 standards of article 8:

- 2151 ~~1. Concrete plants.~~
- 2152 ~~2. Contractor's office with accessory warehouse and outdoor storage yard.~~
- 2153 ~~3. Drive in or drive through facility accessory to a financial institution.~~
- 2154 ~~4. Private clubs, lodge, meeting or assembly hall, fraternal organization or sorority. (Adopted~~
- 2155 ~~4/9/02)~~
- 2156 ~~5. Rental of household items, tools and appliances subject to the provisions of article 4, section~~
- 2157 ~~7.13.~~
- 2158 ~~6. Sand, gravel and landscaping materials sales and storage.~~

2159 ~~7. Wholesale sales with accessory warehouse storage.~~

2160 9.4 Permitted signs.

2161 Subject to ~~Article 6, Section 3: General Sign Regulations~~the general sign regulations of article 6.

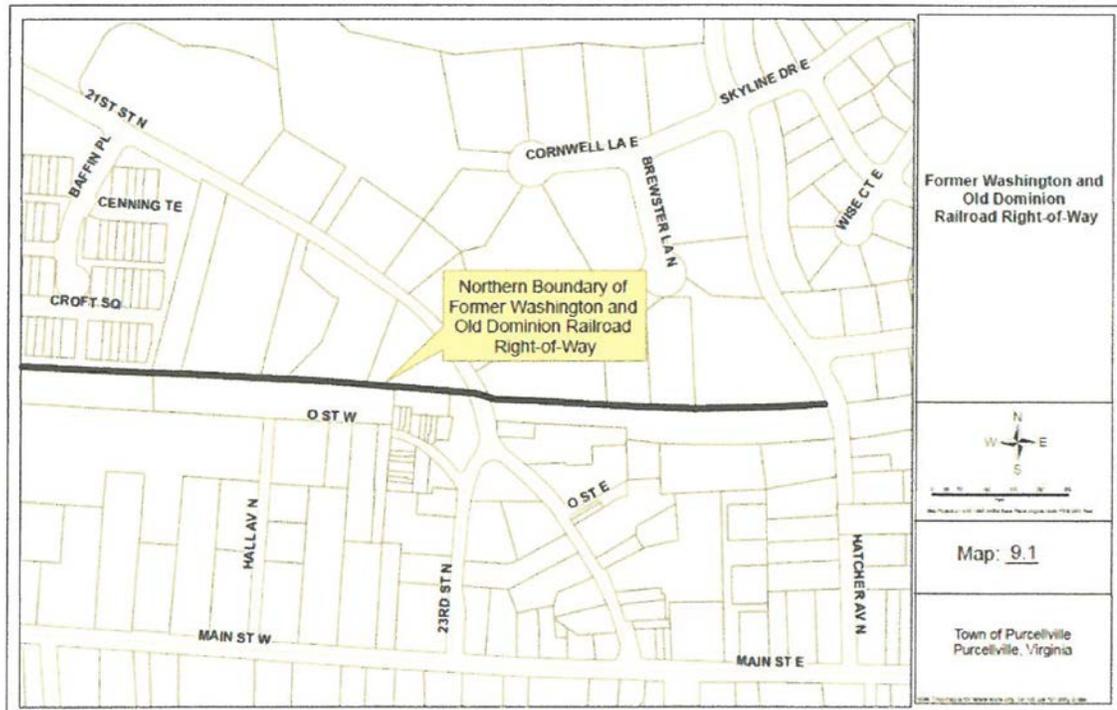
2162 9.5 Lot size standards.

2163 There are no minimum lot size standards for dwellings or business uses in the C-4 central
2164 commercial district.

2165 9.6 Yard and setback standards for all structures and on-site parking.

- 2166 1. Minimum front yard: None.
- 2167 2. Maximum front yard: No greater than 15 feet, with the following exceptions:
- 2168 a. That permitted outdoor public use spaces such as outdoor cafe seating are exempt from
2169 this requirement, and
- 2170 b. For expansions to existing principal structures, the setback may be greater than 15 feet
2171 as long as it is bringing the existing setback into equal or greater conformity with the
2172 regulations than the existing structure.
- 2173 c. All lots zoned C-4 and located north of the former W&OD railroad right-of-way, as
2174 shown on Map 9.1, are excepted from this provision.
- 2175 3. Minimum side yard: None, except that for the side of a lot abutting a residential district there
2176 shall be a side yard of at least ten feet.
- 2177 4. Minimum rear yard: None, except that for business and mixed use buildings, no rear yard is
2178 required at the first floor level except on the rear of a lot abutting a residential district there
2179 shall be a rear yard of 20 feet. For dwellings there shall be a rear yard of at least 20 feet and
2180 for all buildings there shall be a rear yard of at least 20 feet at and above the second floor
2181 level.
- 2182 5. New on-site surface parking lots may not be located closer to the front lot line than the front
2183 facade of any new principal structure, with the following exceptions:
- 2184 a. That not more than one row of parallel or angled parking is permitted in the front yard
2185 if the sidewalk is between such parking and any new principal structure and such
2186 parking directly abuts an approved public street without any intervening open space
2187 or physical improvements, and
- 2188 b. Existing areas of existing parking lots are exempt from this provision.
- 2189 c. One expansion of not more than nine new parking spaces to an existing parking lot is
2190 exempt from these provisions.
- 2191 d. All lots zoned C-4 and located north of the former W&OD railroad right-of-way, as
2192 shown on Map 9.1. are excepted from this provision.

2193 Map 9.1



2194

2195 6. The front facade of the principal structure must extend across at least 50 percent of the lot
 2196 width at the front setback, unless less frontage is required due to required driveway access
 2197 or to preserve existing vegetation. The front facade must enclose a full height, habitable
 2198 interior space. However, existing parcels with existing principal structures and front lot
 2199 widths of more than 80 feet at the time of adoption of these standards, need only have front
 2200 facades across 35 percent of the front lot width. Properties to the north of the W&OD trail
 2201 shall be exempt from either of these requirements.

2202 7. The zoning administrator may grant an administrative modification of these setback
 2203 requirements upon recommendation of the board of architectural review, which shall
 2204 include a written explanation of how any such modification will better accomplish the
 2205 purpose and intent of the district.

2206 *9.7 Special regulations for business and commercial buildings.*

2207 1. Similar uses permitted. Other commercial, financial, professional, governmental, recreation,
 2208 entertainment, cultural and service uses which, in the opinion of the zoning administrator,
 2209 are of the same general character as those ~~permitted~~ permitted in the district listed
 2210 above, shall be permitted, provided that these ~~and the above specified~~ uses shall be
 2211 permitted only in accordance with the development standards of this ordinance.

2212 2. Enclosed buildings. Except as provided in the regulations for this district, all uses shall be
 2213 conducted within completely enclosed buildings of permanent and durable construction,
 2214 with no open storage of raw, in process, or finished products or material and supplies or
 2215 waste material, except products on temporary display for sale. This provision does not
 2216 preclude outdoor eating areas accessory to a permitted use.

2217 9.8 Height standards.

2218 Buildings may be erected up to 45 feet in height as measured to the top eave of the façade
2219 provided that:

- 2220 1. Any business building or part of such building which is located within 50 feet of any
2221 residential district shall not exceed 35 feet in height as measured to the top eave of the
2222 façade.
- 2223 2. Any building may be erected to a height of 60 feet as measured to the top eave of the façade.
- 2224 3. Notwithstanding the provisions of ~~{section}~~ Section 9.8.2., for properties in common
2225 ownership that exceed an aggregate of two contiguous acres in size and that abut North 21st
2226 Street, the building height at the front façade or the front property line, whichever is the
2227 greater distance from the public street, may be up to 35 feet in height; and up to 50 percent
2228 of the width of the front façade may be up to 65 feet in height.

2229 For adjacent properties in common ownership that exceed an aggregate of two contiguous acres
2230 in size located in the C-4 district that abut East "O" Street, the maximum building height is 65
2231 feet.

- 2232 4. The maximum roof pitch shall be no steeper than 12/12 and the maximum top gable peak
2233 shall not exceed 75 feet in height.
- 2234 5. Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, and flag poles
2235 of any height, and television antennas up to 125 feet in height, are exempt from height
2236 regulations. Parapet walls may be up to four feet above the height of the building on which
2237 the walls rest.

2238 9.9 Off-street parking and loading standards.

2239 ~~Subject to Article 6, Section 1: Off-street Parking Requirements and Article 6, Section 2: Off-street~~
2240 ~~Loading Requirements. Off-street parking and loading design standards and space requirements~~
2241 ~~for particular uses are contained in article 6.~~

2242 9.10 Landscaping, screening and open space.

2243 Regulations for landscaping, screening and open space are contained in Article 7: Landscaping,
2244 Buffering, and Open Space Regulations~~article 7.~~

2245 **Section 10. - CM-1 Local service industrial district.**

2246 10.1 Purpose of the district.

2247 The purpose of this district is to provide for a wide variety of local and farm service industrial
2248 operations, including repair services, building supplies, and open or enclosed storage of
2249 products, supplies and equipment, but to restrict or prohibit those service industries which have
2250 characteristics likely to produce serious adverse effects within or beyond the limits of the
2251 district, in accordance with the purposes and goals of the comprehensive plan. Limited
2252 manufacturing is also permitted, including open storage of products and materials. In order to
2253 preserve the land for industry, to reduce extraneous traffic, and avoid future conflicts between
2254 industry and other uses, retail and business service uses are limited primarily to those which
2255 will be useful to employees in the district and future residential uses are restricted.

2256 10.2 ~~Permissible Permitted~~ uses.

2257 A building or land in this district shall be used only in accordance with Article 4, Section 1: Use
2258 Regulations. ~~for the following purposes:~~

2259 1.—~~Accessory buildings and uses, including but not limited to the following:~~

2260 a.—~~Any accessory use permitted in the R-2 residential district.~~

2261 b.—~~Coin-operated vending machines for food, tobacco, ice, soft drinks, and sundries inside~~
2262 ~~a building and primarily for the use of occupants thereof.~~

2263 c.—~~Storage of supplies, merchandise, equipment, or goods normally carried in stock, used~~
2264 ~~or produced in connection with a permitted office, business, commercial or industrial~~
2265 ~~use subject to applicable district regulations.~~

2266 2.—~~Automobile, motorcycle, off-road vehicle, bus or truck sales, service or repair, assembly,~~
2267 ~~painting, upholstering, or body or fender work or rebuilding, but not a salvage or wrecking~~
2268 ~~yard.~~

2269 3.—~~Business service establishments.~~

2270 4.—~~Farm implement and tractor sales, service and repair.~~

2271 5.—~~Feed and seed sales and storage, blending or packaging.~~

2272 6.—~~Living quarters for resident watchmen and caretakers employed on the premises.~~

2273 7.—~~Monuments and architectural stone.~~

2274 8.—~~Nursery or landscaping service.~~

2275 9.—~~Offices and office buildings, studios and the like, business, professional or administrative.~~

2276 10.—~~Plumbing and electrical supplies, manufacture, sale or storage.~~

2277 11.—~~Printing, publishing and engraving establishment, photographic processing, blueprinting,~~
2278 ~~photocopying and similar uses. (Adopted 1/13/98)~~

2279 12.—~~Retail or wholesale sales and service incidental to a permitted manufacturing, processing,~~
2280 ~~storing or distributing use, not exceeding 30 percent of the area of the principal use.~~

2281 13.—~~Rug, carpet and flooring sales, cleaning and storage.~~

2282 14.—~~Sign fabricating and painting.~~

2283 15.—~~Self-service storage compartments commonly known as mini-warehouses including the~~
2284 ~~storage of recreational trailers/vehicles, campers, luggage trailers, boats and boat trailers~~
2285 ~~and similar recreational equipment. (Amended 2/9/99)~~

2286 16.—~~Temporary stands, or outdoor areas or temporary truck parking, for sale of produce,~~
2287 ~~Christmas trees, wreaths, holly, and the like.~~

2288 17.—~~Trade or business school.~~

2289 18.—~~Veterinary hospital or clinic for small animals, dogs, cats, birds, and the like, provided that~~
2290 ~~such hospital or clinic and any treatment rooms, cages, pens, or kennels, be maintained~~
2291 ~~within a completely enclosed, soundproof building, and that such hospital or clinic be~~
2292 ~~operated in such a way as to produce no objectionable noise or odors outside its walls.~~
2293 ~~(Revised 10/8/96)~~

- 2294 ~~19. Wholesale merchandising or storage warehouse or distribution center but not a truck or~~
2295 ~~freight terminal.~~
- 2296 ~~20. Brewery, winery or distillery provided all such facilities are open to the public on a regular~~
2297 ~~basis for tastings, tours or retail sales.~~
- 2298 ~~21. Indoor commercial recreation facilities.~~
- 2299 ~~22. The above ground and below ground storage, distribution, but not refining, of petroleum,~~
2300 ~~propane and other flammable liquids; the parking and storage of vehicles designed to~~
2301 ~~distribute such liquids off site; the fueling of propane fueled vehicles; and, the outside or~~
2302 ~~inside storage of propane tanks.~~
- 2303 *10.3 Reserved. Uses permitted by special use permit.*
- 2304 ~~The following uses may be permitted by special use permit approved by the town council~~
2305 ~~following report by the planning commission in accordance with the procedures, guides and~~
2306 ~~standards of article 8:~~
- 2307 ~~1. Automobile service station.~~
- 2308 ~~2. Building materials (cement, lime in bags or container, sand, gravel, stone, lumber, hardware,~~
2309 ~~structural or reinforcing steel, pipe and the like) storage and sales, open or enclosed, but~~
2310 ~~not manufacture or steel fabricating or junk storage.~~
- 2311 ~~3. Child care center, subject to the provisions of article 6, [section] 7.2.~~
- 2312 ~~4. Clinics, medical or dental.~~
- 2313 ~~5. Outdoor commercial recreational facility. (Adopted 5/10/05; Amended 7/19/12)~~
- 2314 ~~6. Contractor's equipment storage yard or plant or rental of equipment commonly used by~~
2315 ~~contractors.~~
- 2316 ~~7. Eating establishment, drive-in or otherwise.~~
- 2317 ~~8. Fitness center. (Adopted 5/10/05)~~
- 2318 ~~9. Financial institutions.~~
- 2319 ~~10. Radio, television or other communications tower more than 125 feet in height.~~
- 2320 ~~11. Facilities and structures necessary for rendering utility service, including poles, wires,~~
2321 ~~transformers, telephone booths and the like for normal electrical power distribution or~~
2322 ~~communication service, and pipelines or conduits for electrical, gas, sewer, or water service.~~
- 2323 ~~12. Lumber yard.~~
- 2324 ~~13. Private schools, colleges or universities subject to the standards contained in article 6,~~
2325 ~~section 7.3.~~
- 2326 ~~14. Retail establishments~~
- 2327 ~~15. School, special instruction.~~
- 2328 ~~16. Well drilling establishment, water, gas or oil, offices, storage or service of supplies and~~
2329 ~~equipment.~~
- 2330 ~~17. Welding and soldering shops; machine shop.~~

2331 10.4 Permitted signs.

2332 Subject to Article 6, Section 3: General Sign Regulations~~the general sign regulations of article 6.~~

2333 10.5 Lot size standards.

2334 There are no minimum lot size standards in the CM-1 district.

2335 10.6 Yard and setback standards.

2336 All structures:

- 2337 1. Minimum front yard: 20 feet^(a)
- 2338 2. Minimum side yard: Ten feet^(b)
- 2339 3. Minimum rear yard: 20 feet^(b)

2340 ^(a)See Article 6: Supplementary Regulations for exceptions for signs and certain other
2341 structures.

2342 ^(b)No structure shall be located closer than 50 feet to the boundary of a residential district.

- 2343 4. The zoning administrator may grant an administrative modification of these setback
2344 requirements upon recommendation of the board of ~~zoning~~ architectural review, which shall
2345 include a written explanation of how any such modification will better accomplish the
2346 purpose and intent of the district.

2347 10.7 Special regulations for commercial and industrial buildings.

2348 1. *Site plan.* Where approval of a site plan is required, the plan shall be designed to promote
2349 harmonious relationships with adjacent and nearby residential and business properties,
2350 developed or undeveloped, and to this end may provide effective screening along side and
2351 rear property lines by means of fences, walls, hedges, planting screen or natural vegetation
2352 in accordance with the requirements of this ordinance.

2353 2. *Fencing.* All fencing shall have a uniform and durable character and shall be properly
2354 maintained.

2355 3. *Hazardous materials and chemicals.* A list of hazardous materials and chemicals shall be
2356 provided at the time an occupancy permit is applied for. The list will be referred to the office
2357 of the fire marshal who shall determine special storage and handling requirements and any
2358 other requirements as may be required by SARA Title III and applicable state regulations.
2359 ~~(Adopted 3/12/96)~~

2360 4. Enclosed buildings. All uses shall be conducted within a completely enclosed building of
2361 permanent and durable construction, with no open storage of waste material. Products or
2362 equipment used, manufactured or maintained on the premises may be stored in the open if
2363 screened from the street or from a residential district by landscaping, fences or walls.

2364 5. Landscaping. Any part of the front yard not used for parking or accessways shall be
2365 landscaped with grass, trees, shrubs or pedestrian walks.

2366 6. Refuse. Refuse containers or refuse storage shall be located in a paved area and hidden from
2367 general public view, either from within or outside the premises, by means of fences, walls,
2368 or landscaping planting.

2369 7. Drainage. Provision shall be made for proper stormwater drainage from parking and
2370 loading areas. Water shall not be permitted to drain from such areas onto adjacent property
2371 except into a natural watercourse or a drainage easement. Provision shall be made for
2372 protection against erosion and sedimentation in accordance with applicable town
2373 ordinances.

2374 *10.8 Height standards.*

2375 Buildings may be erected up to 60 feet in height provided that:

- 2376 a. A building or part thereof may be erected to a height of 75 feet provided that the portions
2377 of the building higher than 35 feet are set back from any lot line at least one foot for each
2378 additional foot of height above 35 feet.
- 2379 b. Cupolas, monuments, water towers, chimneys flues, and flag poles of any height, and
2380 television antennas up to 125 feet in height, are exempt from height regulations. Parapet
2381 walls may be up to four feet above the height of the building on which the walls rest.
- 2382 c. The board of zoning appeals may grant exceptions to height limits under Article 9: Board of
2383 Zoning Appeals~~article 9.~~

2384 *10.9 Off-street parking and loading standards.*

2385 Subject to Article 6, Section 1: Off-street Parking Requirements and Article 6, Section 2: Off-street
2386 Loading Requirements. Off-street parking and loading design standards and space requirements
2387 for particular uses are contained in article 6.

2388 *10.10 Landscaping, screening and open space.*

2389 Regulations for landscaping, screening and open space are contained in Article 7: Landscaping,
2390 Buffering, and Open Space Regulations~~article 7.~~

2391 **Section 11. - M-1 Limited industrial district.**

2392 *11.1 Purpose of the district.*

2393 The purpose of this district is to provide for a variety of light manufacturing, fabricating,
2394 processing, wholesale distributing and warehousing uses appropriately located for access by
2395 highways and providing a controlled environment within which signing is limited, uses are to be
2396 conducted generally within completely enclosed buildings or within screened areas, and a
2397 moderate amount of landscaping is required, in accordance with the purposes and goals of the
2398 comprehensive plan. In order to preserve the land for industry, to reduce extraneous traffic, and
2399 avoid future conflicts between industry and other uses, business and service uses are limited
2400 primarily to those which will be useful to employees in the district and future residential uses
2401 are restricted.

2402 *11.2 Permissible Permitted uses. (Amended 3/14/00)*

2403 ~~In cases of doubt regarding the nature of a process or use, the administrator may require an~~
2404 ~~engineering report describing the process or use and the probable impact thereof at property~~
2405 ~~lines in terms of the factors listed above or other significant factors as may be associated with a~~
2406 ~~particular process or use.~~

2407 A building or land in this district shall be used only in accordance with Article 4, Section 1: Use
2408 Regulations. for the following purposes:

2409 1.—~~Accessory buildings and uses, including but not limited to the following:~~

2410 a.—~~Any accessory use permitted in the R-2 residential district.~~

2411 b.—~~Coin-operated vending machines for food, tobacco, ice, soft drinks, and sundries inside~~
2412 ~~a building and primarily for the use of occupants thereof.~~

2413 c.—~~Storage of supplies, merchandise, equipment, or goods normally carried in stock, used~~
2414 ~~or produced in connection with a permitted office, business, commercial or industrial~~
2415 ~~use subject to applicable district regulations.~~

2416 2.—~~General agriculture, farming and forestry, including tilling the soil, raising of crops, truck~~
2417 ~~gardens, field crops, orchards or nurseries for growing or propagation and harvesting of~~
2418 ~~plants, turf, trees and shrubs and in general uses commonly classified as general agriculture;~~
2419 ~~provided that temporary open air stands not exceeding 200 square feet in area for seasonal~~
2420 ~~sales of products raised on the premises, and the raising of large animals, such as pigs, cows,~~
2421 ~~horses, sheep, or goats, on a farm of ten acres or more, or the raising for sale of birds, bees,~~
2422 ~~fish, rabbits, or other small animals on a lot of two acres or more shall be permitted only as~~
2423 ~~a special exception; and provided no retail or wholesale business office or store is~~
2424 ~~permanently maintained on the premises, and not including commercial slaughtering or~~
2425 ~~processing of animals or poultry.~~

2426 3.—~~Automobile painting, upholstering, repairing, rebuilding, reconditioning, body and fender~~
2427 ~~work, truck repairing or overhauling, and automobile service station provided all storage~~
2428 ~~tanks are underground.~~

2429 4.—~~Building materials sales yards.~~

2430 5.—~~Bus depot and associated maintenance facilities.~~

2431 6.—~~Contractor's equipment storage yards, plants or rental of equipment commonly used by~~
2432 ~~contractors.~~

2433 7.—~~Facilities and structures necessary for rendering utility service, including poles, wires,~~
2434 ~~transformers, telephone booths and the like for normal electrical power distribution or~~
2435 ~~communication service, and pipelines or conduits for electrical, gas, sewer, or water service.~~

2436 8.—~~Farm implement and tractor sales, service and repair.~~

2437 9.—~~Feed and seed stores.~~

2438 10.—~~Greenhouse or nursery, commercial, wholesale or retail.~~

2439 11.—~~Laboratories, research, experimental or testing, but not testing explosives.~~

2440 12.—~~Living quarters for resident watchmen and caretakers employed on the premises.~~

2441 13.—~~Manufacturing—any use permitted by right in the CM-1 local service industrial district, and~~
2442 ~~manufacturing of a generally light nature, such as sheet metal products, bottling, medical~~
2443 ~~equipment, fabrics, furniture, pharmaceutical and ceramics and similar uses which do not~~
2444 ~~create any more danger to health and safety in surrounding areas and which do not create~~
2445 ~~any more offensive noise, vibration, smoke, dust, lint, odor, heat, glare, or electrical impulse~~
2446 ~~than that which is generally associated with such light industries.~~

2447 14.—~~Monumental stone works.~~

- 2448 ~~15. Radio or television broadcasting studios and offices, and transmission and receiving towers~~
2449 ~~of height not greater than 125 feet.~~
- 2450 ~~16. Retail or wholesale sales and service incidental to a permitted manufacturing, processing,~~
2451 ~~storing or distributing use on the same site.~~
- 2452 ~~17. Rug and carpet cleaning and storage with incidental sales of rugs and carpets.~~
- 2453 ~~18. Self service storage.~~
- 2454 ~~19. Sheet metal shop.~~
- 2455 ~~20. Sign fabricating and painting.~~
- 2456 ~~21. School, special instruction.~~
- 2457 ~~22. School, technical, trade or business, but not including instruction in heavy trucks or heavy~~
2458 ~~construction or materials handling equipment or similar vehicles and equipment.~~
- 2459 ~~23. Temporary stands, or outdoor areas or temporary truck parking, for sale of produce,~~
2460 ~~Christmas trees, wreaths, holly, and the like.~~
- 2461 ~~24. Welding or machine shop excluding punch presses exceeding 40-ton rated capacity and~~
2462 ~~drop hammers.~~
- 2463 ~~25. Wholesale merchandising or storage warehouse or distribution center but not a truck or~~
2464 ~~freight terminal or package distribution center.~~
- 2465 ~~26. Indoor commercial recreation facilities.~~
- 2466 ~~27. Brewery, winery or distillery provided all such facilities are open to the public on a regular~~
2467 ~~basis for tastings, tours or retail sales.~~

2468 *11.3 Reserved. Uses permitted by special use permit.*

2469 The following uses may be permitted by special use permit approved by the town council
2470 following report by the planning commission in accordance with the procedures, guides and
2471 standards of article 8:

- 2472 ~~1. Outdoor commercial recreational facility. (Adopted 5/10/05; Amended 7/19/12)~~
- 2473 ~~2. Eating establishments, without drive in.~~
- 2474 ~~3. Fitness center. (Adopted 5/10/05)~~
- 2475 ~~4. Private club, lodge, meeting hall, labor union or fraternal organization or sorority.~~
- 2476 ~~5. Radio, television or other communications tower more than 125 feet in height.~~
- 2477 ~~6. Retail establishments.~~

2478 *11.4 Permitted signs.*

2479 Subject to ~~Article 6, Section 3: General Sign Regulations~~the general sign regulations of article 6.

2480 *11.5 Lot size standards.*

- 2481 1. For permitted uses the minimum lot size shall be 20,000 square feet with a minimum lot
2482 width of 100 feet and minimum lot depth of 150 feet.
- 2483 2. Building coverage shall be limited to 50 percent of lot area.

2484 Lot width is measured at the building line.

2485 Minimum street frontage is 50 feet.

2486 *11.6 Yard and setback standards.*

2487 All structures:

2488 Minimum front yard: 25 feet^(a)

2489 Minimum side yard: 15 feet^(b)

2490 Minimum rear yard: 40 feet^(b)

2491 ^(a)See Article 6: Supplementary Regulations~~article 6~~ for exceptions for signs and certain other
2492 structures.

2493 ^(b)No structure shall be located closer than 50 feet to the boundary of a residential district.

2494 *11.7 Special regulations for manufacturing and commercial buildings.*

2495 1. *Similar uses permitted.* Other manufacturing uses which, in the opinion of the zoning
2496 administrator, are of the same general character as those ~~permitted~~ uses permitted in the
2497 district listed above shall be permitted. All uses shall be conducted so as not to produce
2498 hazardous, objectionable or offensive conditions at property line boundaries by reason of
2499 odor, dust, smoke, cinders, fumes, noise, vibration, heat, glare, wastes, fire or explosion.

2500 2. *Enclosed buildings.* All uses shall be conducted within a completely enclosed building of
2501 permanent and durable construction, with no open storage of waste material. Products or
2502 equipment used, manufactured or maintained on the premises may be stored in the open if
2503 screened from the street or from a residential district by landscaping, fences or walls.

2504 3. *Landscaping.* Any part of the front yard not used for parking or accessways shall be
2505 landscaped with grass, trees, shrubs or pedestrian walks.

2506 4. Site plan. Where approval of a site plan is required, the plan shall be designed to promote
2507 careful use of topography and to promote harmonious relationships with adjacent and
2508 nearby residential and business properties, developed or undeveloped, and to this end may
2509 provide effective screening along side and rear property lines by means of fences, walls,
2510 hedges, planting screen or natural vegetation in accordance with the requirements of this
2511 ordinance.

2512 5. Refuse. Refuse containers or refuse storage shall be located in a paved area and hidden from
2513 general public view, either from within or outside the premises, by means of fences, walls,
2514 or landscaping planting.

2515 6. Drainage. Provision shall be made for proper stormwater drainage from parking and
2516 loading areas. Water shall not be permitted to drain from such areas onto adjacent property
2517 except into a natural watercourse or a drainage easement. Provision shall be made for
2518 protection against erosion and sedimentation in accordance with applicable town
2519 ordinances.

2520 7. Fencing. All fencing shall have a uniform and durable character and shall be properly
2521 maintained.

2522 8. Hazardous materials and chemicals. A list of all hazardous materials and chemicals shall be
2523 provided at the time an occupancy permit is applied for. The list will be referred to the office
2524 of the fire marshal who shall determine special storage and handling requirements and any
2525 other requirements as may be required by SARA Title III and applicable state regulations.

2526 *11.8 Height standards.*

- 2527 1. Buildings may be erected up to 45 feet in height provided that:
- 2528 a. A building or part thereof may be erected to a height of 60 feet provided that it is
2529 located at least 100 feet from any lot line.
- 2530 b. Cupolas, monuments, water towers, chimneys, flues, and flag poles of any height, and
2531 television antennas up to 125 feet in height, are exempt from height regulations.
2532 Parapet walls may be up to four feet above the height of the building on which the walls
2533 rest.
- 2534 c. The board of zoning appeals may grant exceptions to height limits under *Article 9:*
2535 *Board of Zoning Appeals*~~article 9.~~

2536 *11.9 Off-street parking and loading standards.*

2537 Subject to Article 6, Section 1: Off-street Parking Requirements and Article 6, Section 2: Off-street
2538 Loading Requirements. Off-street parking and loading design standards and space requirements
2539 for particular uses are contained in article 6.

2540 *11.10 Landscaping, screening and open space.*

2541 Regulations for landscaping, screening and open space are contained in *Article 7: Landscaping,*
2542 *Buffering, and Open Space Regulations*~~article 7.~~

2543 **Section 12. - PDH Planned development housing district. (Adopted 2/13/96)**

2544 *12.1 Purpose of the district.*

2545 The purpose of the PDH district is to encourage innovative and creative design and to facilitate
2546 use of the most advantageous construction techniques in the development of land for residential
2547 and other selected secondary uses. The district regulations are designed to ensure ample
2548 provision and efficient use of open space to promote high standards in the layout, design and
2549 construction of residential development; to promote balanced developments of mixed housing
2550 types; to encourage the provision of affordable housing and otherwise implement the stated
2551 purpose and intent of this ordinance.

2552 To these ends, rezoning to and development under this district will be permitted only in
2553 accordance with a development plan prepared and approved in accordance with the provisions
2554 of *Article 11: Administration and Enforcement*~~article 11.~~

2555 *12.2 ~~Permissible Principal-permitted~~ uses.*

2556 A building or land in this district shall be used only in accordance with Article 4, Section 1: Use
2557 Regulations. The following principal uses shall be permitted subject to the approval of a final
2558 development plan prepared in accordance with the provisions of article 11, and subject to the
2559 use limitations as prescribed by section 12.6 below:

- 2560 ~~1.—Dwellings, single-family detached.~~
- 2561 ~~2.—Dwellings, single-family attached.~~
- 2562 ~~3.—Dwellings, multiple-family.~~
- 2563 ~~4.—Dwellings, mixture of types listed above.~~
- 2564 ~~5.—Affordable dwelling units.~~
- 2565 ~~6.—Public uses.~~

2566 *12.3 Reserved. Secondary permitted uses.*

2567 ~~The following secondary uses shall be permitted only in a PDH district which contains one or~~
2568 ~~more principal uses; only when such uses are designated on an approved final development plan~~
2569 ~~prepared in accordance with the provisions of article 11; and subject to the use limitations as set~~
2570 ~~forth in section 12.5 below:~~

- 2571 ~~1.—Accessory uses, accessory service uses and home occupations as permitted by article 3.~~
- 2572 ~~2.—Bank teller machines, unmanned, located within a multiple-family dwelling.~~
- 2573 ~~3.—Commercial uses of special impact limited to:~~
 - 2574 ~~a.—Drive-in banks.~~
 - 2575 ~~b.—Quick service food stores.~~
- 2576 ~~4.—Community uses including community recreation centers.~~
- 2577 ~~5.—Eating establishments, restaurants.~~
- 2578 ~~6.—Financial institutions.~~
- 2579 ~~7.—Institutional use.~~
- 2580 ~~8.—Light public utility uses including electric substations.~~
- 2581 ~~9.—Offices.~~
- 2582 ~~10.—Outdoor recreation uses limited to:~~
 - 2583 ~~a.—Golf courses, commercial.~~
 - 2584 ~~b.—Riding and boarding stables.~~
 - 2585 ~~c.—Veterinary hospitals, but only ancillary to riding and boarding stables.~~
- 2586 ~~11.—Personal service establishments.~~
- 2587 ~~12.—Quasi-public uses limited to:~~
 - 2588 ~~a.—Alternate use of public facilities (adaptive reuse).~~
 - 2589 ~~b.—Child care centers and nursery schools.~~
 - 2590 ~~c.—Churches, chapels, temples, synagogues and other such places of worship which may~~
2591 ~~contain a child care center or nursery.~~
 - 2592 ~~d.—Colleges, universities or technical schools.~~
 - 2593 ~~e.—Cultural center, museums and similar facilities.~~
 - 2594 ~~f.—Housing for the elderly.~~

2595 ~~g.— Private clubs and public benefit associations.~~

2596 ~~h.— Private schools of general education.~~

2597 ~~i.— Private schools of special education.~~

2598 ~~13.— Retail sales establishment.~~

2599 12.4 ~~Reserved. Special exception uses.~~

2600 ~~1.— Accessory dwelling units.~~

2601 ~~2.— Temporary uses as defined by article 9, section 5.1.~~

2602 ~~3.— Garages and accessory buildings in a front yard except when shown on an approved~~
2603 ~~development plan.~~

2604 12.5 Use limitations.

2605 1. All secondary uses shall be in conformance as to location and size, with the adopted
2606 comprehensive plan for the area in which the property is located.

2607 2. All uses shall conform to the standards ~~as~~ set forth in Article 4, Section 1: Use
2608 Regulations~~article 11, section 5.~~

2609 3. All uses shall comply with the ~~performance-additional~~ standards ~~as~~ set forth in Article 6,
2610 Section 8: Performance Standards and Article 11, Section 7: Development Plans, Standards for
2611 All PDH Districts~~article 11, section 7.~~

2612 4. All uses submitted as secondary uses individually or as a group shall comply with the
2613 standards ~~as~~ prescribed by Article 8, Section 1: Special Use Permit~~article 8 (special use~~
2614 ~~permits)~~ and Article 9, Section 5: Special Exceptions~~article 9 (special exceptions)~~. If these uses
2615 are not designated on an approved development plan, an amendment to the development
2616 plan will be required.

2617 5. All uses permitted pursuant to the approval of a final development plan shall be in
2618 substantial conformance with the final development plan as provided for in Article 11,
2619 Section 6: Procedures for Review and Approval of All PDH Districts~~article 11.~~

2620 6. Secondary uses of a commercial and office nature ~~and outdoor recreation (commercial)~~
2621 shall require a minimum district size of five acres.

2622 7. Secondary uses of a commercial nature except ~~outdoor recreation (commercial) and~~ office
2623 uses shall be designed to serve primarily the needs of the residents of the planned
2624 development in which they are located, and such uses, including offices, shall be designed
2625 so as to maintain and protect the residential character of the planned development and
2626 adjacent residential neighborhoods as well. In order to accomplish these purposes:

2627 a. Commercial and office uses shall be conducted within a completely enclosed building
2628 with no outside display except those uses which by their nature must be conducted
2629 outside a building.

2630 b. When located within the same building as residential uses, commercial and office uses
2631 shall be limited to the lowest two floors.

2632 c. The maximum total land area, including all at grade off-street parking and loading areas
2633 in connection therewith, devoted to commercial and office uses, ~~except commercial~~
2634 ~~recreation uses~~, shall be as follows:

2635 For each district PDH-1 through PDH-3, PDH-5, PDH-8 and PDH-15: 50 square feet of
2636 commercial space per dwelling unit but not to exceed a total area of 10,000 square feet.

2637 8. Signs shall be permitted only in accordance with the provisions of Article 6, Section 3:
2638 General Sign Regulations~~article 6~~. Parking and off-street loading facilities shall be provided
2639 in accordance with Article 6, Section 1: Off-street Parking Requirements and Article 6, Section
2640 2: Off-street Loading Requirements~~article 6~~.

2641 9. Veterinary ~~clinics~~ clinics ~~hospitals~~ shall be within a completely enclosed building, such building
2642 being adequately soundproofed and constructed so there will be no emission of odor or
2643 noise detrimental to other property in the area.

2644 12.6 Lot size requirements.

2645 1. *Minimum district size:* Five acres and only when the purpose and intent and all the standards
2646 and requirements of the PDH district can be satisfied.

2647 2. *Minimum lot area:* No requirement for each use or building provided that a privacy yard
2648 having a minimum area of 200 square feet, shall be provided on each single-family dwelling
2649 unit lot unless waived by the town council in conjunction with the approval of a
2650 development plan.

2651 3. *Minimum lot width:* No requirement for each use or building.

2652 12.7 Bulk regulations.

2653 The maximum building height, minimum yard requirements and maximum floor area ratio shall
2654 be controlled by the standards set forth in Article 11, Section 7: Development Plans, Standards for
2655 All PDH Districts~~article 11, section 5~~.

2656 12.8 Maximum density.

2657 1. For purposes of computing density, the PDH district is divided into subdistricts in which the
2658 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

2659 -

- 2660 2. The town council, may at its discretion, increase the maximum number of units in a PDH
 2661 district in accordance with and when the conceptual and final development plan includes
 2662 one or more of the following, but in no event shall such an increase be permitted when such
 2663 features were used to meet the development criteria in the adopted comprehensive plan
 2664 and the minimum requirements for the applicable district and in no event shall the total
 2665 number of dwellings exceed 125 percent of the district maximum density:
- 2666 a. Design features, amenities, open space and/or recreational facilities in the planned
 2667 development which in the opinion of the town council are features which achieve an
 2668 exceptional and high quality development—As determined by the town council but not
 2669 to exceed five percent.
 - 2670 b. Preservation and restoration of buildings, structures, or premises which have historic
 2671 or architectural significance—As determined by the town council but not to exceed five
 2672 percent.
 - 2673 c. Development of the subject property in conformance with the comprehensive plan
 2674 with a less intense use or density than permitted by the current zoning district—As
 2675 determined by the town council but not to exceed five percent.

2676 *12.9 Open space.*

- 2677 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

- 2678 2. As part of the open space to be provided in accordance with the provisions of ~~{subsection}~~
 2679 1. above, there shall be a requirement to provide developed recreational facilities in all PDH
 2680 districts. Such requirements shall be based on a minimum expenditure of \$300.00 per
 2681 dwelling unit for such facilities, and either the facilities shall be provided by the developer
 2682 in conformance with the approved final development plan, or the cash shall be provided for
 2683 such facilities in conformance with a duly executed public improvements agreement.
 2684 ~~Notwithstanding the above, the requirement for \$300.00 per dwelling unit shall not apply~~
 2685 ~~to affordable dwelling units.~~
 2686

2687 12.10 Additional regulations.

- 2688 1. Refer to ~~Article 11: Administration and Enforcement~~ ~~article 11~~ for standards and
- 2689 development plan regulations.
- 2690 2. Refer to ~~Article 3: General Provisions~~ ~~article 3, general regulations~~, for provisions which may
- 2691 qualify or supplement the regulations presented above.

2692 **Section 13. - X Transitional zoning district. (Adopted 10/8/91)**

2693 13.1 Purpose of the district.

2694 The purpose of this district is to provide for the reasonable and orderly interim regulation of use
2695 and development of land ~~annexed or brought into the town via a boundary line~~
2696 ~~adjustment within the said annexation area which was previously zoned county AR1, JLMA2,~~
2697 ~~JLMA3, PD-GI, RC, PDH6.~~

2698 13.2 ~~Permissible Permitted~~ uses.

2699 A building or land ~~in this district~~ shall be used only ~~in accordance with Article 4, Section 1: Use~~
2700 ~~Regulations.~~

2701 ~~for the following purposes:~~

2702 ~~1. Uses permitted below shall be modified by the existing county zoning as it applies to the PDH-~~
2703 ~~6 and PD-GI. Those parcels zoned PD-GI shall be permitted the uses designated for the town~~
2704 ~~zoning classification of CM-1. Those parcels zoned PDH-6 shall be permitted the uses designated~~
2705 ~~for the town PDH-8 zoning classification subject to proffers and/or executed agreements that~~
2706 ~~run with the land. (Adopted 8/28/96)~~

2707 ~~2. Agriculture, forestry, and fisheries, provided however, that no such use shall be permitted~~
2708 ~~which, because of the nature, location, or manner of operation, is noxious, offensive, or~~
2709 ~~dangerous because of noise, odor, fumes, gas, glare, vibration, smoke, emission or~~
2710 ~~particulate matter or effluent, or for other reasons.~~

2711 ~~2[a]. Detached, single family dwellings.~~

2712 ~~3. Private schools for not over 15 pupils.~~

2713 ~~4. Circuses, carnivals, or similar temporary activities when organized or sponsored by~~
2714 ~~nonprofit organizations.~~

2715 ~~5. Noncommercial fairgrounds.~~

2716 ~~6. Game preserves, wildlife sanctuaries and the like.~~

2717 ~~7. Dwelling or lodging units for persons employed on the premises, provided that if in a~~
2718 ~~separate structure not more than one such dwelling or lodging unit shall be permitted for~~
2719 ~~each three acres in the principal use.~~

2720 ~~8. Wayside stands for display and sale of products produced on the premises.~~

2721 ~~9. Guest house (not to exceed 90 days).~~

2722 ~~10. Home occupations.~~

2723 ~~11. Bed and breakfast home stay establishments.~~

- 2724 ~~12. Church, parish house, convent, monastery.~~
- 2725 13.3 ~~*Reserved. Uses permitted by special use permit or commission permit.*~~
- 2726 ~~The following uses may be permitted by special use permit approved by the town council~~
2727 ~~following report by the planning commission in accordance with the procedures, guides and~~
2728 ~~standards of article 8:~~
- 2729 ~~1. Commercial stable.~~
- 2730 ~~2. Kennel.~~
- 2731 ~~3. Veterinary service; animal hospital.~~
- 2732 ~~4. Guest farms or ranches.~~
- 2733 ~~5. Cemetery.~~
- 2734 ~~6. Wayside bus shelters.~~
- 2735 ~~7. Structures for exhibits and/or demonstrations operated by nonprofit organizations.~~
- 2736 ~~8a. Manufactured home for use as a tenant house for an agricultural, forestal, or fisheries~~
2737 ~~operation.~~
- 2738 ~~8b. Manufactured home for use during the construction of permanent dwelling.~~
- 2739 ~~9. Private airport, heliport, flight strip.~~
- 2740 ~~10. Day camp, boarding camp.~~
- 2741 ~~11. Private club or lodge.~~
- 2742 ~~12. Private school for over 15 pupils.~~
- 2743 ~~13. Recreational structures or uses related to outdoors recreation, commercial or~~
2744 ~~noncommercial.~~
- 2745 ~~14. Rest home, nursing home, convalescent home, orphanage, or similar institution.~~
- 2746 ~~15. Community centers.~~
- 2747 ~~16. Volunteer fire and/or rescue squad structures or uses.~~
- 2748 ~~17. Greenhouse or nursery, commercial, wholesale or retail.~~
- 2749 ~~18. Hospitals.~~
- 2750 ~~19. Country inns.~~
- 2751 ~~20. Farm machinery sales and service. (The following specific guides and standards shall be~~
2752 ~~applied.)~~
- 2753 ~~a. The establishment shall be located on a paved, state maintained road not more than~~
2754 ~~1,000 feet from a primary state road.~~
- 2755 ~~b. The structures and parking areas and/or the perimeter of the property shall have a~~
2756 ~~landscaped screen sufficient to protect adjacent residential properties.~~
- 2757 ~~c. Buildings shall be setback a minimum of 75 feet from all property lines.~~

- 2758 ~~d.— Parking, driveways (other than entrance) and storage yards shall be setback a~~
2759 ~~minimum 75 feet from the property line along the state road entrance frontage, and a~~
2760 ~~minimum of 50 feet from all other property lines.~~
- 2761 ~~e.— Sites for such establishments shall not be less than five nor more than ten acres.~~
- 2762 ~~f.— Accessory retail sales shall be strictly limited to farm and garden equipment parts and~~
2763 ~~related tools and accessories. In no case shall the floor area devoted to the display and~~
2764 ~~sale of such related tools and accessories be more than 15 percent of the floor area of~~
2765 ~~the building site. No other nonfarm equipment sales shall be permitted, including, but~~
2766 ~~not limited to lumber, hardware, building materials, or like items.~~
- 2767 ~~g.— No structure shall be located within 500 feet of an existing residential structure.~~
- 2768 ~~h.— The town will encourage the structures to be designed and sited so as to emulate a~~
2769 ~~typical traditional complex of buildings on a farmstead.~~
- 2770 ~~21. Public or governmental buildings and uses, including governmental offices, libraries,~~
2771 ~~schools, fire stations (volunteer or otherwise), parks, parkways and playgrounds, except~~
2772 ~~those which have been approved as part of a subdivision or site plan.~~
- 2773 ~~22. Public utility or public service or transportation uses, treatment plants, water storage tanks,~~
2774 ~~pumping stations or regulator stations, utility storage yards, substations and major~~
2775 ~~transmission lines.~~

2776 13.4 Permitted signs.

2777 Subject to ~~Article 6, Section 3: General Sign Regulations~~the general sign regulations of article 6.

2778 13.5 Lot size standards.

2779 *Minimum lot area:* Three acres.

2780 *Minimum lot width:* 200 feet.

2781 *Length/width ratio:* For lots hereafter created, length shall not exceed 3.5 times width.

2782 Other uses same as for single-family detached dwelling or as specified in the district regulations.

2783 Minimum lot area for individual or on-site sewage disposal systems is subject to health
2784 department requirements.

2785 Lot width is measured at the front building setback line.

2786 13.6 Yard and setback standards.

2787 *Minimum front yard:* 35 feet.

2788 *Minimum side yard:* 12 feet.

2789 *Minimum rear yard:* 25 feet.

2790 The minimum front yard shall be measured from the front lot line to the front building setback
2791 line.

2792 Minimum front yard shall be 55 feet measured from the street centerline if street right-of-way
2793 is less than 50 feet in width.

2794 Other principal structures same as single-family detached dwelling or as required in the district
2795 regulations.

2796 Accessory structures attached to the main building shall be considered part of the main building
2797 and comply with front, side, and rear yard requirements.

2798 Detached accessory structures shall not be closer than five feet to any property line.

2799 *13.7 Height standards.*

2800 1. Buildings may be erected up to 2½ stories and 35 feet in height except that:

2801 a. There are no restrictions for buildings used exclusively for agricultural purposes.

2802 b. The height limit for dwellings may be increased up to 45 feet and up to three stories
2803 provided there are two side yards for each permitted use each of which is at least 15
2804 feet plus one foot or more for each side yard for each additional foot of building height
2805 over 35 feet upon granting of a special exception by the board of zoning appeals under
2806 Article 9: Board of Zoning Appeals~~article 9.~~

2807 c. A public or semi-public building such as a school, church, or library, may be erected to
2808 a height of 60 feet from grade provided that required front, side and rear yards shall be
2809 increased one foot for each foot in height over 35 feet.

2810 d. Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, and flag
2811 poles of any height, and television antennas up to 50 feet in height, are exempt from
2812 height regulations. Parapet walls may be up to four feet above the height of the building
2813 on which the walls rest.

2814 e. No accessory structure which is within ten feet of any party lot line shall be more than
2815 one story in height. All accessory structures shall be of less height than the main
2816 buildings on the lot.

2817 *13.8 Off-street parking and loading standards.*

2818 Subject to Article 6, Section 1: Off-street Parking Requirements and Article 6, Section 2: Off-street
2819 Loading Requirements. Off-street parking and loading standards and space requirements for
2820 particular uses are contained in article 6.

2821 *13.9 Landscaping, screening and open space.*

2822 Regulations for landscaping, screening and open space are contained in Article 7: Landscaping,
2823 Buffering, and Open Space Regulations~~article 7.~~

2824 **Section 14. - Institutional and public use district.**

2825 *14.1 Purpose of the district.*

2826 This district is intended to permit the location and growth of public and private educational,
2827 institutional, public, and semi-public uses in areas appropriate for such uses. The district is
2828 intended to encourage the retention or adaptive reuse of larger public and institutional uses on

2829 sites identified for such uses in the adopted comprehensive plan. The regulations within this
2830 district are intended to achieve the following specific purposes:

- 2831 •1. Recognize the unique needs of institutional and public uses and their relationship with
2832 neighboring land uses;
- 2833 •2. Minimize the potential for adverse impacts of institutional and public uses on adjacent
2834 land uses, including traffic congestion, adequate parking, and pedestrian linkages;
- 2835 •3. Facilitate the creation of a convenient and harmonious development of buildings,
2836 parking, and open spaces for individual institutional and public uses; and
- 2837 •4. ~~Facilitate~~ ~~Ensure~~ the proper functioning of such institutional and public uses.

2838 14.2 ~~Permissible~~ ~~Permitted~~ uses.

2839 A building or land in this district shall be used only in accordance with Article 4, Section 1: Use
2840 Regulations. ~~for the following purposes:~~

- 2841 ~~1.—Church or place of worship.~~
- 2842 ~~2.—Government offices and assembly rooms.~~
- 2843 ~~3.—Accessory buildings, uses and structures.~~
- 2844 ~~4.—Community center and senior center.~~
- 2845 ~~5.—Community garden.~~
- 2846 ~~6.—Fire, rescue or police station.~~
- 2847 ~~7.—Library.~~
- 2848 ~~8.—Museum and art gallery.~~
- 2849 ~~9.—Park, playground and playfields, unlighted.~~
- 2850 ~~10.—Public and private schools, K-12.~~
- 2851 ~~11.—Public utility, minor.~~
- 2852 ~~12.—Indoor performing arts center or theater.~~
- 2853 ~~13.—Farm and community market.~~
- 2854 ~~14.—Colleges and universities subject to article 6, section 7.4.~~

2855 14.3: ~~Reserved.~~ ~~Public, private or semi-public uses permitted by special use permit.~~

2856 The following specific uses may be permitted in this district by special use permit approved by
2857 the town council following report by the planning commission in accordance with the
2858 procedures, guides and standards of article 8:

- 2859 ~~1.—Transmitting and receiving facilities for cellular communications systems and similar~~
2860 ~~facilities.~~
- 2861 ~~2.—Lighted playing fields.~~
- 2862 ~~3.—Outdoor performing arts center or amphitheater.~~
- 2863 ~~4.—Commuter parking lot.—Parking lots or structures designed for short term parking of~~
2864 ~~vehicles, the occupants of which transfer to public transit to continue their trips.~~

2865 14.4 Reserved.

2866 14.5 Lot size standards.

- 2867 1. Lot area. Ten thousand square feet for any parcel with a structure for human occupancy,
- 2868 such as offices, meeting rooms, places of assembly, but not including storage buildings,
- 2869 restrooms, or gazebos. No minimum lot area for parcels without a substantial structure,
- 2870 such as well sites, park sites, and public streets.

2871 14.6 Yard and setback standards.

- 2872 1. Front yards. ~~There shall be n~~No setbacks are required, except yards adjacent to a residential
- 2873 district shall have a setback equal to the setback of the adjoining residential district or, in
- 2874 built-up areas, may match the average setback of adjacent structures.
- 2875 2. Side and rear yards. No side or rear yard are shall be required, except where such use abuts
- 2876 a residential district there shall be a minimum ten-foot side and/or rear yard.
- 2877 3. Notwithstanding the above, for additions to an existing building, the yard requirement for
- 2878 the addition may match the existing yard for the existing building.

2879 14.7 ~~Reserved. Special provisions for corner lots.~~

2880 ~~Where a front yard is provided, fences, signs, landscaping, shrubbery, evergreens and trees in~~

2881 ~~excess of three feet in height are prohibited within 15 feet from the corner of a lot at~~

2882 ~~intersections streets.~~

2883 14.8 Height standards.

- 2884 1. Within 50 feet of any residential district, the maximum height of the nearest residential
- 2885 district shall apply.
- 2886 2. A public or semi-public building, such as a school, church, or library, may be erected to a
- 2887 height of 60 feet provided that required front, side and rear yards shall be increased one
- 2888 foot for each foot in height over 50 feet.
- 2889 3. Church spires, belfries, cupolas, monuments, water towers, chimneys, and flues are exempt
- 2890 from height regulations.

2891 14.9 Additional design standards for all uses.

2892 In addition to the above standards, all projects shall be reviewed for compliance with the Town

2893 of Purcellville Design Guidelines and the following general building and site design principles:

- 2894 1. *Site design.*
- 2895 (a) Where approval of a site plan is required, the plan shall be designed to promote
- 2896 sensitive use of topography and to promote harmonious relationships with adjacent
- 2897 and nearby properties, developed or undeveloped, and to this end shall provide
- 2898 effective screening along side and rear property lines by means of fences, walls, hedges,
- 2899 planting screen or natural vegetation in accordance with the requirements of this
- 2900 ordinance.
- 2901 2. *Building design.*
- 2902 (a) Projects incorporating multiple buildings shall be designed to provide a cohesive
- 2903 appearance, using materials, detailing and colors to provide overall similarity and

2904 compatibility among structures. Design features of individual buildings and structures
2905 shall be subordinate to the overall design of the development.

2906 (b) Projects containing many buildings or a variety of functions shall provide variety in
2907 building size and massing. A general transition from small or low buildings along street
2908 frontages to larger and taller buildings on the interior of the site shall be achieved.

2909 (c) On large sites, development of several smaller buildings to create visual interest,
2910 human scale and variety, shall be achieved, rather than a single large building. The use
2911 of smaller buildings, appropriately positioned and sited as a means of breaking up large
2912 parking expanses shall be achieved.

2913 (d) Buildings shall be finished and have on all sides the same architectural features or shall
2914 be architecturally compatible with the building group or neighborhood with which
2915 ~~they are~~^{it is} associated.

2916 3. *Parking and access.*

2917 (a) Shared entrances shall be used wherever possible and, when parking lots for uses
2918 permitted in this district are adjacent, the lots shall be connected to parking areas on
2919 adjacent sites and integrated with each other whenever possible.

2920 (b) Parking lots shall be screened from view through the use of such elements as earthen
2921 berms, landscaping and/or street trees.

2922 (c) Access shall be provided by secondary roads and common driveways where~~ver~~^{ever}
2923 possible.

2924 (d) Pedestrian and vehicular circulation shall be coordinated with that on adjacent
2925 properties. The site shall be designed to minimize the potential for turning movement
2926 conflicts and to facilitate safe and efficient on-site circulation. Parking and stacking
2927 spaces shall be provided and located in such a manner as to facilitate safe and
2928 convenient vehicle and pedestrian access to all uses on the site.

2929 4. *Utilities and HVAC equipment.*

2930 (a) All utility lines, electric, telephone, cable television lines, etc., and shall be placed
2931 underground.

2932 (b) Mechanical equipment, including rooftop equipment, such as generators and air
2933 conditioning units, shall be screened from public view in a manner compatible with the
2934 site and using material similar to the buildings and harmonious with the overall design.

2935 5. *Refuse and loading.*

2936 (a) Refuse containers or refuse storage shall be located in a paved area and hidden from
2937 general public view, either from within or outside the premises, by means of fences,
2938 walls, or landscape planting.

2939 (b) Loading and service areas shall be oriented away from public views.

2940 14.11 *Off-street parking and loading standards.*

2941 ~~Subject to Article 6, Section 1: Off-street Parking Requirements and Article 6, Section 2: Off-street~~
2942 ~~Loading Requirements. Off-street parking and loading areas for permitted uses in accordance~~
2943 ~~with sections 6.1 and 6.2 [article 6, sections 1 and 2] of this ordinance.~~

2944 14.12 Landscaping, screening and open space.

2945 ~~All projects must comply with the r~~Regulations for landscaping, screening and open space are
2946 contained in Article 7: Landscaping, Buffering, and Open Space Regulations~~article 7.~~

2947 14.13 Permitted signs.

2948 Signs are permitted in accordance with Article 6, Section 3: General Sign Regulations~~the general~~
2949 ~~sign regulations of article 6.~~

2950 **Section 15. -- AC Agricultural conservancy/commercial zoning district (A-C District).**

2951 15.1 Purpose of the district.

2952 This district is designed to accommodate and encourage the continuation of agricultural uses
2953 within the town, to permit clustered single-family residential development, to permit certain
2954 low-intensity non-residential uses that would maintain the majority of open space in these areas,
2955 and to accommodate uses that would complement and enhance the historic character of the
2956 town. It is intended that uses in this district will be designed in a manner that:

- 2957 1. Conserves open land around the town's periphery, including those areas containing historic
2958 resources or sensitive natural features such as woodlands, prime farmland, steep slopes,
2959 streams, floodplains and wetlands, by setting them aside from development;
- 2960 2. Promotes agricultural and equestrian uses; Protects productive agricultural soils for
2961 continued or future agricultural use and conserves blocks of land large enough to allow for
2962 efficient farm operations;
- 2963 3. Reduces erosion and sedimentation by the retention of existing vegetation;
- 2964 4. Provides for the maintenance of open land within the town which can help to provide
2965 opportunities for recreation, protect scenic and historic views, minimize the visual impact
2966 of new development from existing roads, and preserve the historic rural setting
2967 surrounding the town;
- 2968 5. Promotes a traditional development pattern that is compatible with the existing historic
2969 character of the town and which is connected to the existing fabric of the town; and
- 2970 6. Provides greater design flexibility and efficiency in the siting of infrastructure, including the
2971 opportunity to reduce street lengths, utility runs, and the amount of paving.
- 2972 7. Provides for commercial development compatible with agricultural and horticultural uses
2973 to serve as a transition toward more dense commercial development within the town.

2974 15.2. ~~Permissible~~ Permitted uses.

2975 A building or land in this district shall be used only in accordance with Article 4, Section 1: Use
2976 Regulations. The following uses are permitted in this district:

- 2977 1. ~~Agriculture, including crop farms, horse farms, livestock farms, but excluding hog and~~
2978 ~~poultry farms, commercial stockyards and feed lots;~~
- 2979 2. ~~Horticulture and plant nurseries, including the growing of fruits, vegetables, flowers, or~~
2980 ~~ornamental plants; vineyards, and commercial greenhouses with on-site wholesale and/or~~
2981 ~~retail sales.~~

- 3082 ~~3.—Farm co-op.~~
- 3083 ~~4.—Farm market, subject to the use limitations of section 15.9.~~
- 3084 ~~5.—Conservancy subdivision.~~
- 3085 ~~6.—Equestrian facilities, indoor or unlighted outdoor, non-spectator.~~
- 3086 ~~7.—Art gallery, craft gallery or similar.~~
- 3087 ~~8.—Bakery.~~
- 3088 ~~9.—Bed and breakfast facility.~~
- 3089 ~~10.—Catering.~~
- 3090 ~~11.—Churches and other places of worship.~~
- 3091 ~~12.—Country inn.~~
- 3092 ~~13.—Eating establishment, sit-down or carry out, 4,000 square feet or less of gross floor area.~~
- 3093 ~~14.—Ice cream shop.~~
- 3094 ~~15.—Library, public or private.~~
- 3095 ~~16.—Nature preserve, such as wildlife sanctuary or conservation area, arboretum, or botanical~~
- 3096 ~~garden, but not a petting zoo.~~
- 3097 ~~17.—Nursery.~~
- 3098 ~~18.—Offices, professional, business or administrative.~~
- 3099 ~~19.—Studio space—Artist, crafts person, writer, etc.~~
- 3000 ~~20.—Winery, with related retail sales.~~
- 3001 ~~21.—Public or parks, without lighted playing fields; community gardens.~~
- 3002 ~~22.—Single family detached farmhouse with no more than one tenant house located on a parcel~~
- 3003 ~~of at least one acre with an active, permitted agricultural, horticultural or vineyard use.~~
- 3004 ~~23.—Public parks and public recreational facilities, unlighted.~~

3005 *15.3: Reserved. Accessory uses and structures.*

3006 ~~The following accessory uses and structures are permitted in this district:~~

- 3007 ~~1.—Home occupations.~~
- 3008 ~~2.—Accessory uses and structures customarily appurtenant to a permitted or approved special~~
- 3009 ~~exception use, including barns and bona fide farm buildings, private and farm garages, and~~
- 3010 ~~greenhouses without on-site sales. Except for wayside stands, accessory structures shall~~
- 3011 ~~only be located in the side or rear yards.~~

3012 *15.4: Reserved. Special use permit uses.*

3013 ~~The following uses are permitted in this district subject to securing a special use permit as~~

3014 ~~provided in articles 8 and 11 and subject to the additional standards of sections 15.7—15.9:~~

- 3015 ~~1.—Animal hospital.~~
- 3016 ~~2.—Cemetery.~~

- 3017 ~~3.—Community utility facility, provided any such facility is located on public property.~~
- 3018 ~~4.—Conference center.~~
- 3019 ~~5.—Corporate retreat.~~
- 3020 ~~6.—Cultural center, including only museums and botanical gardens of historic, cultural,~~
- 3021 ~~scientific or educational interest.~~
- 3022 ~~7.—Equestrian facilities, lighted outdoor and/or spectator.~~
- 3023 ~~8.—Farm machinery sales and service.~~
- 3024 ~~9.—Commercial recreation facility, outdoor.~~
- 3025 ~~10.—Commercial recreation facility, indoor.~~
- 3026 ~~11.—Eating establishment, sit-down or carry out, greater than 4,000 square feet of gross floor~~
- 3027 ~~area.~~
- 3028 ~~12.—Farm supply and service establishments, implement sales, rental and service, feed and seed~~
- 3029 ~~store, including custom milling of grain and feed.~~
- 3030 ~~13.—Lawn mower, yard and garden equipment, rental, sales and service.~~
- 3031 ~~14.—Health club or fitness center.~~
- 3032 ~~15.—Pet farm.~~
- 3033 ~~16.—Private club, lodge, meeting or assembly hall.~~
- 3034 ~~17.—Winery, with related retail sales and special events.~~
- 3035 ~~18.—Public parks, with lighted playing fields.~~

3036 15.5. Lot, bulk, and open space requirements.

3037 15.5.1: Height requirements. All uses.

- 3038 1. *Building height:*
- 3039 a. *Principal building:*
- 3040 i. Residential: 35 feet.
- 3041 ii. Non-residential: 45 feet, except no restriction for buildings used exclusively for
- 3042 agriculture or horticulture.
- 3043 b. *Accessory structures:* Residential: 15 feet; Non-residential: 25 feet.

3044 15.5.2: Conservancy subdivision: Lot, bulk and open space requirements.

- 3045 1. *Purpose and intent.* The intent of this section is to ensure that a conservancy subdivision is
- 3046 consistent with the town's historical development style, does not contribute to land
- 3047 consumptive sprawl, and creates significant open space of benefit to residents of both the
- 3048 new subdivision and the town.
- 3049 2. ~~*Reserved. Conservancy subdivision defined. A conservancy subdivision is a single-family*~~
- 3050 ~~*residential development in which the residential lots are clustered together on a portion of*~~
- 3051 ~~*the tract, leaving the largest portion of the tract in permanent open space. A conservancy*~~
- 3052 ~~*subdivision may include the following categories of land:*~~

- 3053 ~~a.—Single family lots: Smaller residential lots located in a contiguous grouping oriented~~
3054 ~~along a street or a green.~~
- 3055 ~~b.—Conservancy lots: Larger residential lots containing a designated building area with the~~
3056 ~~remainder designated as permanent open space.~~
- 3057 ~~c.—Open space: Land permanently preserved through an open space easement designated~~
3058 ~~as greenbelt open space, conservancy open space and usable open space, as defined in~~
3059 ~~this ordinance. (Refer to the Town of Purcellville Design Guidelines).~~
- 3060 3. *Minimum parcel size.* The minimum parcel size for a conservancy subdivision shall be ten
3061 acres.
- 3062 4. *Maximum density.* The maximum residential density within a conservancy subdivision shall
3063 not exceed one dwelling unit per one gross acre, including dwelling units on conservancy
3064 lots.
- 3065 5. *Uses permitted.* Land within a conservancy subdivision may be used for any of the following
3066 principal uses: single-family detached dwellings, conservancy lots, or permitted greenbelt
3067 or usable open space uses as provided below.
- 3068 6. *Single-family detached dwellings (other than conservancy lots):*
- 3069 a. *Lot sizes:*
- 3070 i. Minimum lot size: 15,000 square feet.
- 3071 ii. Maximum lot size: 40,000 square feet.
- 3072 b. *Minimum lot width:*
- 3073 i. Lots up to 20,000 square feet: 60 feet at the minimum front yard and at the
3074 property line;
- 3075 ii. Lots over 20,000 square feet: 75 feet at the minimum front yard.
- 3076 c. *Yard depth requirements:*
- 3077 Front: 20 feet minimum and 35 feet maximum for lots up to 20,000 square feet; 30 feet
3078 minimum for lots over 20,000 square feet.
- 3079 Side: Ten feet minimum; 25 feet when adjacent to a street and for lots greater than
3080 20,000 square feet.
- 3081 Rear: 30 feet minimum for lots up to 20,000 square feet; 50 feet minimum for lots
3082 greater than 20,000 square feet.
- 3083 Exceptions: Accessory buildings may be located within five feet of any side or rear lot
3084 line.
- 3085 d. *Lot Coverage:* 35 percent maximum.
- 3086 7. *Conservancy lots.*
- 3087 a. *Minimum lot size:* One acre. Not more than one single-family detached dwelling ~~unit~~
3088 shall be located on any conservancy lot.
- 3089 b. *Minimum lot width:* 200 feet.
- 3090 d. *Lot coverage:* Maximum 35 percent of building area.

- 3091 e. *Open space easement required.* Any land area above the 12,500 square-foot maximum
3092 building area shall be subject to a permanent open space easement. Such easement
3093 shall be in a form approved by the town and shall provide, inter alia, notwithstanding
3094 such easement, that the easement portion of such conservancy lot shall be maintained
3095 by the property owner and that the town shall bear no responsibility or liability for
3096 such maintenance.
- 3097 f. *Yards.* No building shall be located within 25 feet of any property line; provided,
3098 however, that if such building is located as a logical extension of the clustered dwelling
3099 pattern on smaller lots within the subdivision, the minimum yard requirements of
3100 ~~s~~Section 15.5.2.6 shall be permitted.
- 3101 8. *Required open space.* All land area within a conservancy subdivision not devoted to single-
3102 family detached lots, the maximum building area of conservancy lots and street rights-of-
3103 way shall be permanently preserved as open space and shall be designated as Conservancy
3104 Open Space, as defined herein, Greenbelt Open Space, ~~as defined by this ordinance,~~ or
3105 Usable Open Space, as defined herein. Such open space shall constitute in the aggregate not
3106 less than 70 percent of the total land area within the conservancy subdivision and shall be
3107 provided in accordance with this subsection (8) and the following subsection (9):
- 3108 a. Conservancy open space shall be the easement portion of any conservancy lots within
3109 the conservancy subdivision. Not more than 45 percent of the required open space
3110 shall be conservancy open space. Uses permitted in the conservancy open space shall
3111 be as specified in the open space easement required in ~~subsection (7)(e)(g)(5)~~ above
3112 and may include agriculture, horticulture or ~~private, noncommercial residential~~
3113 equestrian facilities.
- 3114 b. Greenbelt open space ~~as defined by this ordinance~~ equal to or exceeding 45 percent of
3115 the required open space shall be provided. No portion of any conservancy lot shall be
3116 deemed to be greenbelt open space. Every greenbelt open space parcel shall not be less
3117 than 100 feet deep. Uses permitted within greenbelt open space areas shall only
3118 include agriculture, horticulture, equestrian facilities, public parks, and associated
3119 accessory uses (but not including residential uses accessory to agricultural or
3120 horticultural uses), as permitted ~~above~~ in *Section 15.2: Permissible Uses, sections 15.2*
3121 ~~and 15.3. Nature preserves and privately owned recreational facilities are also~~
3122 ~~permissible as provided in section 15.4.~~
- 3123 c. Usable open space equal to not less than ten percent of the required open space shall
3124 be provided in accordance with the provisions of *Article 7, Section 7: Open Space*
3125 ~~Regulations article 7, section 6~~ and the following additional provisions:
- 3126 (i) Neighborhood green. Usable open space shall be located to create at least one focal
3127 neighborhood green that is specifically designed to benefit both existing adjacent
3128 developed areas and the proposed new subdivision. The minimum size of the
3129 green shall be 20,000 square feet, with a length to width ratio not exceeding six to
3130 one (6:1). The green shall adjoin residential lots or streets on at least three sides
3131 and shall be centrally located to be within 1,500 feet of all dwellings in the
3132 subdivision other than dwellings on conservancy lots. The green shall be
3133 connected to both the conservancy open space and existing town street right-of-
3134 way by open space links of at least 15 feet in width that include a sidewalk or trail.
- 3135 (ii) Unlighted playing fields, walking trails, a neighborhood park or any combination
3136 of the above may be included as part of the usable open space.

- 3137 9. *Additional standards for open space.*
- 3138 a. All open space shall be subjected to a permanent open space easement in a form
- 3139 approved by the town.
- 3140 b. Open space shall be located and designed to add to the visual amenities of the
- 3141 neighborhood and surrounding area by maximizing the visibility of both internal and
- 3142 external open space. Open space shall be located to provide terminal vistas (the
- 3143 landscape seen at the end of a street, or along the outside edges of street curves) and
- 3144 perimeter greenbelt land (the undeveloped and permanently protected acreage
- 3145 around the town).
- 3146 c. Conservancy and greenbelt open space shall incorporate historic resources, prime
- 3147 agricultural soils, floodplain areas, wetlands, steep slopes, existing tree cover, and
- 3148 other environmentally sensitive resources to the greatest extent possible.

3149 *15.5.3: Uses other than conservancy subdivision: Lot, bulk and open space requirements.*

- 3150 1. *Purpose and intent.* The intent of this section is that the development of uses other than
- 3151 single-family residential within this district to allow for residential and commercial uses
- 3152 where existing settlement patterns provide a unique opportunity for a variety of permitted
- 3153 and special exception uses. Uses in this district shall be compatible with existing village and
- 3154 neighborhood scale and character and allow local, neighborhood related commercial uses
- 3155 to be developed.
- 3156 2. *Minimum lot size:*
- 3157 a. Agriculture: Ten acres.
- 3158 b. All other uses, other than conservancy subdivision: One acre, unless otherwise
- 3159 specified below under *Section 15.9: Additional Standards for Certain Uses.* ~~individual use~~
- 3160 ~~standards in section 15.7.2.~~
- 3161 3. *Minimum lot width:* 100 feet (interior); 125 feet (corner).
- 3162 4. *Minimum yard depth requirements* (Unless otherwise specified below under *Section 15.9:*
- 3163 *Additional Standards for Certain Uses.* ~~individual use standards in section 15.7.2~~):
- 3164 Front: 35 feet.
- 3165 Side: 20 feet.
- 3166 Rear: 40 feet.
- 3167 Exceptions:
- 3168 (i) Barns or structures used for the housing or shelter of animals and equestrian rings
- 3169 (indoor or outdoor) shall not be located within 100 feet of any side or rear lot
- 3170 line.
- 3171 (ii) Accessory buildings or uses may be located within five feet of any side or rear lot
- 3172 line, except as provided in subsection (i) above.
- 3173 5. *Maximum lot coverage by structures:* Agricultural, horticultural and winery uses: 30 percent;
- 3174 all other non-residential uses: Ten percent, except as otherwise specified in this ordinance.

3175 6. *Minimum open space:* 25 percent, except for agricultural, horticultural, winery, recreational,
3176 and equestrian uses conducted outside of structures, and residential uses in conservancy
3177 subdivisions, the latter of which are governed by sSection 15.5.2: Conservancy Subdivision:
3178 Lot, Bulk and Open Space Requirements.

3179 15.6. *Off-street parking, all uses.*

3180 Off-street parking shall be provided as required in Article 6, Section 1: Off-street Parking
3181 Requirements~~article 6, section 1~~, with the following exceptions:

- 3182 1. All off-street parking shall be located on driveways or in the side or rear yard for single-
3183 family residential uses and in the side or rear yard only for all other uses.
- 3184 2. Parking lots for agricultural, horticultural, equestrian and other similar uses, including farm
3185 markets, may be surfaced with gravel, provided the parking lots are used no more than four
3186 days per month spaces are delineated in some manner as permitted outlined in by aArticle
3187 6, ~~sSection 1.6.4.c7.4.b~~. Creation of such lots shall require approval of a zoning grading
3188 permit with sketch plan, but not a full site plan.

3189 15.7. *Design standards, all uses.*

- 3190 1. *Overall form.* Buildings shall be clustered along existing or proposed roads. Open space shall
3191 be used to preserve natural and environmental resources identified in the comprehensive
3192 plan. New construction shall be sited so as to best preserve natural and historic resources,
3193 natural vistas and existing topography. Greenbelt open space shall be designed to follow
3194 natural features whenever possible and to maintain an agricultural, woodland or
3195 countryside character. New development shall be distinguished from the peripheral,
3196 greenbelt open space by a well-defined edge.
- 3197 2. *Block design.* New lots shall be designed in a grid or modified grid pattern of blocks and
3198 interconnecting streets and alleys, defined by buildings, landscaping, pedestrian ways and
3199 sidewalks, and adapted to the topography and unique natural features of the tract. Blocks
3200 should be rectilinear, modified rectilinear, or another distinct geometric shape, except
3201 where topographic or other conditions necessitate a more amorphous configuration.
- 3202 a. *Maximum block length:*
- 3203 Blocks with lots up to 20,000 square feet: 500 feet.
- 3204 Blocks with lots greater than 20,000 square feet: 800 feet long, provided mid-block
3205 footpaths are provided.
- 3206 b. Alleys shall be permitted to bisect blocks.
- 3207 3. *Lot design.* Lots shall have frontage onto a street or a street and an alley. In general, in
3208 developments where lot sizes vary considerably, the smaller lots should be located closer
3209 to the existing town, with larger lots on the perimeter.
- 3210 a. Lots abutting common greens, squares or parks shall be provided with sidewalks along
3211 their abutting lot lines.
- 3212 b. Lot areas and widths shall vary at random in order to eliminate the appearance of a
3213 standardized subdivision. Lots shall vary by not less than five-foot increments.

- 3214 4. *Street design.* Street layout shall take into consideration internal open space areas,
 3215 gateways, and vistas. Both street and pedestrian linkages to the existing town are
 3216 recommended where possible.
- 3217 a. A minimum of two connections with the existing public street system rated as at least
 3218 a collector street shall be provided where possible. Connections giving access to
 3219 collectors with existing sidewalks or trails shall be required where practicable.
- 3220 b. Use of cul-de-sacs or other streets with a single point of access shall be minimized.
- 3221 c. To calm traffic speeds, the use of T-intersections, where vehicles must stop and turn to
 3222 the right or left rather than proceeding forward in a straight line, are encouraged. At
 3223 least 25 percent of all intersections within the subdivision shall take this form, unless
 3224 other traffic calming measures, such as traffic islands or circles, are employed.
- 3225 d. Street trees shall be planted along all streets in conformance with Article 7, Section 3:
 3226 Streetscaping article 7, section 3.
- 3227 5. *Alleys.* Where provided, alleys shall be private streets or easements either dedicated to a
 3228 homeowners association or as common access easements across the rear portions of lots.
- 3229 a. Minimum easement width: 22 feet. A five-foot utility easement shall be provided along
 3230 the alley frontage of all adjacent lots and may overlap the alley easement; No fences
 3231 shall be permitted within this easement.
- 3232 b. Minimum paved alley width: Ten feet. Parking shall be prohibited on either side of the
 3233 paved cartway of the alley.
- 3234 c. Alley lighting. Security lighting shall be provided on all garages or on poles adjacent to
 3235 parking areas to provide alley lighting. Lighting fixtures and poles shall be of consistent
 3236 architectural style and shall complement the predominant architectural theme of the
 3237 subdivision. Light fixtures shall conform to Article 6, Section 9: Lighting
 3238 Requirements article 6, section 9. Use of motion sensors or other timing devices to
 3239 minimize lighting when not needed is recommended.
- 3240 d. Exterior lighting. Exterior lighting shall conform to Article 6, Section 9: Lighting
 3241 Requirements article 6, section 9. Lighting fixtures and poles shall be of consistent
 3242 architectural style and shall complement the predominant architectural theme of the
 3243 project.
- 3244 6. *Outdoor storage and service areas.* No outdoor storage shall be permitted unless the zoning
 3245 administrator determines that such storage is customarily required and integral to the use
 3246 and that such storage will be adequately screened from all property lines. Any service area
 3247 shall be located and designed to minimize its visibility from off-site.
- 3248 7. *Pedestrian access.* Every effort shall be made to provide a safe and convenient pedestrian
 3249 connection to the existing town pedestrian network.
- 3250 8. *Signs.* The location, dimensions and design of any proposed signage shall conform to Article
 3251 6, Section 3: General Sign Regulations article 6, section 3. Signage plans shall be provided
 3252 with the special use permit application.

3253 *15.8. Design standards, all special use permit uses.*

- 3254 1. *Parking.*

- 3255 a. At least 20 percent, but no more than 50 percent of the required parking shall be paved
3256 with reinforced grass paver block or similar porous paving material to minimize the
3257 visual impact of the parking area and maximize the pervious area.
- 3258 b. Any portion of a parking lot constructed of porous pavement, up to a maximum of 50
3259 percent of the entire parking area, and any sidewalks or trails not providing direct
3260 access between the principal building and the parking lot may be included as part of
3261 the required open space area.
- 3262 2. *Building character.*
- 3263 a. *Existing structures.* All exterior changes shall be compatible in architectural style, scale
3264 and materials with the existing structure and with the historic character of the town.
3265 Existing buildings with historic or architectural value on the site must be adaptively re-
3266 used to the greatest extent possible.
- 3267 b. *New structures.* The architectural design of all new buildings and structures shall be
3268 compatible in architectural style, scale and materials with the historic character of the
3269 town and shall avoid a monolithic appearance.
- 3270 c. Building elevations and architectural details sufficient to show compliance with this
3271 standard shall be submitted for approval as part of the special use permit application.

3272 *15.9. Additional standards for certain uses.*

3273 Additional standards set forth below shall apply to certain specific uses permitted in this
3274 ordinance. These are intended to serve as the minimum standards for these uses, and are not
3275 intended to substitute for other applicable provisions of this ordinance or for additional
3276 conditions that may be imposed in connection with any required special use permit approvals.
3277 All special use permit uses shall also be subject to Section 15.7: Design Standards, All Uses~~the~~
3278 ~~design standards of section 15.7~~ and Section 15.8: Design Standards, All Special Use Permit Uses
3279 above15.8.

- 3280 1. *Veterinary clinic, Animal hospital.*
- 3281 a. *Minimum lot area:* Two acres.
- 3282 b. *Maximum floor area ratio:* 0.10.
- 3283 c. *Storage yards.* The total area of storage yards shall not exceed ten percent of the total
3284 area of the principal structure.
- 3285 d. *Minimum required yards:*
- 3286 i. Structures of less than 5,000 square feet of gross floor area: 20 feet minimum from
3287 all lot lines.
- 3288 ii. Structures greater than 5,000 square feet and less than 15,000 square feet of gross
3289 floor area: 50 feet minimum from all lot lines.
- 3290 iii. Structures greater than 15,000 square feet of gross floor area: 100 feet minimum
3291 from all lot lines.
- 3292 2. *Antique shop; art gallery or sStudio; craft shop.*
- 3293 a. *Minimum lot area:* 20,000 square feet.
- 3294 b. *Maximum floor area ratio:* 0.20.

- 3295 c. *Minimum required yards:*
- 3296 i. Structures of less than 5,000 square feet of gross floor area: 20 feet minimum from
- 3297 all lot lines.
- 3298 ii. Structures greater than 5,000 square feet and less than 15,000 square feet of gross
- 3299 floor area: 50 feet minimum from all lot lines.
- 3300 iii. Structures greater than 15,000 square feet of gross floor area: 100 feet minimum
- 3301 from all lot lines.
- 3302 3. ~~*Arboretum, botanical garden, n*~~*Nature preserve.*
- 3303 a. *Minimum lot area:* Five acres.
- 3304 b. *Accessory uses.* Accessory uses shall only permitted on lots 20 acres in size or larger.
- 3305 Accessory uses to ~~a nature preserve an arboretum, botanical garden, or nature study~~
- 3306 ~~area~~ may include retail sales (e.g., gift shops), small restaurants or cafes, or visitor
- 3307 centers subject to the following standards:
- 3308 i. Retail sales shall be limited to the sale of items directly related to the nature and
- 3309 character of the principal permitted use.
- 3310 ii. Accessory uses other than a visitors center shall contain no more than 1,000
- 3311 square feet of gross floor area. A visitors center shall contain no more than 10,000
- 3312 square feet of gross floor area.
- 3313 c. *Maximum floor area ratio:* 0.2.
- 3314 d. *Storage areas.* The total area of storage areas shall not exceed ten percent of the total
- 3315 area of the principal structure.
- 3316 4. ~~*Reserved. Commercial nurseries. The following minimum requirements shall apply to all*~~
- 3317 ~~*retail sales associated with production nurseries and commercial nurseries:*~~
- 3318 a. ~~Accessory products permitted to be sold include those related to the culture and care~~
- 3319 ~~of plant sold such as pottery, baskets, garden accessories, baked goods, and floral~~
- 3320 ~~supplies. The sale of bulk products shall be permitted subject to screening~~
- 3321 ~~requirements for outdoor storage in article 7. Propane, firewood lawn and garden~~
- 3322 ~~tractors, or machine or other equipment sales are not accessory products.~~
- 3323 b. ~~The sales area for accessory products shall be limited to 25 percent of the gross sales~~
- 3324 ~~area.~~
- 3325 5. ~~*Reserved. Conference center or corporate retreat.*~~
- 3326 a. ~~*Minimum parcel size.* Five acres, with safe and reasonable access to a state-maintained~~
- 3327 ~~road.~~
- 3328 b. ~~*Minimum setback.* Buildings, parking and lighted areas: 100 feet from the side and rear~~
- 3329 ~~property line.~~
- 3330 c. ~~*Permitted recreation uses.* Recreation uses customarily incidental and subordinate to~~
- 3331 ~~the principal use shall be permitted in the open space and may include: swimming pool~~
- 3332 ~~and related facilities, unlighted tennis and other sports courts, unlighted equestrian~~
- 3333 ~~facilities, picnic areas, and passive recreation facilities. The hours of operation for any~~
- 3334 ~~outdoor recreational facilities shall not exceed 7:00 a.m. to 9:00 p.m.~~
- 3335 d. ~~*Maximum guest rooms:* 100.~~

- 3336 e. ~~Permitted conference, meeting and banquet facilities. Conference, meeting and banquet~~
3337 ~~facilities designed to accommodate no more than 500 persons at any one time shall be~~
3338 ~~permitted.~~
- 3339 f. ~~Permitted dining facilities. A full-service restaurant providing meal service to~~
3340 ~~conference attendees and guests, but not to the general public, shall be permitted as an~~
3341 ~~accessory use.~~
- 3342 g. ~~Outdoor events (e.g., weddings, receptions, parties) or similar activities conducted for~~
3343 ~~compensation shall be permitted only upon application for a temporary zoning permit~~
3344 ~~from the zoning administrator, who may impose conditions regarding hours of~~
3345 ~~operation, volume of amplified music, type and intensity of outdoor lighting, traffic~~
3346 ~~control measures, and similar health, safety and welfare matters.~~
- 3347 h. ~~No products shall be sold on-site except for those that are clearly incidental and~~
3348 ~~integral to permitted training programs and seminars.~~
- 3349 6. *Country inn.*
- 3350 a. Parcel shall have safe and reasonable access to a state-maintained road.
- 3351 b. *Minimum setback, buildings, parking and lighted areas:* 40 feet from the side and rear
3352 property line.
- 3353 c. *Maximum guest rooms:* 50.
- 3354 d. The owner or manager shall provide full-time management of the premises at all times
3355 when the establishment is occupied by guests.
- 3356 e. *Outdoor events* (e.g., weddings, receptions, parties) or similar activities conducted for
3357 compensation shall be permitted only upon application for a temporary zoning permit
3358 from the zoning administrator, who may impose conditions regarding hours of
3359 operation, volume of amplified music, type and intensity of outdoor lighting, traffic
3360 control measures, and similar health, safety and welfare matters.
- 3361 7. ~~*Reserved. Cultural center.*~~
- 3362 a. ~~*Maximum total gross floor area:* 40,000 square feet.~~
- 3363 b. ~~*Minimum setback—Parking and lighted areas:* 40 feet from the side and rear property~~
3364 ~~line.~~
- 3365 8. *Eating establishment.*
- 3366 a. *Minimum lot area:* 20,000 square feet.
- 3367 b. *Maximum floor area ratio:* 0.40
- 3368 c. *Minimum required setbacks:*
- 3369 i. Front: 35 feet.
- 3370 ii. Side: 20 feet.
- 3371 iii. Rear: 40 feet.
- 3372 9. ~~*Farm equipment and supply machinery sales and service.*~~
- 3373 a. *Minimum setback—Buildings:* 75 feet from all property lines; No structure shall be
3374 located within 300 feet of an existing residential structure.

3375 b. *Minimum setback—Parking, driveways (other than entrance) and storage yards:* 75 feet
3376 from the property line along any road frontage, and 50 feet from all other property
3377 lines.

3378 c. *Minimum and maximum lot area:* Sites for such establishments shall not be less than
3379 three nor more than ten acres.

3380 d. ~~Accessory retail sales shall be limited to farm and garden equipment parts and related~~
3381 ~~tools and accessories. In no case shall the floor area devoted to the display and sale of~~
3382 ~~such related tools and accessories be more than 15 percent of the floor area of the~~
3383 ~~building site. No accessory retail sales of other non-farm equipment sales shall be~~
3384 permitted, including, but not limited to, lumber, hardware, building materials, or like
3385 items.

3386 10. *Farm and community market.*

3387 a. A minimum of 25 percent of the gross sales receipts must be derived directly from
3388 agricultural products produced on site or other property owned by the operator. An
3389 annual report verifying the portion of sales derived from products produced on site
3390 shall be submitted on request to the zoning administrator.

3391 b. Sales area for accessory products shall be limited to 25 percent of the total area devoted
3392 to sales. The calculation of total sales area shall include areas devoted to the display of
3393 items for sale.

3394 c. Permitted accessory products include pottery, baskets, garden accessories, baked
3395 goods, floral supplies, and other items directly related to the culture, care, use of, or
3396 processing of a principal use. Products not related to the principal permitted use, such
3397 as lawn mowers and tractors, shall not be allowed.

3398 d. *Minimum lot size:* 80,000 square feet.

3399 11. ~~*Reserved. Teahouse; coffeehouse.*~~

3400 ~~a.—*Minimum lot area:* 20,000 square feet.~~

3401 ~~b.—*Maximum floor area ratio:* 0.40~~

3402 ~~c.—*Minimum required setbacks:*~~

3403 ~~i.—*Front:* 35 feet.~~

3404 ~~ii.—*Side:* 20 feet.~~

3405 ~~iii.—*Rear:* 40 feet.~~

3406 12. *Winery.* Wineries shall comply with the following standards.

3407 a. *Minimum lot size:* Ten acres.

3408 b. ~~*Reserved. Wine tasting rooms and accessory food sales.* Facilities for wine tasting rooms~~
3409 ~~and accessory food sales (including a kitchen) shall not exceed 49 percent of the total~~
3410 ~~gross floor area of all structures at the commercial winery.~~

3411 c. *Minimum building setbacks.* 100 feet from all lot lines.

3412 15.10. *Exceptions to additional standards.*

3413 The additional standards contained within *Section 15.9: Additional Standards for Certain*
3414 *Uses* ~~section 15.9 above~~ may be modified by special use permit procedures set forth in ~~an~~ *Article 8,*

3415 Section 1: Special Use Permit provided that the application satisfies the public purpose of those
3416 standards to an equivalent degree.

3417

3418 **ARTICLE 6. - SUPPLEMENTARY REGULATIONS**

3419 **Section 2. - Off-street loading requirements.**

3420 *2.1 Specific requirements by use.*

3421 Except as otherwise provided in this ordinance, when any building or structure is hereafter
 3422 erected, or structurally altered to the extent of increasing the gross floor area by 25 percent or
 3423 more, or any building is hereafter converted, for the uses listed below, when such buildings
 3424 contain the gross floor areas specified and the normal operation requires that goods,
 3425 merchandise or equipment be routinely delivered to or shipped from that building or structure,
 3426 accessory off-street loading spaces shall be provided as required below or as required in
 3427 subsequent sections of this article in order to accommodate the delivery or shipment operations
 3428 in a safe and convenient manner:

Use Category	Gross Floor Area in Square Feet	Loading Spaces Required
General R etail 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 saleshouse, 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	
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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.~~

3462 4.7 Accessory buildings and structures.

- 3463 1. Except as herein provided, no accessory structure shall be located within the front yard of
3464 a lot or parcel. ~~The board of zoning appeals under article 9, section 5.1.5 [article 9, section~~
3465 ~~5.1, subsection 5] may grant a special exception subject to the standards as prescribed in~~
3466 ~~section 5 [of this article]. (Revised 10/12/93)~~
- 3467 2. ~~Filling-Fueling~~ station pumps and pump islands, with or without a canopy may occupy the
3468 required yards; provided, however, that they are not less than 15 feet from street lines.
- 3469 3. Accessory swimming pools, open and unenclosed, may occupy a required rear or side yard,
3470 provided they are not located closer than six feet to a rear lot line or ten feet to an interior
3471 side lot line. A walk space at least three feet wide shall be provided between pool walls and
3472 protective fences or barrier walls.
- 3473 4. Except as provided in development standards for particular uses, an ornamental fence, wall,
3474 hedge or shrubs not more than 3½ feet in height may project into or enclose any required
3475 front or side yard to a depth from the street line equal to the required depth of the front
3476 yard. Ornamental fences, walls, hedges or shrubs may project into or enclose other required
3477 yards, provided such fences and walls do not exceed a height of seven feet. This provision
3478 shall not be interpreted to prohibit the erection of an open-mesh type fence enclosing any
3479 school or playground site or business or industrial activity for security purposes. ~~(Revised~~
3480 ~~3/12/96)~~
- 3481 5. Accessory buildings which are not a part of the main building, although they may be
3482 connected by an open breezeway, may be constructed in a side or rear yard, provided such
3483 accessory building(s) does not occupy more than 30 percent of the area of the required side
3484 or rear yard and provided it is not located closer than five feet to any lot line. ~~(Revised~~
3485 ~~10/12/93)~~
- 3486 6. Satellite dish antennas or receiving stations and similar devices are deemed to be accessory
3487 structures and shall not be located in front or side yards in a residential or commercial
3488 district and in a residential district shall be limited to one per lot, shall not exceed ten feet
3489 in diameter, and shall not exceed the height permitted in the zoning district for an accessory
3490 structure. In a residential district no such dish structure greater than two feet in diameter
3491 shall be mounted on the roof of a building so as to be visible from the street on which a
3492 building fronts.
- 3493 7. When attached to a single-family detached dwelling, a deck which has no part of its floor
3494 higher than the first floor of the dwelling may extend up to ten feet into a required rear yard,
3495 provided that the deck is not located closer to the rear lot line than one-half the distance
3496 measured from the rear lot line to the closest point of the dwelling, and provided that the
3497 deck is not located closer to any side lot line than ten feet. Steps from the deck to grade may
3498 extend up to three feet additionally into the required yard and not be calculated against the
3499 minimum requirements. ~~(Revised 10/12/93)~~
- 3500 8. When attached to a single-family attached dwelling, a deck which has no part of its floor
3501 higher than the first floor of the dwelling may extend up to ten feet into a required rear yard,
3502 provided that the deck is not located closer to the rear lot line than one-half the distance
3503 measured from the rear lot line to the closest point of the dwelling and provided that the
3504 deck is not located closer to any side lot line than two feet. Steps from the deck to grade may
3505 extend up to three feet additionally into the required yard and not be calculated against the
3506 minimum requirements. ~~(Revised 10/12/93)~~

3507 9. Accessory structures on lots containing single-family attached dwellings must comply with
3508 the requirements of Article 4, Section 1.2.18: Dwelling, Single-family Attached.

3509 **Section 7. - Reserved. Special regulations for residential day care or home child care, nursery**
3510 **schools, kindergartens, child care centers, day nursery or day care centers, private schools,**
3511 **technical or business schools, colleges or universities, commercial use, churches. (Adopted**
3512 **1/12/93)**

3513 *~~7.1 Residential day care or home child care.~~*

- 3514 ~~1. Maximum enrollment shall not exceed six at any one time.~~
- 3515 ~~2. No such use shall be permitted unless it is determined by Loudoun County Department of~~
3516 ~~Environmental Health that the location and design does not pose any hazard to the health,~~
3517 ~~safety and welfare of the children.~~
- 3518 ~~3. Off-street parking shall be sufficient to accommodate employees and the discharge and~~
3519 ~~pick-up of children.~~
- 3520 ~~4. Landscape treatment and screening requirements of article 7 shall not apply except that~~
3521 ~~recreation areas shall be screened and fenced as required by the zoning administrator.~~
- 3522 ~~5. All applications shall contain the following:~~
 - 3523 ~~a. The dimensions, boundary lines and area of the lot or parcel.~~
 - 3524 ~~b. The location, dimensions and height of any building, structure, or addition, whether~~
3525 ~~existing or proposed.~~
 - 3526 ~~c. The distance from all property lines to the existing or proposed building, structure or~~
3527 ~~addition, shown to the nearest foot.~~
 - 3528 ~~d. The dimensions and size of all outdoor recreation space and the location of such space~~
3529 ~~in relation to all lot lines.~~
- 3530 ~~6. All such uses shall be subject to applicable county and state regulations specifically Code of~~
3531 ~~Virginia, § 63.1-196.~~

3532 *~~7.2 Nursery schools, kindergartens, child care centers, day nursery, or day care centers.~~*

- 3533 ~~1. Maximum enrollment of 150 students daily.~~
- 3534 ~~2. Compliance with the minimum lot size requirements per the zoning district in which~~
3535 ~~located.~~
- 3536 ~~3. A minimum area of 75 square feet per child shall be provided for usable outdoor recreation~~
3537 ~~for each child that may use the space at any one time. Such area shall be delineated on a plat~~
3538 ~~submitted at the time the application is filed.~~
 - 3539 ~~a. That area not covered by buildings or required off-street parking spaces.~~
 - 3540 ~~b. Only that area which is developable for active outdoor recreation purposes.~~
 - 3541 ~~c. An area, which occupies no more than 80 percent of the combined total areas of the~~
3542 ~~required rear and side yards.~~
- 3543 ~~4. For each child enrolled, indoor recreation space shall be provided at the rate of 25 square~~
3544 ~~feet for active children and 35 square feet for infants.~~

3545 ~~5.—All such uses shall be located so as to have direct access to an existing or programmed Public~~
 3546 ~~Street of sufficient right-of-way and cross-section width to accommodate pedestrian and~~
 3547 ~~vehicular traffic to and from the use as determined by the zoning administrator. To assist in~~
 3548 ~~making this determination, each applicant, at the time of application, shall provide an~~
 3549 ~~estimate of the maximum expected trip generation, the distribution of these trips by mode~~
 3550 ~~and time of day, and the expected service area of the facility. As a general guideline, the size~~
 3551 ~~of the use in relation to the appropriate street type should be as follows, subject to whatever~~
 3552 ~~modification and conditions the town council deems to be necessary or advisable:~~

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

3553 -

3554 ~~6.—All such uses shall be located so as to permit the pick-up and discharge of all persons on the~~
 3555 ~~site.~~

3556 ~~7.—No such use shall be permitted unless it is determined by the Loudoun County Department~~
 3557 ~~of Environmental Health that the location and design does not pose any hazard to the health,~~
 3558 ~~safety and welfare of the children.~~

3559 ~~8.—A landscape and screening plan shall comply with article 7.~~

3560 ~~9.—All uses under this section are subject to article 8, special use permits and commission~~
 3561 ~~permits.~~

3562 ~~7.3 Private schools, technical or business schools:~~

3563 ~~1.—In addition to complying with the minimum lot size requirements of the zoning district in~~
 3564 ~~which located, the minimum lot area for a private school of general education shall be of~~
 3565 ~~such size that:~~

3566 ~~a.—Two hundred square feet of usable outdoor recreation shall be provided for each child~~
 3567 ~~in grades K—3 that may use the space at any one time, and~~

3568 ~~b.—Four hundred thirty square feet of usable outdoor recreation area shall be provided for~~
 3569 ~~each child in grades 4—12 that may use the space at any one time.~~

3570 ~~Such usable outdoor recreation area shall be delineated on a plat submitted at the time the~~
 3571 ~~application is filed.~~

3572 ~~i.—That area not covered by buildings or required off-street parking spaces.~~

3573 ~~ii.—That area outside the limits of the required front yard.~~

3574 ~~iii.—Only that area which is developable for active outdoor recreation purposes.~~

3575 ~~iv.—An area which occupies no more than 80 percent of the combined total areas of the~~
 3576 ~~required rear and side yards.~~

- 3577 ~~2.—The minimum lot area for a private school shall be based upon enrollment and shall be a~~
- 3578 ~~determination of the town council.~~
- 3579 ~~3.—All other regulations relative to bulk shall be complied with.~~
- 3580 ~~4.—All uses under this section are subject to article 8, special use permits and commission~~
- 3581 ~~permits.~~
- 3582 ~~5.—For each person enrolled, indoor recreation space shall be provided at the rate of 25 square~~
- 3583 ~~feet and such other requirements as determined by the Loudoun County Department of~~
- 3584 ~~Environmental Health and the State of Virginia.~~
- 3585 ~~6.—All such uses shall be located as to have direct access to an existing or programmed public~~
- 3586 ~~street of sufficient right-of-way and cross-section width to accommodate pedestrian and~~
- 3587 ~~vehicular traffic to and from the use as determined by the zoning administrator. To assist in~~
- 3588 ~~making this determination, each applicant, at the time of application, shall provide an~~
- 3589 ~~estimate of the maximum expected trip generation, the distribution of these trips by mode~~
- 3590 ~~and time of day, and the expected service area of the facility. As a general guideline, the size~~
- 3591 ~~of the use in relation to the appropriate street type should be as follows, subject to whatever~~
- 3592 ~~modification and conditions the town council deems to be necessary or advisable:~~

Number of Persons	Street Type
1—75	Local
76—99	Collector

- 3593 -
- 3594 ~~7.—All such uses shall be located so as to permit the pick-up and discharge of all persons on the~~
- 3595 ~~site.~~
- 3596 ~~8.—No such use shall be permitted unless it is determined by the Loudoun County Department~~
- 3597 ~~of Environmental Health that the location and design does not pose any hazard to the health,~~
- 3598 ~~safety and welfare of the children.~~
- 3599 ~~9.—In addition to the requirements of section 8 [of this article], all applications shall be~~
- 3600 ~~accompanied by ten copies of a plan drawn to scale. The plan shall contain the below~~
- 3601 ~~information in addition to that required by section 8 [of this article]:~~
- 3602 ~~a.—The dimensions, boundary lines and area of the lot or parcel.~~
- 3603 ~~b.—The location, dimensions and height of any building, structure, or addition, whether~~
- 3604 ~~existing or proposed.~~
- 3605 ~~c.—The distance form all property lines to the existing or proposed building, structure or~~
- 3606 ~~addition, shown to the nearest foot.~~
- 3607 ~~d.—The dimensions and size of all outdoor recreation space and the location of such space~~
- 3608 ~~in relation to all lot lines.~~

3609 ~~7.4 Colleges and universities.~~

- 3610 1. ~~The minimum aggregate lot area for a college or university shall be 100 acres provided that~~
3611 ~~development shall be permitted to occur in phases of less than 100 acres.~~
- 3612 2. ~~Colleges and universities must meet the following development standards:~~
- 3613 a. ~~The traffic generated by the proposed use shall be adequately and safely served by~~
3614 ~~roads, pedestrian connections and other transportation services.~~
- 3615 b. ~~All such uses shall be located so as to have direct access to an existing or programmed~~
3616 ~~public street of sufficient right-of-way and cross-section width to accommodate~~
3617 ~~pedestrian and vehicular traffic to and from the use as determined by the zoning~~
3618 ~~administrator. To assist in making this determination, each applicant, at the time of site~~
3619 ~~plan application, shall provide an estimate of the maximum expected trip generation,~~
3620 ~~the distribution of these trips by mode and time of day, and the expected service area~~
3621 ~~of the facility.~~
- 3622 c. ~~A site plan shall be submitted and reviewed in accordance with the requirements and~~
3623 ~~procedures of article 11 section 5 and the requirements set forth in article 5 of the Land~~
3624 ~~Development and Subdivision Control Ordinance (LDSCO) unless granted a waiver in~~
3625 ~~accordance with article 5 section 5.1.B of the LDSCO.~~

3626 ~~7.5 Industrial use:~~

3627 ~~1-3 Reserved.~~

3628 4. ~~Site plan.~~ Where approval of a site plan is required, the plan shall be designed to promote
3629 careful use of topography and to promote harmonious relationships with adjacent and
3630 nearby residential and business properties, developed or undeveloped, and to this end may
3631 provide effective screening along side and rear property lines by means of fences, walls,
3632 hedges, planting screen or natural vegetation in accordance with the requirements of this
3633 ordinance.

3634 5. ~~Refuse.~~ Refuse containers or refuse storage shall be located in a paved area and hidden from
3635 general public view, either from within or outside the premises, by means of fences, walls,
3636 or landscaping planting.

3637 6. ~~Drainage.~~ Provision shall be made for proper stormwater drainage from parking and
3638 loading areas. Water shall not be permitted to drain from such areas onto adjacent property
3639 except into a natural watercourse or a drainage easement. Provision shall be made for
3640 protection against erosion and sedimentation in accord with applicable town ordinances.

3641 [7]. ~~Fencing.~~ All fencing shall have a uniform and durable character and shall be properly
3642 maintained.

3643 [8]. ~~Hazardous materials and chemicals.~~ A list of all hazardous materials and chemicals shall be
3644 provided at the time an occupancy permit is applied for. The list will be referred to the office
3645 of the fire marshal who shall determine special storage and handling requirements and any
3646 other requirements as may be required by SARA Title III and applicable state regulations.
3647 (Adopted 3/12/96)

3648 ~~7.6 Churches:~~

3649 ~~When filing an application for a special use permit for a church the applicant must list each~~
3650 ~~accessory use it intends to operate. Permits for churches may be approved without all the proposed~~

3651 ~~accessory uses. After the approval of the initial use permit for a church, subsequent applications must~~
3652 ~~be made for any new accessory use or change in an existing accessory use.~~

3653 ~~When considering a request for a special use permit for a church and any accessory uses, the~~
3654 ~~planning commission and council may consider the following and impose those conditions necessary~~
3655 ~~to mitigate impacts: traffic; parking; hours of operation; impact on adjacent neighborhoods; types of~~
3656 ~~special events; time limitations for accessory uses such as for shelters; number of students in church~~
3657 ~~schools and daycare; number of inhabitants for shelters. (Revised 4/14/92)~~

3658 **Section 8. - Performance standards. (Adopted 2/13/96)**

3659 *8.1 General provisions.*

3660 1. *Applicability.*

- 3661 a. No permitted use or use allowed by special use permit hereafter established, altered,
3662 modified or enlarged shall be operated or designed so as to conflict with the applicable
3663 performance standards established by this section except as qualified below.
- 3664 b. Any existing use that complies with the applicable performance standards of this
3665 section on the effective date of this section shall continue to so comply. If, at such time,
3666 the operations of any lawful existing use violate any of the applicable performance
3667 standards of this section, such operations shall not be varied or changed in such a way
3668 as to increase the degree of such violation.
- 3669 c. Any use, which is a lawful nonconforming use and which on the effective date of this
3670 section complies with the applicable performance standards of this section, shall
3671 continue to comply. If, at such time, the operations of such lawful nonconforming use
3672 violate the specified standards, such operations shall not be varied or changed in such
3673 a way as to increase the degree of such violation.
- 3674 d. The fact that the operations of a lawful existing use violate the applicable performance
3675 standards of this section shall not itself make such use subject to the requirements of
3676 Article 5: Nonconformities.

- 3677 2. *Administration of certain performance standards.* For the purpose of administering the
3678 required performance standards relative to vibration and glare, the standards are
3679 presented in two basic groups, namely Group I and Group II. Table IV sets forth the
3680 applicable performance standard that must be met in each zoning district.

3681 *8.2 Air pollution standard.*

3682 Any activity, operation or device which causes or tends to cause the release of air contaminants
3683 into the atmosphere shall comply with the rules and regulations of the state and other applicable
3684 local regulations.

3685 *8.3 Fire and explosion hazard standard.*

3686 All operations, activities and use shall be conducted so as to comply with the fire prevention
3687 code.

3688 *8.4 Radiation hazard standard.*

3689 All operations, activities and use shall comply with the regulations of the U.S. Atomic Energy
3690 Commission set out in Chapter I of Title 10 of the Code of Federal Regulations which apply to

3691 byproduct material, source material and special nuclear material, as those terms are defined in
3692 section 11e, z and aa of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2014(e), (x) and
3693 (aa)). No activity, operation or use shall cause radiation emissions which are in violation of the
3694 Radiation Health and Safety Act of 1968 (PL90-602), as amended, or the implementing
3695 regulations of the Virginia Department of Health established pursuant thereto.

3696 *8.5 Electromagnetic radiation and interference standard.*

3697 No activity, operation or use shall cause electromagnetic radiation interference that (a)
3698 adversely affects persons or the operation of any equipment across lot lines and (b) is not in
3699 conformance with the regulations of the Federal Communications Commission.

3700 *8.6 Liquid and solid waste standard.*

3701 Any activity, operation or device which causes or tends to cause the discharge or other release
3702 of liquid or solid waste into public sanitary sewers, storm drains or public waters shall comply
3703 with applicable laws, rules and regulations governing such discharge, release including, but not
3704 limited to, the Federal Water Pollution Control Act; the Virginia Water Control Law; and the
3705 applicable Loudoun County regulations that pertain to sewers and sewage disposal, pollution of
3706 state waters, maintenance and cleanliness of storm drainage facilities, garbage, trash and refuse
3707 and erosion and sediment control.

3708 *8.7 Noise standard.*

3709 No use, operation or activity shall cause or create noise in excess of the sound levels generally
3710 described as acceptable.

3711 ~~Section 5-1507 Loudoun County Ordinance: Noise Standards:~~ It shall be unlawful for any person
3712 to operate or permit to be operated any stationary noise source in such a manner as to create a
3713 sound level which exceeds the limits set forth in the following tables, except for extraction and
3714 minimal special exception operations otherwise regulated herein. In addition, before 7:00 a.m.
3715 and after 7:00 p.m., the permissible sound levels, at residential district boundaries where they
3716 adjoin nonresidential districts, shall be reduced by five dBA in the table for impact noises.

3717 (A) *Methods of measurement.*

3718 (1) Noise levels shall be measured with a sound level meter and shall meet or exceed
3719 performance standards for a "Type Two" meter, as specified by the American National
3720 Standards Institute.

3721 (2) Noise levels shall be recorded as A-weighted sound pressure level. The level so read
3722 shall be postscripted dBA.

3723 (B) *Maximum sound levels (dBA).* Measurements of noise levels shall be taken at the property
3724 boundary of the noise source. Where differing zoning districts abut, the more restrictive
3725 limits shall apply.

3726 (1) *Maximum dBA, continuous noise.*

3727 Residential: 55

3728 Commercial: 60

3729 Industrial: 70

3730 Continuous noise shall be measured using the slow meter response of the sound level
3731 meter.

3732 (2) *Maximum dBA, impact noise.*

3733 Residential: 60

3734 Commercial: 70

3735 Industrial: 80

3736 Impact noise shall be measured using the faster meter response of the sound level
3737 meter. Impact noises are intermittent sounds of a single pressure peak or a single burst
3738 (multiple pressure peaks) for a duration usually less than one second. Examples of
3739 impact noise sources are a punch press, drop forge hammer, or explosive blasting.

3740 (C) *Exemptions.*

3741 (1) Sound created by the operation of equipment related to public utility operations, street
3742 maintenance and emergency generators for public facilities, including, but not limited
3743 to, fire stations, rescue squad facilities, and local, state and federal government
3744 facilities, shall not be regulated by these noise standards. Where located adjacent to
3745 residential uses, reasonable attempts shall be made to attenuate the noise from such
3746 equipment and operations.

3747 (2) Sound created by the operation of power equipment, such as power lawn mowers,
3748 chain saws, and similar equipment, between the hours of 7:00 a.m. and 9:00 p.m. shall
3749 not be regulated by these noise standards.

3750 *8.8 Earthborne vibration standard.*

3751 1. *Required performance level:* No use, operation or activity shall cause or create earthborne
3752 vibrations in excess of the peak particle velocities prescribed below:

3753 *Methods of measurement:*

3754 a. Measurements shall be made at or beyond the adjacent lot line, nearest R district
3755 boundary line, or nearest district boundary line as indicated below. Ground
3756 transmitted vibration shall be measured with a seismograph or complement of
3757 instruments capable of recording vibration displacement and frequency, particle
3758 velocity, or acceleration simultaneously in three mutually perpendicular directions.

3759 b. The maximum particle velocity shall be the maximum vector sum of three mutually
3760 perpendicular components recorded simultaneously. Particle velocity may also be
3761 expressed as 6.28 times the displacement in inches multiplied by the frequency in
3762 cycles per second.

3763 c. For the purpose of this section, steady state vibrations are vibrations which are
3764 continuous, or vibrations in discrete impulses more frequent than 60 per minute.
3765 Discrete impulses which do not exceed 60 per minute shall be considered impact
3766 vibrations.

3767 *Group I vibration standards:*

- 3768 a. Uses subject to Group I standards shall not cause steady state vibrations to exceed the
 3769 maximum permitted particle velocities described in Table I below. Where more than
 3770 one set of vibration levels apply, the most restrictive shall govern. Readings may be
 3771 made at points of maximum vibration intensity.

3772 *Table I*

3773 *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

- 3774 b. Impact vibrations shall be permitted at twice the values stated above.
 3775
 3776 c. Between the hours of 8:00 p.m. and 7:00 a.m., all of the permissible vibration levels
 3777 indicated above in Table I for R districts shall be reduced to one-half the indicated
 3778 values.

3779 *Group II vibration standards:*

- 3780 a. Uses subject to Group II standards shall not cause steady state vibrations to exceed the
 3781 maximum permitted particle velocities described in Table II below. Where more than
 3782 one set of vibration levels apply, the most restrictive shall govern. Readings may be
 3783 made at points of maximum vibration intensity.

3784 *Table II*

3785 *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

- 3786 b. Impact vibrations shall be permitted at twice the values stated above.
 3787
 3788 c. Between the hours of 8:00 p.m. and 7:00 a.m., all of the permissible vibration levels
 3789 indicated above in Table II for R districts shall be reduced to one-half the indicated
 3790 values.

3791 d. When the frequency of impacts does not exceed one per day, the maximum vibration
 3792 level, measured across lot lines, shall not exceed 0.4 inches per second.

3793 *8.9 Glare standard.*

3794 1. *Required performance level.* All uses, operations and activities shall be conducted so as to
 3795 comply with the performance standards governing glare prescribed below.

3796 2. *Method of measurement.* Illumination levels shall be measured with a photoelectric
 3797 photometer having a spectral response similar to that of the human eye, following the
 3798 standard spectral luminous efficiency curve adopted by the International Commission on
 3799 Illumination.

3800 3. *General requirements.* Uses subject to Group I and Group II standards shall not produce glare
 3801 so as to cause illumination in R districts in excess of 0.5 footcandles. Flickering or bright
 3802 sources of illumination shall be controlled so as not to be a nuisance in R districts.

3803 4. *Group I and Group II standards.* Uses subject to Group I and Group II standards shall limit
 3804 the use of light sources and illumination surfaces which are located in or are within 500 feet
 3805 of and visible within any R district so as to comply with the light intensities indicated in
 3806 Table III below:

3807 *Table III*

3808 *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

3809

3810 *Table IV*

3811 *Required performance standards (Group I or Group II)*

Topic	Zoning Districts		
	<i>R Districts</i>	<i>C Districts</i>	<i>CM-1 and M-1 Districts</i>

Vibration	I	I	I
Glare	I	I	I

3812
3813
3814

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.

3815
3816

3817 **ARTICLE 8. - SPECIAL USE PERMITS AND COMMISSION PERMITS**

3818 **{Section 1. - Special use permit.}**

3819 *1.1 Purpose of special use permit.*

3820 Special use permits are authorized by ~~the terms of~~ this ordinance, pursuant to the Code of
3821 Virginia § 15.2-2286, as amended. The purpose of the special use permit procedure is to provide
3822 for certain uses which cannot be well adjusted to their environment in particular locations with
3823 full protection offered to surrounding properties by rigid application of the district regulations.
3824 These uses either have unusual characteristics, or have characteristics which are different from
3825 those of their immediate surroundings and are essential and desirable for the general
3826 convenience and welfare, but because of the nature of the use, and possible impact, not only on
3827 neighboring properties, but on a large section of the town, require the exercise of planning
3828 judgment on location and site plan.

3829 *1.2 General guides and standards.*

3830 A special use permit should be approved only if it is listed as ~~allowed permitted~~ by special use
3831 permit in the district regulations and only if it is found that the location is appropriate and not
3832 in conflict with the comprehensive plan, that the public health, safety, morals, and general
3833 welfare will not be adversely affected, that adequate utilities and off-street parking facilities, if
3834 applicable, will be provided, and that necessary safeguards will be provided for the protection
3835 of surrounding property, persons, and neighborhood values, and further provided that the
3836 additional standards of this article are complied with.

3837 In approving a special use permit the town council may impose such reasonable conditions as it
3838 believes necessary to accomplish the objectives of this ordinance. Unless otherwise specified in
3839 this article or specified as a condition of approval, the height limits, yard spaces, lot area, and
3840 sign requirements shall be the same as for other uses in the district in which the proposed special
3841 use permit is located.

3842 *Churches.*

3843 ~~When filing an application for a special use permit for a church the applicant must list each accessory~~
3844 ~~use it intends to operate. Permits for churches may be approved without all the proposed accessory~~
3845 ~~uses. After the approval of the initial use permit for a church, subsequent applications must be made~~
3846 ~~for any new accessory use or change in an existing accessory use.~~

3847 ~~When considering a request for a special use permit for a church and any accessory uses, the planning~~
3848 ~~commission and council may consider the following and impose those conditions necessary to mitigate~~
3849 ~~impacts: traffic; parking; hours of operation; impact on adjacent neighborhoods; types of special~~
3850 ~~events; time limitations for accessory uses such as for shelters; number of students in church schools~~
3851 ~~and daycare; number of inhabitants for shelters. (Revised 4/14/92)~~

3852 *1.3 Specific guides and standards.*

3853 Approval of a special use permit shall comply with the specific guides and standards for
3854 particular uses ~~which are permitted by special use permit as contained in this ordinance the~~
3855 ~~district regulations unless the town council approves a waiver of such standard based on there~~

3856 is a specific recommendation finding by the planning commission ~~approved by the town council~~
3857 that compliance with the standard is clearly unnecessary to the purposes of this ordinance.

3858 *1.4 Procedures for approval of special use permits which require approval by the town council.*

3859 The procedures for approval of a special use permit are generally the same as those prescribed
3860 ~~for changes and amendments~~ in Article 10: Changes and Amendments, including the public
3861 hearing and ~~report recommendation~~ by the planning commission, and, in addition the
3862 procedures and requirements for approval of a special use permit application as set forth below.

3863 A. Pre-application meeting. Prior to the filing of a special use permit application, the applicant
3864 should meet with the ~~d~~Department of ~~planning and zoning~~ Community Development to
3865 discuss his intentions with regard to a given application and to discuss the requirements of
3866 this section and the nature of the special use proposed. For the purposes of this pre-
3867 application meeting, the applicant ~~shall~~ may provide a sketch plan of the proposed use,
3868 showing the general layout of the special use and its relationship to the surrounding area.
3869 In connection with all such conferences, the zoning administrator shall be consulted as
3870 appropriate. A request for a pre-application meeting shall be made in writing to the
3871 ~~d~~Director of Community Development planning and shall be accompanied by a sketch,
3872 map(s) of the site, a description of the existing site, the proposed project or use, graphics
3873 that illustrate the scale, location and design of any buildings or structures to the extent
3874 known, and a list of the issues to be discussed at the conference. No matters discussed at
3875 said meeting shall be binding on either the applicant or the town. The ~~d~~Director of
3876 Community Development planning shall respond to each written request for a pre-
3877 application meeting within 15 calendar days.

3878 B. Concurrent review. If the property subject to the special use application is also under
3879 consideration for rezoning, the special use permit may be reviewed concurrently with the
3880 rezoning application. A concurrent review of the special use and rezoning applications shall
3881 automatically waive the specific time limitations otherwise applicable to special use
3882 permits, but shall not waive any of the time limitations applicable to rezonings.

3883 C. Review of application for completeness. No application shall be accepted and reviewed
3884 unless it is determined by the zoning administrator to be complete. A complete application
3885 is one which meets such minimum submission requirements as established by this chapter,
3886 and in all applicable sections of this ordinance and the land development and subdivision
3887 ordinance. The administrator's determination that an application qualifies to be officially
3888 submitted shall not be deemed a determination that the application meets requirements for
3889 approval. Such approval of the special use permit shall only be given by the town council
3890 subject to the standards set forth in this chapter after the procedural requirements for
3891 review and responsive comment have been met. A complete application package shall
3892 consist of:

3893 1. Application. Two copies of the completed special use permit application form provided
3894 by the town, and signed by the applicant and owners of the property.

3895 2. Fee. Associated review fee(s) for special use permit, payable to the Town of Purcellville.

3896 3. Statement of justification. Written statement with supporting evidence regarding
3897 compliance with those issues for consideration outlined in ~~subsection~~ 1.4.D below.

3898 4. Concept plan. Twelve copies of the concept plan on paper no smaller than 11" × 17".
3899 Although it is unnecessary for a concept plan to involve the preparation of engineered

3900 documents, the concept plan must ~~be sufficiently detailed to be judged for its~~
3901 ~~superiority to other forms of development. The concept plan should~~ contain the
3902 following basic information and may contain any additional information which the
3903 applicant deems necessary to providing a detailed understanding of the proposed use:
3904 ~~planned development~~:

- 3905 a. Boundaries of the property.
- 3906 b. Total area of the property in square feet and acres.
- 3907 c. General location, size (in square feet), and use of all proposed structures.
- 3908 d. Location and size of existing public rights-of-way.
- 3909 e. General location and size of proposed rights-of-way.
- 3910 f. General location of proposed parking areas, entrances onto rights-of-way, storage
3911 areas, display areas, recreational areas, and required buffer yards.
- 3912 g. General location of proposed improvements such as, but not limited to, the general
3913 placement of sidewalks or trail facilities, the general location of proposed traffic
3914 improvements, and/or the general location of proposed public facilities.
- 3915 h. General location of open space areas.
- 3916 i. General location of storm water management facilities.

- 3917 5. Written statement. Describing the proposed use in such detail which provides the town
3918 with adequate knowledge on which to determine if the proposed special use is a
3919 development of superior quality. The written statement shall also provide the type and
3920 hours of operation.
- 3921 6. Traffic impact analysis. The traffic impact analysis (TIA) shall be prepared by a
3922 qualified engineer, surveyor, or otherwise acceptable professional, as determined by
3923 the zoning administrator, and shall be an analysis of the impact of the proposed special
3924 use on the existing road network. The TIA shall be required prior to site plan approval,
3925 unless this requirement is waived by the director of public works. In any case where a
3926 use will increase traffic on a proposed site, average daily trips shall be provided.

3927 D. Issues for consideration. A special use permit application shall be accompanied by a
3928 statement of justification which addresses the following issues for consideration. These
3929 issues for consideration shall be used by the planning commission and town council when
3930 evaluating the special use permit application. The following factors shall be given
3931 reasonable consideration and shall be addressed by the applicant in the statement of
3932 justification:

- 3933 1. Whether the proposed application is consistent with the comprehensive plan.
- 3934 2. Whether the proposed special use at the specified location will contribute to or
3935 promote the welfare and convenience of the public.
- 3936 3. Whether the proposed use is compatible with other existing or proposed uses in the
3937 neighborhood, and adjacent parcels.
- 3938 4. Whether the level and impact of any noise or odor emanating from the site, including
3939 that generated by the proposed special use, negatively impacts the uses in the
3940 immediate area.

- 3941 5. Whether the proposed special use will result in the preservation or damage of any
3942 existing habitats, vegetation, topographic or physical, natural, scenic, archeological, or
3943 historic feature of significant importance.
- 3944 6. Whether the proposed special use will impact existing water quality or air quality.
- 3945 7. Whether the traffic generated by the proposed use will be adequately and safely served
3946 by roads, pedestrian connections, and other transportation services.
- 3947 8. Whether the proposed use will negatively impact orderly and safe road development
3948 and transportation in accordance with the comprehensive plan and all relevant
3949 transportation and corridor plans.
- 3950 9. Whether the proposed use will be served adequately by essential public facilities and
3951 services
- 3952 10. Whether, in the case of existing structures to be converted to uses requiring a special
3953 use permit, the existing structures can be converted in such a way that retains the
3954 character of the neighborhood in which the existing structures are located, especially
3955 when an application seeks to convert a building of historic significance.
- 3956 11. Whether the proposed special use contributes to the economic development needs of
3957 the town.
- 3958 12. Whether adequate on and off site infrastructure is available.
- 3959 13. Whether the proposed special use illustrates sufficient measure to mitigate the impact
3960 of construction traffic on existing neighborhoods and schools.

3961 E. Acceptance and distribution. Once an application for a special use permit has been
3962 submitted and accepted, the administrator shall forward the plan and related information
3963 to the following review agencies as necessary:

- 3964 a. Department of ~~p~~Public ~~w~~Works,
3965 b. The town engineer or consulting engineer (contract engineer),
3966 c. The Virginia Department of Transportation,
3967 d. Loudoun County Department of Building and Development,
3968 e. Loudoun County Fire and Rescue,
3969 f. Loudoun County School Board.

3970 The referral agencies shall review the special use permit request, the concept plan, and the
3971 statement of justification, and shall provide a written recommendation on the application
3972 either for approval, approval with conditions, or denial.

3973 If the zoning administrator determines that there is not a need to distribute the application
3974 to a state agency for its review, the review by the agencies to whom the application was
3975 referred shall be completed and returned to the administrator within 30 days after the date
3976 the application was submitted to the agency for review. If an agency cannot respond within
3977 this 30-day period, the agency shall so inform the administrator, in writing, stating the
3978 reason for the delay and the expected date of the reply. If the administrator determines that
3979 the application requires the review of a state agency, the review by such state agency shall
3980 be completed and returned to the administrator within 45 days after the date the
3981 application was submitted to the agency for review. If the agency cannot respond within

3982 this 45-day period, the agency shall so inform the administrator, in writing, stating the
3983 reason for the delay and the expected date of the reply.

3984 A recommendation for denial or approval with conditions shall be followed by a written
3985 explanation of the recommendation. The recommendations of the referral agencies shall be
3986 forwarded to the planning commission and town council.

3987 Upon receipt of the recommendations of all the agencies, the zoning administrator shall
3988 schedule the special use permit application for public hearing with the planning
3989 commission. The administrator shall provide the recommendations and proposed
3990 conditions (if any) from the reviewing agencies to the planning commission and the town
3991 council.

3992 *1.5 Planning commission review and recommendation.*

3993 Before making a recommendation on a special use permit application, the planning commission
3994 may recommend reasonable additional conditions, including, but not limited to, those which
3995 may be imposed by the board of zoning appeals under Article 9: Board of Zoning Appeals~~article~~
3996 7, and especially conditions regarding utilities, drainage, landscaping and maintenance thereof,
3997 lighting, signs and advertising devices, buffer yards, screening, access ways, curb cuts, traffic
3998 control, height of buildings and setback of buildings, to protect adjoining uses. The planning
3999 commission shall take into consideration the comments/recommendations of the reviewing
4000 agencies, any proposed conditions of the reviewing agencies, and shall make a recommendation
4001 to the town council for either approval, approval with modifications, or denial of the special use
4002 permit application based upon the superiority of the application. The planning commission shall
4003 review the plans and prepare its report within a reasonable time, but in no case longer than 60
4004 days after the public hearing unless the applicant requests additional time in order to prepare
4005 revised plans. The town council shall not advertise its public hearing until the report and plans
4006 shall have been received from the planning commission.

4007 *1.6 Town council review and decision.*

4008 Once the planning commission has forwarded a recommendation to the town council, the zoning
4009 administrator shall set a time and place for a public hearing by the town council. The town
4010 council shall take action to approve, approve with conditions or deny the application within a
4011 reasonable time of the public hearing. The decision of the council shall be set forth in writing to
4012 the applicant.

4013 *1.7 Lapse of a special use permit.*

4014 Approval by the town council of a concept plan for a special use permit shall be valid for a period
4015 of two years. A site plan, when required by this ordinance or the Land Development and
4016 Subdivision Control Ordinance, for the proposed use shall be filed with the zoning administrator
4017 following the approval by the town council before the end of the two-year period. If a site plan
4018 is not required, then a zoning permit application shall be filed within two years.

4019 If the two-year period should expire before a site plan application (or zoning permit application
4020 when no site plan is required) is submitted to and accepted by the town, the special use permit
4021 application shall be deemed null and void and a new application shall be submitted. An applicant
4022 may request one six-month extension of the two-year deadline from the administrator, in
4023 writing, in cases where there is a hardship in meeting the two-year deadline for submission of a

4024 site plan or zoning permit. The site plan submitted shall be in general conformance with the
4025 approved concept plan and shall follow the requirements as set forth in ~~a~~Article 5 of the Land
4026 Development and Subdivision Ordinance.

4027 *1.8 Modifications to approved special use permits.*

4028 Minor modifications to an approved special use permit may be permitted by the zoning
4029 administrator when it is determined by the administrator that such are in substantial
4030 conformance with the approved special use permit and associated concept plan (when present)
4031 and that such are in response to:

- 4032 1. A change of ownership of the business or organization operating the special use; or
- 4033 2. A change of name of the business or organization operating the special use; or
- 4034 3. Review comments from and/or requirements of governmental agencies; or
- 4035 4. Minor issues of final engineering as it relates to such issues as topography, drainage,
4036 underground utilities, structural safety, layout, design, or vehicular circulation; or
- 4037 5. The addition of accessory uses ~~as permitted by number 7 below~~, accessory structures or
4038 minor building additions as permitted below.
 - 4039 A. The minor modifications permissible under items 3, 4 and/or 5 above shall be limited
4040 to:
 - 4041 1. The addition of accessory uses in accordance with this paragraph; or
 - 4042 2. Modifying the approved transitional screening, buffering, landscaping or open
4043 space provided that such modification does not reduce its effectiveness; or
 - 4044 3. Changes to bulk, mass, orientation or location of buildings or other physical
4045 improvements which do not adversely impact the relationship of the development
4046 or part thereof to adjacent property; or
 - 4047 4. Changes in the clearing and/or grading for a storm water management facility,
4048 including any clearing and/or grading associated with spillways, inlets, outfall
4049 pipes or maintenance roads, provided that such changes do not reduce non-storm
4050 water management open space, tree save and/or landscaping area on the lot; or
 - 4051 5. The addition of accessory structures clearly subordinate to the use and minor
4052 additions to buildings, provided that the sum total of all such structures or
4053 additions shall not exceed the following:
 - 4054 a. Five percent of the approved gross floor area or 500 square feet of gross floor
4055 area, whichever is less, when the total gross floor area shown on the approved
4056 concept plan is less than 50,000 square feet; or
 - 4057 b. One percent of the approved gross floor area when the total gross floor area
4058 shown on the approved concept plan is 50,000 square feet or more; or
 - 4059 c. Two hundred fifty square feet of gross floor area of accessory storage
4060 structure uses when the total gross floor area shown on the approved concept
4061 plan is 10,000 square feet or less; and
 - 4062 d. ~~€~~The maximum permitted FAR for the zoning district in which located.

4063 B. Notice Requirements. Any request for a minor modification to the approved special use
4064 permit, other than a change of ownership or change of name of the business or
4065 organization operating the special use, shall require the provision of written notice in
4066 accordance with the following:

4067 1. *Public notice.* Notice shall be sent to the last known address of the owners (as
4068 shown in the Loudoun County real estate assessment records) of all property
4069 abutting and across the street from the site, or portion thereof, which is the subject
4070 of the request. In addition, if the subject property is included within an
4071 incorporated owners' association, then notice shall also be required to such
4072 owners' association. The notice shall include a summary of the modifications being
4073 sought and how to receive additional information. Prior to approval, an affidavit
4074 that notice has been sent shall be filed with the zoning administrator.

4075 2. *Planning commission notice.* Notice shall be provided to the planning commission
4076 as an information item on a regular meeting agenda prior to zoning
4077 Administrator action on such modification.

4078 C. When it is determined by the zoning administrator that such request for minor
4079 modification is not in general conformance with the approved special use permit or the
4080 requirements of this section, or at the planning commission's request following its
4081 notice of the proposed minor modification as required in subsection B.2. above, a new
4082 special use permit shall be required.

4083 **Section 2. - Commission permits.**

4084 *2.1 Purpose of commission permits.*

4085 The purpose of the commission permit is to provide for those public uses, public structures,
4086 public utilities, or public service uses upon which the planning commission is required to report
4087 following adoption of the comprehensive plan under the state enabling statutes (Code of
4088 Virginia, § 15.2-2232, as amended), thus facilitating coordination of the purposes of state
4089 planning statutes with those of state zoning enabling legislation. Widening, narrowing,
4090 extension, enlargement, vacation or change of use of streets or public areas shall likewise be
4091 submitted for approval, but paving, repair, reconstruction, improvement, drainage or similar
4092 work and normal service extensions of public utilities or public service corporations shall not
4093 require approval unless such work involves a change in location or extent of a street or public
4094 area.

4095 A commission permit shall be approved only if it is found that the general location or
4096 approximate location, character, and extent thereof of the proposed public use, public structure,
4097 public utility or public service use is substantially in accordance with the adopted
4098 comprehensive plan or part thereof as determined by the local commission.

4099 Any public area, facility or use as set forth in this article, which is identified within, but not the
4100 entire subject of a submission for either subdivision or site plan shall be excepted from the
4101 requirement for a commission permit, if the public area, facility, or use is reviewed and approved
4102 as part of the submission for an overall development.

4103 ~~The following uses require~~ Uses which may require a commission permit approved in
4104 accordance with ~~Article 8 of~~ this ordinance and Code of Virginia, § 15.2-22321-456 include but
4105 are not limited to the following:

- 4106 1. ~~Community or cultural facility. Public or governmental buildings and uses, including~~
4107 ~~governmental offices, libraries, schools, fire stations (volunteer or otherwise), parks~~
4108 ~~parkways and playgrounds, except those which have been approved as part of a subdivision~~
4109 ~~or site plan.~~
- 4110 2. ~~Fire, rescue or police station. Public utility or public service or transportation uses,~~
4111 ~~treatment plants, water storage tanks, pumping stations or regulator stations, utility~~
4112 ~~storage yards, substations and major transmission lines.~~
- 4113 3. Government office and assembly room.
- 4114 4. Government operations facility.
- 4115 5. Library.
- 4116 6. Major public utility.
- 4117 7. Minor public utility.
- 4118 8. Park.
- 4119 9. Playground.
- 4120 10. Public or government buildings, facilities, or uses not otherwise defined.
- 4121 11. Public recreation facility.
- 4122 12. Public school.

4123

4124 *2.2 Procedures.*

4125 Prior to forwarding a decision to the town council, the commission shall hold a public hearing
4126 on the commission permit application in accordance with the procedures for notice and hearing
4127 as set forth in § 15.2-2204-2206 of the Code of Virginia, 1950, as amended, and as set forth in
4128 ~~Article 11, Section 16: Public Notices~~~~article 11, section 16 of this ordinance~~. The administrator
4129 may also require the submission of plans or drawings as necessary for consideration by the
4130 planning commission.

4131 The commission shall communicate its decision to the council, indicating its approval or
4132 disapproval with written reasons therefore. The council may overrule the action of the
4133 commission by a vote of a majority of the membership thereof. Failure of the commission to act
4134 within 60 days of such submission, unless such time shall be extended by the council, shall be
4135 deemed approval.

4136 The owner or owners or their agents may appeal the decision of the commission within ten days
4137 of the decision. The appeal shall be by written petition to the council setting forth the reasons
4138 for the appeal. The appeal shall be heard and determined within 60 days from its filing. A
4139 majority vote of the governing body shall overrule the commission.

4140

4141 **ARTICLE 9. - BOARD OF ZONING APPEALS**

4142 **Section 5. - Special exceptions.**

4143 In order to provide for adjustments in the relative locations of uses and buildings of the same or
4144 different classifications, to promote the usefulness of these regulations as instruments for fact
4145 finding, interpretation, application and adjustment, and to supply the necessary elasticity to their
4146 efficient operation, special exceptions and, limited as to location and especially in locations described
4147 in the district regulations and in this article, special use and yard exceptions are permitted by the
4148 terms of these regulations. In considering an application for a special exception, the board shall give
4149 due regard to the specific guides and standards of this section and those listed elsewhere in this
4150 ordinance, and in general to the nature and condition of adjacent uses and structures, and the
4151 probable effect upon them of the proposed exception.

4152 ~~The board It~~ shall also take into account the special characteristics, design, location,
4153 construction, method of operation, effect on traffic conditions, or any other aspects of the particular
4154 use or structure, that may be proposed by the applicant. If it should find, after the hearing, that the
4155 proposed establishment or use will not adversely affect the health, safety or welfare of persons
4156 residing or working on the premises or in the neighborhood, will not unreasonably impair an
4157 adequate supply of light and air to adjacent property, nor increase congestion in the streets, nor
4158 increase public danger from fire or otherwise unreasonably affect public safety, nor impair the
4159 character of the district or adjacent districts, nor be incompatible with the general plans and
4160 objectives of the ~~town's official C~~comprehensive ~~P~~plan ~~of the Town of Purcellville~~, nor be likely to
4161 reduce or impair the value of buildings or property in surrounding areas, but that such establishment
4162 or use will be in substantial accordance with the general purpose and objectives of this ordinance,
4163 the board shall grant the exception and authorize the issuance, of a special exception permit.

4164 In those instances where the board finds that the proposed use may be likely to have an adverse
4165 effect as above, the board shall determine whether such effect can be avoided by the imposition of
4166 any special requirements or conditions with respect to location, design, construction, equipment,
4167 maintenance or operation, in addition to those expressly stipulated in this ordinance.

4168 *5.1 Special use exceptions.*

4169 ~~Those following buildings and uses marked as special exceptions in Article 4, Section 1.1: Use~~
4170 ~~Table~~ are permitted ~~as special exceptions~~ under the terms and conditions specified above.:

4171 ~~1.—An accessory dwelling unit in a single family dwelling or in an accessory building in a~~
4172 ~~residential district as permitted in the district regulations, provided that either the main~~
4173 ~~dwelling or the accessory dwelling unit be occupied by the owner of the property, that the~~
4174 ~~accessory dwelling unit shall not exceed 25 percent of the total floor area of the main~~
4175 ~~dwelling nor contain less than 500 square feet of floor area, that the general appearance of~~
4176 ~~a single family dwelling shall be maintained, that no exterior stairways to a second floor be~~
4177 ~~constructed at the front of the main building, and that at least three off-street parking spaces~~
4178 ~~are available on the property for use by the owner occupant and the tenant. If the accessory~~
4179 ~~dwelling unit is to be located in an accessory structure, such structure must have the~~
4180 ~~following minimum setbacks from side and rear property lines:~~

4181 a.—Side yard: Same as principal structure;

4182 b.—Rear yard: Same as side yard for principal structure, but not less than ten feet.

- 4183 ~~2.—Temporary open air stands and the raising of animals as specified in the R-2 residential district.~~
- 4184 ~~3.—Stables and keeping of horses and other livestock as specified in the R-2 residential district.~~
- 4185 ~~4.—An exception to off-street parking requirements where it can be shown that provision of the~~
- 4186 ~~required number of spaces is clearly unnecessary for successful operation of the use.~~
- 4187 ~~5.—Temporary uses and structures in any district not specifically listed in the regulations and~~
- 4188 ~~determined by the board to be in the public interest for the district in which located;~~
- 4189 ~~provided that such uses be of a temporary nature and do not involve the erection of~~
- 4190 ~~substantial buildings. Such use or structure shall be authorized by the issuance of a~~
- 4191 ~~temporary and revocable permit for not more than a 24-month period subject to such~~
- 4192 ~~conditions as will safeguard the public health, safety and welfare.~~

4193 *5.2 Special yard and height exceptions.*

- 4194 1. An exception in the yard regulations on a lot where on the adjacent lot, there is a front, side,
- 4195 or rear yard that does not conform with such yard regulations in a way similar to the
- 4196 exception applied for, but not to encroach upon an existing or proposed right-of-way.
- 4197 2. An exception in the depth of a rear yard on a lot, in a block where there are nonconforming
- 4198 rear yards.
- 4199 3. An exception where there are irregularities in depths of existing front yards on a street
- 4200 frontage on the side of a street between two intersecting streets, so that any one of the
- 4201 existing depths shall, for a building hereafter constructed or extended be the required
- 4202 minimum front yard depth.
- 4203 4. Construction of a single-family dwelling with reduced yard spaces on a legal nonconforming
- 4204 lot.
- 4205 5. An exception to the height limits for special purpose structures in the CM-1 and the M-1
- 4206 industrial districts.

4207

4208 **ARTICLE 11. - ADMINISTRATION AND ENFORCEMENT**

4209 **Section 6. - Procedures for review and approval of all PDH districts. ~~(Amended 2/13/96)~~**

4210 All proposed developments of a PDH district permitted under ~~a~~Article 4: District Regulations
4211 shall be subject to the following procedures for review and approval:

4212 *6.1 Conceptual development plan approval.*

4213 The following procedures and application requirements shall apply to the PDH district:

- 4214 1. An application for rezoning to a PDH district shall include 14 copies of a conceptual
4215 development plan. A conceptual development plan, not filed with the initial submission of
4216 the application, shall be submitted within 60 days of the acceptance date of the application.
4217 Failure to meet this requirement shall change the acceptance date of the application to the
4218 date on which the conceptual plan is filed and accepted and/or may be cause to dismiss the
4219 application after having notified the applicant by certified mail with a deadline for a
4220 completed application.
- 4221 2. In addition to the application requirements for zoning ordinance or zoning map
4222 amendments as prescribed by Article 10: Changes and Amendments~~article 10~~, a conceptual
4223 development plan shall contain the information required by Section 8: Submission
4224 Requirements for PDH Districts~~section 7~~ below together with such supplementary data for a
4225 particular development that may be deemed necessary by the zoning administrator.
- 4226 3. Upon determination by the zoning administrator that the content of the conceptual
4227 development plan is complete in accordance with Section 8: Submission Requirements for
4228 PDH Districts~~section 7~~ below, the plan and application shall be submitted for comment to
4229 the reviewing agencies. Upon completion of review, the plan and application shall be
4230 submitted to the planning commission after the required public notice is provided.
- 4231 4. The planning commission, after having given the required public notice, shall hold a public
4232 hearing and give prompt consideration to the application in accordance with the applicable
4233 zoning district regulations.
- 4234 5. Subsequent to the public hearing, the planning commission shall transmit the conceptual
4235 development plan and application to the town council together with its recommendation
4236 for approval or disapproval. The planning commission recommendation shall contain
4237 specific recommendations concerning the phasing of public improvements, including
4238 schools, public water and sewer, open space provision and improvements, and
4239 transportation improvements.
- 4240 6. The town council shall consider the conceptual development plan and application for
4241 rezoning in accordance with the applicable zoning district regulations and shall hold a
4242 public hearing thereon. The town council shall approve, approve with modifications or
4243 disapprove the conceptual development plan.
- 4244 7. In approving the conceptual development plan, the town council may establish such
4245 conditions and may require such modifications as shall assure compliance with the
4246 standards and regulations of the subject district; and further, the council may waive or
4247 modify subdivision and/or site plan requirements otherwise applicable to the development

4248 when such waiver or modification would be in conformance with said standards and
4249 regulations.

4250 8. In approving a conceptual development plan, the council may authorize a variance in the
4251 strict application of specific zoning district regulations whenever:

4252 a. Such strict application would inhibit or frustrate the purpose and intent for
4253 establishing such a zoning district; and

4254 b. Such variation would promote and comply with the standards set forth in Article 4,
4255 Section 12: PDH Planned Development Housing District~~article 4, section 12~~. In no case,
4256 however, shall the maximum density provisions or the land area designated for
4257 commercial use under the PDH district and the maximum floor area ratio (FAR) be
4258 varied or modified.

4259 9. In the event the town council shall disapprove the rezoning application, the conceptual
4260 development plan shall thereby be deemed to be denied.

4261 10. In the event that the town council shall approve the rezoning application, the council shall
4262 approve the rezoning application, the council shall also approve or approve with
4263 modifications or conditions the conceptual development plan.

4264 11. Once a conceptual development plan has been approved, and there is cause for amendment
4265 of same or any portion thereof, such amendment shall be processed as a new submission;
4266 provided however, that the zoning administrator may waive any submission requirement
4267 if such requirement is not necessary for an adequate review of the concept development
4268 plan amendment application. An amendment may be filed by an owner of individual
4269 property.

4270 *6.2. Final development plan approval.*

4271 The following procedures shall be applicable to the preparation of a final development plan:

4272 1. The approval of a rezoning application to a PDH district and the approval of its
4273 accompanying conceptual development plan by the town council shall constitute
4274 authority for the applicant to prepare a final development plan; however, a final
4275 development plan may be filed with and included in the processing of the rezoning
4276 application and conceptual development plan. All final development plans shall be
4277 prepared in accordance with the approved conceptual development plan, and
4278 conditions as may have been adopted by the council and Section 8: Submission
4279 Requirements for PDH Districts~~section 11.7~~ below.

4280 2. A final development plan may be prepared and submitted for the entire planned
4281 development at one time or for sections of the planned development, and 14 copies of
4282 each plan shall be submitted to the zoning administrator.

4283 3. Upon determination by the zoning administrator that the content of the final
4284 development plan is complete in accordance with the requirements of Section 8:
4285 Submission Requirements for PDH Districts~~section 11.7~~ below, the plan shall be
4286 submitted to the reviewing agencies for comment. Upon completion of the review, the
4287 plan shall be submitted to the planning commission.

4288 4. The planning commission shall hold a public hearing on the final development plan no
4289 later than six months from the date the zoning administrator determined that such plan
4290 was complete in accordance with the requirements of Section 8: Submission

4291 ~~Requirements for PDH Districts~~~~section 11.7~~ below. The commission shall consider the
4292 final development plan in accordance with the approved conceptual plan, and shall
4293 determine if said plan does comply with the applicable zoning district regulations.
4294 Upon the determination that the final development plan is in accordance and does
4295 comply, the planning commission shall approve, or approve with modifications, the
4296 final development plan. Such approval shall be deemed to be the final approval, subject
4297 only to appeal to the town council as provided by paragraph 8 below.

4298 5. In approving a final development plan, the planning commission may establish such
4299 conditions and may require such modifications as will assure compliance with the
4300 standards and regulations of the subject district, and with the approved conceptual
4301 development plan. Further, the planning commission may recommend to the council
4302 the waiver of any zoning and subdivision otherwise applicable to the development
4303 where it is found that such a waiver would be in conformance with said standards and
4304 regulations.

4305 6. In the event that the planning commission finds that the final development plan is not
4306 in accordance with the approved conceptual development plan, or does not comply
4307 with the applicable zoning district regulations, it shall disapprove the final
4308 development plan and state the reasons for their action.

4309 7. The disapproval of a final development shall cause the applicant to prepare a revised
4310 development plan unless the provisions of paragraph 8 below are applied.

4311 8. In the event that an aggrieved party wishes to appeal a planning commission decision
4312 for approval, approval with modifications or disapproval of a final development plan,
4313 such appeal shall be filed with the town council within ten days after the decision by
4314 the commission. The appeal shall be written by petition to the council setting forth the
4315 reasons for the appeal. The basis for an appeal shall be that the final development plan
4316 is or is not in substantial conformity with the approved conceptual development plan.

4317 9. Once a final development plan has been approved, and there is cause for amendment
4318 of the same, such amendment shall be processed as follows:

4319 a. Upon a determination by the zoning administrator that the amendment will result
4320 in a final development plan which is still in accordance with the approved
4321 conceptual development plan, then such amendment shall be processed according
4322 with the provisions of this section.

4323 b. Upon a determination by the zoning administrator that the amendment will cause
4324 the final development plan to not be in conformance with the approved conceptual
4325 development plan, then an amendment to the conceptual development plan shall
4326 be required in accordance with the provisions in Section 6.1: Conceptual
4327 Development Plan Approval~~paragraph 5.1(11)~~ above. The amendment to the final
4328 development plan shall also be the subject of review by the planning commission
4329 in accordance with the provisions of this section.

4330 c. The zoning administrator may waive any submission requirement if such
4331 requirement is not necessary for an adequate review of the final development plan
4332 amendment application.

4333 d. An amendment may be filed by an owner or individual property.

4334 6.3 Site plan/subdivision plat preparation and permit requirements.

4335 Approval of a final development plan shall be a prerequisite and shall constitute authority for
4336 the applicant to prepare a site plan or subdivision plat. Approval of site plans or subdivision
4337 plats, issuance of zoning permits and occupancy permits shall be in substantial conformance
4338 with the final development plan, and in conformance with the provisions of this ordinance and
4339 the land development and subdivision control ordinance and the following:

4340 1. Separate site plans or subdivision plats shall be submitted for each section of the planned
4341 development in accordance with the approved final development plan.

4342 2. When a planned development is to be constructed in sections, the total area of open space
4343 provided at any stage of development shall bear substantially the same relationships to the
4344 total open space to be provided in the entire planned development as the sections
4345 completed or under development bear to the entire planned development.

4346 3. Minor deviations from the provisions of this ordinance and the land development and
4347 subdivision control ordinance may be permitted, but only where such deviations are
4348 indicated on the approved final development plan.

4349 4. Minor modifications to an approved final development plan may be permitted when it is
4350 determined by the zoning administrator that such are in substantial conformance with the
4351 approved final development plan and that such modifications are precipitated by
4352 topographical concerns, drainage concerns, underground utilities, structural safety, layout
4353 design, vehicular circulation e.g. requirements of the Virginia Department of
4354 Transportation, Loudoun County or the Town of Purcellville or are accessory uses or
4355 accessory structures or minor building additions as provided for in paragraph f. below. In
4356 no event shall such modifications:

4357 a. Permit a more intensive use than that approved pursuant to the approved conceptual
4358 development plan, final development plan, or any applicable proffers or development
4359 conditions; or

4360 b. Result in an increased parking requirement, except for any additional parking which
4361 may be required for any building additions or modifications permitted under
4362 paragraph f. below; or

4363 c. Permit additional uses other than those approved pursuant to the final development
4364 plan, except that accessory uses in accordance with this paragraph may be permitted;
4365 or

4366 d. Reduce the effectiveness of approved transitional screening, buffering, landscaping or
4367 open space; or

4368 e. Permit changes to bulk, mass, orientation or location which adversely impact the
4369 relationship of the development or part thereof to adjacent property; or

4370 f. Include the addition of any building or additions to buildings, except that accessory
4371 structures clearly subordinate to the use and minor additions to buildings may be
4372 permitted, provided that the sum total of all such structures or additions shall not
4373 exceed the following:

4374 i. In a building containing less than 50,000 square feet of gross floor area, five
4375 percent of the approved gross floor area or 250 square feet of gross floor area,
4376 whichever is less; or

- 4377 ii. In a building containing 50,000 square feet of gross floor area or more, 0.5 percent
4378 of the approved gross floor area; or
- 4379 iii. The land area designated for commercial uses in the PDH district; or
- 4380 iv. The maximum permitted density.

4381 5. Any request for a ~~modification~~ ~~addition~~ shall require the provision of written notice by the
4382 requester in accordance with the following:

4383 a. The notice shall include the letter of request with all attachments as submitted to the
4384 zoning administrator, a statement that the request has been submitted, and where to
4385 call for additional information; and

4386 b. The notice shall be sent to the last known address of the owners, as shown in the real
4387 estate assessment files, of all property abutting and across the street from the site, or
4388 portion thereof, which is the subject of the request, and shall be delivered by hand or
4389 sent by certified mail, return receipt requested.

4390 The request for a ~~modification~~ ~~addition~~ submitted to the zoning administrator shall include: an
4391 affidavit from the requester affirming that the required notice has been provided in accordance
4392 with the above; the date that the notice was delivered or sent; the names and addresses of all
4393 persons notified; and the tax map references for all parcels notified. No request for a ~~modification~~
4394 ~~addition~~ shall be considered by the zoning administrator unless the affidavit has
4395 been provided in accordance with this paragraph.

4396 When it is determined by the zoning administrator that a modification is not in substantial
4397 conformance with the ~~approved~~ ~~improved~~ final development plan, such modification shall
4398 require the resubmission and amendment of the final development plan in accordance with the
4399 procedures set forth in Section 6.2: Final Development Plan Approval~~section 5.2~~ above.

4400 6. Alterations to any single-family dwelling shall be governed by the regulations of the R
4401 district most closely characterizing the residential design as determined by the zoning
4402 administrator.

4403 **Section 7. - Development plans, standards for all PDH districts. (Amended 2/13/96)**

4404 *7.1 General standards.*

4405 No application shall be approved for a planned development under the provisions of Article 4:
4406 District Regulations~~article 4~~ unless the planned development satisfies the following general
4407 standards:

4408 1. The planned development shall substantially conform to the adopted comprehensive plan
4409 with respect to type, character and intensity of use and public facilities. Residential planned
4410 developments shall not exceed the density permitted by the adopted comprehensive plan,
4411 except as expressly permitted under applicable density bonus provisions.

4412 2. The planned development shall be of such design that it will result in a development
4413 achieving the stated purpose of the planned development district more than would
4414 development under a conventional zoning district.

4415 3. The planned development shall efficiently utilize the available land, and shall protect and
4416 preserve to the extent possible all scenic assets and natural features such as trees, streams
4417 and topographic features.

- 4418 4. The planned development shall be designed to prevent substantial injury to the use and
4419 value of existing surrounding development, and shall not hinder, deter or impede
4420 development of surrounding undeveloped properties in accordance with the adopted
4421 comprehensive plan.
- 4422 5. The planned development shall be located in an area in which transportation, police and
4423 fire protection, other public facilities and public utilities, including sewerage, are or will be
4424 available and adequate for the uses proposed, provided, however, that the applicant may
4425 make provision for such facilities or utilities which are not presently available.

4426 *7.2 Design standards.*

4427 Whereas it is the intent to allow flexibility in the design of all planned developments, it is deemed
4428 necessary to establish standards by which to evaluate good design. To satisfy this necessity, the
4429 following design standards are set forth for general application in all planned developments:

- 4430 1. In order to complement development on adjacent properties, at all peripheral lot lines the
4431 bulk regulations and landscaping and screening provisions shall generally conform to the
4432 provisions of *Article 7: Landscaping, Buffering, and Open Space Regulations* ~~article 7 of this~~
4433 ~~ordinance.~~
- 4434 2. Other than those regulations specifically set forth in *Article 4: District Regulations* ~~article 4~~
4435 for a particular P district, the open space, off-street parking, loading, sign and all other
4436 similar regulations set forth in this ordinance shall have general application in all planned
4437 districts.
- 4438 3. Street and driveways shall be designed to generally conform to the provisions set forth in
4439 this ordinance and all other town ordinances, the facilities standards manual and other
4440 regulations controlling same, and where applicable, street systems shall be designed to
4441 afford convenient access to existing and planned transportation facilities.
- 4442 4. Within planned developments, particular emphasis shall be placed on the provision of
4443 recreational amenities and a comprehensive system of pedestrian, bicycle and/or bridle
4444 paths which shall be carefully coordinated with the provision of open spaces, public
4445 facilities, vehicular access routes and planned transportation facilities.

4446 **Section 8. - Submission requirements for PDH districts. (Amended 2/13/96)**

4447 *8.1 Conceptual development plan.*

4448 In addition to the requirements for a rezoning application, a conceptual development plan,
4449 including any resubmissions and supporting graphics, shall be filed with the zoning
4450 administrator. The submission shall consist of 14 copies and shall contain the information listed
4451 below. All maps or plans submitted as part of a conceptual development plan shall be presented
4452 on a sheet having a maximum size of 24 inches by 36 inches. If presented on more than one sheet,
4453 match lines shall indicate where the several sheets join. One 8 1/2-by-11-inch reduction of the
4454 conceptual development plan and supporting graphics shall also be submitted. All submission
4455 requirements shall become the property of the town.

- 4456 1. A plan, at a scale of not less than one inch equals 100 feet, showing:
 - 4457 a. A vicinity map at a scale of not less than one inch equals 2,000 feet.
 - 4458 b. A statement which confirms the ownership of the subject property, and the nature of
4459 the applicant's interest in same.

- 4460 c. Existing topography with a maximum contour interval of five feet and a statement
4461 indicating whether it is air survey or field run.
- 4462 d. Scale and north arrow, with north, to the extent feasible, oriented to the top of all
4463 drawings.
- 4464 e. Except for single-family detached dwellings, the approximate location and
4465 arrangement of all proposed structures and uses to include the maximum height in feet
4466 of all structures and penthouses, and a graphic depiction of the structures and their
4467 relationship to property boundaries.
- 4468 f. The proposed traffic circulation plan, including major streets and major pedestrian,
4469 bike and/or bridle paths, and the location of all trails required by the adopted
4470 comprehensive plan.
- 4471 g. All proposed major open space areas and the approximate location of all proposed
4472 community and public facilities.
- 4473 h. A schedule showing the number of parking spaces provided and the number required.
- 4474 i. Any proposed improvements to the public right(s)-of-way and delineation of the
4475 existing centerline of all streets abutting the property, including dimensions from the
4476 existing centerline to the edge of the pavement and the edge of the right-of-way.
- 4477 j. Approximate delineation of any floodplain designated by the Federal Insurance
4478 Administration, U.S. Geological Survey or the Federal Emergency Management Agency
4479 (FEMA).
- 4480 k. A delineation of existing vegetation, to include existing vegetation to be preserved.
- 4481 l. Approximate location and estimated size of all proposed storm water management
4482 facilities and a statement as to the type of facility proposed.
- 4483 m. The location of all existing utility easements having a width of 25 feet or more.
- 4484 n. A delineation of those general areas that have scenic assets or natural features
4485 deserving of protection and preservation, and a statement of how much will be
4486 accomplished.
- 4487 o. Approximate delineation of any grave, object or structure marking a place of burial if
4488 known, and a statement indicating how the proposed development will impact the
4489 burial site.
- 4490 p. A statement explaining the relationship of the planned development to the adopted
4491 comprehensive plan for the town and the urban growth area.
- 4492 q. A statement or visual presentation of how adjacent and neighboring properties shall
4493 be protected from any adverse effects prompted by the proposed development, to
4494 include vehicular access plans, proposed measures of screening, and dimensions of all
4495 peripheral yards that will be provided.
- 4496 r. A delineation of all existing structures, and an indication of their date of construction if
4497 known, and whether they will be retained or demolished.
- 4498 s. A statement setting forth the maximum gross floor area (FAR) and FAR proposed for
4499 all uses other than residential.

- 4500 t. A statement or presentation setting forth the maximum number of dwelling units
4501 proposed, to include the density calculations based on the provisions of Article 4,
4502 Section 12: PDH Planned Development Housing District~~article 4, section 12~~, those units
4503 obtained by bonus provisions, and a breakdown of the approximate number of units by
4504 type and the range of approximate lot sizes for single-family detached dwellings.
- 4505 u. A statement or presentation of the open space calculations based on the provisions of
4506 Article 4, Section 12: PDH Planned Development Housing District~~article 4, section 12~~.
- 4507 v. A statement that the proposed development conforms to the provisions of all
4508 applicable ordinances, regulations and adopted standards, or if any waiver, exception
4509 or variance is sought by the applicant, such shall be specifically noted along with the a
4510 statement of justification for the request~~modification~~. If the proposal includes the
4511 request for a waiver of the yard regulations for yards abutting certain principal arterial
4512 highways and railroad tracks, a study showing projected noise impacts, proposed
4513 mitigation measures and effectiveness of such measures shall be submitted.
- 4514 w. A statement of those special amenities that shall be provided within the planned
4515 development.
- 4516 x. A statement setting forth the proposed approximate development schedule.
- 4517 2. For the residential component of an application, four copies of a map identifying
4518 classification of soil types at a scale of not less than one inch equals 500 feet, based upon
4519 County of Loudoun Soils Identification maps or, if not mapped, based upon soils identified
4520 by the agricultural agent or private survey.
- 4521 3. A statement of the public improvements, both on-site and off-site, that are proposed for
4522 dedication and/or construction, and an estimate of the timing of providing such
4523 improvements.
- 4524 4. A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of
4525 Federal Regulations Parts 116.4, 302.4 and 355; all hazardous waste as set forth in the
4526 Commonwealth of Virginia/Department of Waste Management VR672-10-1, Virginia
4527 Hazardous Waste Management Regulations; and/or petroleum products as defined in Title
4528 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or
4529 disposed of on-site and the size and contents of any existing or proposed storage tanks or
4530 containers.
- 4531 5. Where applicable, any other information as may be required by the regulations of the town.
4532 The sheet size and scale of a conceptual development plan may be modified by the zoning
4533 administrator, based on the nature and/or size of the application.

4534 *8.2 Final development plan.*

4535 Fourteen copies of a final development plan prepared in accordance with the approved
4536 conceptual development plan shall be filed with the zoning administrator, including any
4537 resubmissions of the plan and supporting graphics. All maps, plans, sketches and illustrations
4538 submitted as part of a final development plan shall be presented on a sheet having a maximum
4539 size of 24 inches by 36 inches. If presented on more than one sheet, match joint lines shall clearly
4540 indicate where the several sheets join. One 8 1/2-by-11-inch reduction of the final development
4541 plan and supporting graphics shall also be submitted. All submissions shall become the property
4542 of the town. Such plan shall contain the following:

- 4543 1. A final plan, at a scale of not less than one inch equals 100 feet, showing:
- 4544 a. A vicinity map at a scale of not less than one inch equals 1,000 feet.
- 4545 b. Bearings and distances of the perimeter property lines.
- 4546 c. Total area of property presented in square feet or acres.
- 4547 d. Scale and north arrow, with north, to the extent feasible, oriented to the top of all
- 4548 drawings.
- 4549 e. Names and route numbers of boundary streets and the width of existing right(s)-of-
- 4550 way. Any proposed improvements to the public right(s)-of-way and delineation of the
- 4551 existing centerline of all street abutting the property, including dimensions from the
- 4552 existing centerline to the edge of the pavement and to the edge of the right-of-way.
- 4553 f. Existing topography and a statement indicating whether it is air survey or field run,
- 4554 with a maximum contour interval of two feet; except where existing ground is on a
- 4555 slope of less than two percent, then either one-foot contours or spot elevations shall be
- 4556 provided where necessary, but not more than 50 feet apart in both directions.
- 4557 g. The location and arrangement of all proposed uses, including a preliminary subdivision
- 4558 plan, if a subdivision is proposed.
- 4559 h. For other than single-family detached dwellings, the maximum height in feet, to include
- 4560 penthouses, of all buildings and the number of floors both above and below or partially
- 4561 below finished grade.
- 4562 i. The distance of all structures from the development boundaries and streets.
- 4563 j. The traffic circulation system and the pedestrian circulation system, including the
- 4564 location and width of all streets, driveways, entrances to parking areas and parking
- 4565 structures, walkways, bicycle paths and/or bridle paths, and all trails required by the
- 4566 adopted comprehensive plan.
- 4567 k. The off-street parking and loading areas and structures.
- 4568 l. The open space areas, specifying the proposed treatment or improvement of all such
- 4569 areas and delineating the type and height of such screening, and a delineation of
- 4570 existing vegetation, to include existing vegetation to be preserved.
- 4571 m. A landscape plan showing the limits of clearing, location and design of all screening
- 4572 measures, indicating the type and height of such screening, and a delineation of existing
- 4573 vegetation, to include existing vegetation to be preserved.
- 4574 n. Approximate delineation of any grave, object or structure marking a burial site if
- 4575 known, and a statement indicating how the proposed development will impact the
- 4576 burial site.
- 4577 o. A plan or statement showing how public utilities are, or will be, provided.
- 4578 p. Approximate location and estimated size of all proposed storm water management
- 4579 facilities, a preliminary storm drainage plan, including information with respect to the
- 4580 type of facility proposed and the adequacy of downstream drainage improvements.
- 4581 q. The location of all existing utility easements having a width of 25 feet or more.

- 4582 r. Approximate delineation of any floodplain designated by the Federal Insurance
4583 Administration, U.S. Geological Survey or the Federal Emergency Management Agency
4584 (FEMA).
- 4585 s. When the development is to be constructed in sections, a final sequence of
4586 development schedule showing ~~in~~ ~~the~~ order of construction of such sections, and an
4587 approximate completion date for the construction of each section.
- 4588 2. A final statement in tabular form which sets forth the following data, when such data is
4589 applicable to a given development plan:
- 4590 a. Total number of dwelling units by type.
- 4591 b. Residential density in units per acre.
- 4592 c. Total floor area ratio (FAR) for each type of use, except residential uses.
- 4593 d. Total area in open space.
- 4594 e. Total area in developed recreational open space.
- 4595 f. Total number of off-street parking and loading spaces.
- 4596 g. Amount of density or floor area applied for under the bonus provisions, and the
4597 calculations supporting the specific development provisions giving rise to such bonus
4598 application.
- 4599 3. For the residential component of an application, four copies of a map identifying
4600 classifications of soil types at a scale of not less than one inch equals 500 feet, based upon
4601 County of Loudoun Soils Identification maps, or not mapped, based upon soils identified by
4602 the agricultural agent or private survey.
- 4603 4. Architectural sketches, if available, of typical proposed structures, including lighting
4604 fixtures and signs.
- 4605 5. A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of
4606 Federal Regulations Parts 116.4, 302.4 and 355; all hazardous waste as set forth in the
4607 Commonwealth of Virginia/Department of Waste Management VR672-10-1, Virginia
4608 Hazardous Waste Management Regulations; and/or petroleum products as defined in Title
4609 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or
4610 disposed of on-site and the size and contents of any existing or proposed storage tanks or
4611 containers.
- 4612 6. A statement that the proposed development conforms to the provisions of all applicable
4613 ordinances, regulations and adopted standards, or, if any waiver, exception or variance is
4614 sought by the applicant, such shall be specifically noted with the justification for such
4615 modification.
- 4616 7. Where applicable, any other information as may be required by the regulations of the town.
- 4617 The sheet size and scale of a final development plan may be modified by the zoning
4618 administrator, based upon the nature and/or size of the application.

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4621 **ARTICLE 15. - DEFINITIONS**

4622 **Section 1. - General rules of construction.**

4623 The following general rules of construction shall apply to the regulations of this ordinance:

- 4624 1. The singular number includes the plural and the plural the singular, unless the context
- 4625 clearly indicates the contrary.
- 4626 2. Words used in the present tense include the past and future tenses, and the future the
- 4627 present.
- 4628 3. The word "shall" is always mandatory. The word "may" is permissive.
- 4629 4. The word "building" or "structure" includes any part thereof, and the word "building"
- 4630 includes the word "structure."
- 4631 5. Words and terms not defined herein shall be interpreted in accordance with their normal
- 4632 dictionary meaning and customary usage. The zoning administrator has authority to
- 4633 interpret the meaning of all words and terms in this ordinance.
- 4634 6. The terms "main" and "principal" as used herein are synonymous.

4635 (Revised 9/14/04)

4636 **Section 2. - Definitions.**

4637 For the purpose of this ordinance, certain terms and words are hereby defined:

4638 *Accessory automated teller machine (ATM).* See *Automated teller machine (ATM), accessory.*

4639 *Accessory building.* An accessory building is a subordinate building or a portion of the main
4640 building, the use of which is clearly incidental to or customarily found in connection with, and (except
4641 as otherwise provided in this ordinance) located on the same lot as the main building or principal
4642 use of the land.

4643 *Accessory dwelling.* See *Dwelling, accessory.*

4644 *Accessory dwelling unit.* ~~See *Dwelling, accessory.* A subordinate dwelling unit in a main building~~
4645 ~~or accessory building as approved by the board of zoning appeals under article 9. This includes~~
4646 ~~servants or caretakers quarters and guest houses. (Revised 4/14/92)~~

4647 *Accessory fuel pump.* See *Fuel pump, accessory.*

4648 *Accessory retail sales.* See *Retail sales, accessory.*

4649 *Accessory use.* An accessory use is one which is clearly incidental to or customarily found in
4650 connection with, and (except as otherwise provided in this ordinance) is located on the same lot as
4651 the principal use of the premises. (Revised 9/14/04)

4652 *Administrator.* The zoning administrator of the Town of Purcellville.

4653 *Adult care center.* A ~~licensed non-residential~~ facility licensed by the Virginia Department of Social
4654 Services that provides supplementary care and protection during only a part of the day to four or
4655 more aged, infirm or disabled adults who reside elsewhere, except (i) a facility or portion of a facility
4656 licensed by the State Board of Health or the Department of Behavioral Health and Developmental

4657 ~~Mental Health, Mental Retardation and Substance Abuse~~ Services, and (ii) the home or residence of
4658 an individual who cares for only persons related to him by blood or marriage. Included in this
4659 definition are any two or more places, establishments or institutions owned, operated or controlled
4660 by a single entity and providing such supplementary care and protection to a combined total of four
4661 or more aged, infirm or disabled adults. ~~(Ord. No. 08-08-03, § V, 8-12-2008)~~

4662 Agricultural operation. Any operation devoted to the bona fide production of crops, or animals,
4663 or fowl, including the production of fruits and vegetables of all kinds; meat, dairy, and poultry
4664 products; nuts, tobacco, nursery, and floral products; and the production and harvest of products
4665 from silviculture activity.

4666 Agricultural products. Any livestock, aquaculture, poultry, horticultural, floricultural, viticulture,
4667 silvicultural, or other farm crops.

4668 Agriculture/horticulture. The use of land for an *Agricultural operation* and/or the bona fide
4669 production or harvesting of *Agricultural products*. This term does not include the above ground
4670 application or storage of sewage sludge, the storage or disposal of nonagricultural excavation
4671 material, waste and debris if the excavation material, waste and debris are not generated on the farm,
4672 or the processing of *Agricultural products* or the products of an *Agricultural operation*, including, but
4673 not limited to, the slaughtering or processing of animals.

4674 Alley. A public or private way less than 30 feet in width and affording secondary means of access
4675 to abutting property.

4676 All-weather surface. A surface made of a hard material capable, during ordinary use, of
4677 withstanding normal weather conditions without substantial deterioration. Such materials include,
4678 but are not limited to: gravel, asphalt, brick, concrete and the like.

4679 Alteration. (See structural alteration.)

4680 Amphitheater. An outdoor area, which may be partially enclosed or covered, devoted to
4681 dramatic, dance, musical, or other live performances, although incidental use for private meetings,
4682 exhibits, and presentations shall be permitted.

4683 Apartment. ~~See Dwelling, apartment. A part of a building containing cooking and housekeeping~~
4684 ~~facilities, consisting of a room or suite of rooms intended, designed, and used as a residence by an~~
4685 ~~individual or a single family; a building is an apartment building if it contains three or more such~~
4686 ~~apartment units, that are not in a townhouse configuration. (Revised 9/14/04)~~

4687 Assisted living facility. A residential facility, licensed by the Virginia Department of Social
4688 Services, in which aged, infirm or disabled persons reside, with one or more resident or nonresident
4689 staff persons, which provides or coordinates personal and health care services, 24-hour supervision
4690 and general assistance with the activities of daily living for its residents.

4691 Attached communications tower. See *Communications tower*.

4692 Attached dwelling. See *Dwelling, single-family attached*.

4693 Auction house. A structure or enclosure where goods are stored with the intent of being sold by
4694 auction to the highest bidder.

4695 Automated teller machine (ATM), accessory. A mechanized consumer banking device operated
4696 by a financial institution for the convenience of its customer located on a lot or within a building
4697 containing another use.

4698 *Automobile, salvage or wrecking yard.* A junk yard consisting of that part of a lot not enclosed by
4699 a building, which is used for the storage or dismantling of damaged, inoperative, or obsolete vehicles
4700 or for the sale of such vehicles or of the salvaged parts there from.

4701 ~~*Automotive service station.* Buildings and premises, including not more than three interior
4702 service stalls, wherein the primary use is the supply and dispensation at retail of motor vehicle fuel,
4703 oil, batteries, tires and motor vehicle accessories, and where, in addition, the minor maintenance
4704 services may be rendered and sales made, such as lubrication, brake repair, muffler replacement,
4705 washing and polishing and the like; and sales of cold drinks, packaged foods and similar convenience
4706 items, but only when such sales are conducted inside the principal building as accessory and
4707 incidental to the primary use. Permissible uses do not include major mechanical and body work,
4708 painting, welding or other work involving noise, glare, fumes, smoke or other impacts to an extent
4709 greater than normally found at service stations. (Adopted 9/14/04)~~

4710 ~~*Automobile or truck sales, service, and repair, including body or fender repair, but not auto salvage
4711 or junk.* Buildings and premises, including interior service stalls, wherein the primary use is
4712 automobile or truck sales, service, and repair, including body or fender repair with no sales of
4713 packaged foods or similar convenience items. (Adopted 9/14/04)~~

4714 ~~*Automobile or truck parts sales, wholesale, but not junk.* A commercial wholesale establishment
4715 of which the principal use is sales of automobile and/or truck parts but not repair or maintenance
4716 services or fuel sales. (Adopted 9/14/04)~~

4717 ~~*Automobile storage lot, new or used cars, but not storage or sale of junk.* A place in which operable
4718 autos or light trucks and vans are stored pending sale or repair; an adjunct use to an existing auto
4719 sales or service use located adjacent. (Adopted 9/14/04)~~

4720 ~~*Automobile used car lot, or used truck sales.* A commercial retail establishment of which the
4721 principal use is sales of used automobiles, light trucks and/or vans, but no repair or maintenance
4722 services or fuel sales is available to the public. (Adopted 9/14/04)~~

4723 ~~*Automotive service station. See Fueling station.*~~

4724 ~~*Bakery, retail.* A commercial retail establishment that prepares baked goods for retail sales on
4725 site, and may include sit-down eating space as a subordinate, accessory use. (Adopted 9/14/04)~~

4726 *Basement.* That portion of a building between the floor and ceiling which is wholly or partly
4727 underground and having more than one-half of its height below grade.

4728 ~~*Bed and breakfast.* A ~~structure or~~ building containing a maximum of ~~three-four~~ guest rooms,
4729 having sleeping and eating accommodations ~~for not more than six overnight guests for compensation~~
4730 where short-term lodging ~~of no more than 14 days~~ is provided, with or without meals, for
4731 compensation, and in which meals may be provided to guests only, and which is operated in
4732 accordance with all pertinent town code requirements. ~~May be an accessory use within a Single-~~
4733 ~~family detached dwelling or Single-family detached farmhouse dwelling as allowed by the use~~
4734 ~~regulations of a zoning district. (Revised 9/14/04)~~~~

4735 *Block.* That property fronting on one side of a street or road and lying between two intersecting
4736 streets or roads or otherwise limited by a right-of-way, a waterway, an un-subdivided tract or any
4737 other physical barrier of such nature as to interrupt the continuity of development.

4738 *Board.* The board of zoning appeals of the Town of Purcellville.

4739 ~~*Boardinghouse.* (See roominghouse.)~~

4740 ~~*Boat and boat trailer sales and storage.* Buildings and premises, including interior service stalls,
4741 wherein the primary use is boat and boat trailer sales and storage, with no sales of packaged foods
4742 or similar convenience items. (Adopted 9/14/04)~~

4743 ~~*Brewery, winery or distillery.* A facility wherein the primary use is the making of beer, wine or
4744 liquor that is open to the public for tours and tastings.~~

4745 *Bufferyard.* Land area used to separate one use from another to absorb runoff or shield from
4746 dust, noise, lights or other such effects and to provide space for screening, all in accordance with the
4747 requirements of this ordinance.

4748 *Buildable area.* The area of that part of the lot not included within the yards or open spaces
4749 herein required.

4750 *Buildable width.* The width of that part of a lot not included within the open spaces and yards
4751 herein required.

4752 *Building.* Any structure permanently affixed to a lot or lots and having a roof supported by
4753 columns or walls, for the housing or enclosure of persons, animals, or property of any kind.

4754 *Building, completely enclosed.* Any building having no outside openings other than ordinary
4755 doors, windows, and ventilators.

4756 *Building, height of.* The vertical distance from the average finished grade or from the average
4757 level of the finished grade at the front building line, if higher, to the highest point of the coping of a
4758 flat roof, or to the deck line or highest point of coping or parapet of a mansard roof, or to the mean
4759 height level between eaves and ridge for gable, hip, shed, and gambrel roofs. When the highest wall
4760 of a building with a shed roof is within 35 feet of a street, the height of such building shall be measured
4761 to the highest point of coping or parapet.

4762 *Building, main.* The principal building or one of the principal buildings on a lot, or the building
4763 or one of the principal buildings housing the principal use on the lot.

4764 *Building setback line.* A line within a lot between which line and the street line of any abutting
4765 street no building or structure may be erected.

4766 *Bulk.* A term used in this ordinance to describe the size and shape of a building or structure and
4767 its relationship to other buildings, to the lot area for a building, and to open spaces and yards.

4768 ~~*Bus depot and maintenance facility.* A facility for the temporary storage and maintenance of
4769 public and/or private buses; not an Automobile, salvage or wrecking yard or Junk yard or automobile
4770 graveyard.~~

4771 ~~*Bus shelter.* A small, roofed structure, usually having three walls, located near a street and
4772 designed primarily for the protection and convenience of bus passengers.~~

4773 ~~*Business or technical school.* A facility that provides training for employment in business skills
4774 such as clerical, computers, data processing and the like, or in trades such as construction skills and
4775 the like. (Adopted 9/14/04)~~

4776 ~~*Car wash* *Car wash or automobile laundry, automatic, or attended, or self service.* An
4777 establishment for the washing and cleaning of automobiles and light trucks or vans; does not include
4778 repair services, vehicle storage or sales of any convenience goods. (Adopted 9/14/04)~~

4779 *Catering.* A service ~~establishment facility~~ in which food is prepared and delivered to off-site
4780 locations for serving; may be an accessory use to an ~~Eating establishment, restaurant or eating
4781 establishment.~~ (Adopted 9/14/04)

4782 *Cellar.* A story entirely underground or partly underground, with at least one-half of its height
4783 below grade.

4784 *Cemetery.* Any land or structure used or intended to be used for the interment of human remains,
4785 excluding crematories and funeral homes.

4786 *Child care, commercial-center.* ~~An licensed-establishment licensed by the Virginia Department of~~
4787 ~~Social Services~~ which offers care, protection, ~~and~~-supervision ~~and/or~~ education outside of a
4788 ~~residential dwelling~~ for compensation to ~~six or~~ more ~~than nine~~-children at a time during any 24-hour
4789 period, and then only for part of any 24 hour day. A ~~commercial child care establishment shall not be~~
4790 ~~located within a residential dwelling or on a residential lot, but when allowed by the use regulations~~
4791 ~~of a zoning district, such establishment~~ ~~child care center~~-may include ~~a Private school~~ ~~nursery schools,~~
4792 ~~kindergartens~~-or other facility~~ies~~ for which the purpose is primarily educational, recreational, or
4793 therapeutic treatments ~~as an accessory use.~~

4794 *Child care, residential.* A program conducted within a residential dwelling which offers care,
4795 protection, supervision, and/or education to less than six children, exclusive of the provider's own
4796 children and any children who reside in the home, at a time during any 24-hour period, and then only
4797 for part of any 24 hour day, for compensation or otherwise.

4798 ~~*Churches and or other places of worship.* A building or structure, or group of buildings or~~
4799 ~~structures, which are primarily intended for the conducting of organized religious services and~~
4800 ~~accessory uses associated therewith, including any building used for religious services by any~~
4801 ~~denomination; day child care and or educational uses, are not part of the definition of a church unless~~
4802 ~~other than those~~-conducted in conjunction with worship services ~~or as allowed by the use regulations~~
4803 ~~of a zoning district. , are not part of the definition of a church. (Adopted 4/14/92 and Revised~~
4804 ~~9/14/04)~~

4805 *Clinic, urgent care.* An establishment ~~staffed by medical professionals exclusively for short-term~~
4806 ~~treatment of injury or illness~~ where patients ~~who~~-are not lodged overnight-~~are admitted for~~
4807 ~~examination or treatment by physicians or dentists.~~

4808 *Club, private.* ~~See Private club. (See Private club) (Revised 9/14/04)~~

4809 ~~*Coin-operated and vending machines for food, tobacco, ice, soft drinks, and sundries inside a*~~
4810 ~~*building and for the use of occupants thereof.* Automatic vending machines that dispense food, tobacco,~~
4811 ~~ice, soft drinks, and sundries, located inside the building. May be designed to accept all forms of cash~~
4812 ~~or credit cards. (Adopted 9/14/04)~~

4813 *Colleges or universityies.* An institute of higher education authorized or accredited to award
4814 advanced degrees, which may include on-site student, faculty and/or employee housing facilities.
4815 ~~(Adopted 9/14/04)~~

4816 ~~*Commercial recreation facility, indoor.* Any enclosed or semi-enclosed establishment operated as~~
4817 ~~a commercial enterprise (open to the public for a fee) in which are conducted recreational,~~
4818 ~~therapeutic or athletic activities, whether or not under instruction, such as but not limited to: tennis,~~
4819 ~~volleyball and other court games; soccer and lacrosse; swimming; gymnastics, dance, miniature golf,~~
4820 ~~cultural activities, martial arts, archery, roller or ice skating, skateboarding, swimming, and activities~~
4821 ~~incidental to the foregoing, but not including amusement rides or regular live entertainment.~~
4822 ~~Incidental office, retail, and other commercial uses commonly established in such facilities shall be~~
4823 ~~allowed as long as they are clearly accessory to and only serve the users of the principal facility.~~
4824 ~~(Adopted 9/14/04; Ord. No. 05-05-04, § III, 5-10-2005)~~

4825 ~~*Commercial recreation facility, outdoor.* Any outdoor establishment operated as a commercial~~
4826 ~~enterprise (open to the public for a fee) for the following activities: games and athletics, batting and~~

4827 ~~pitching cages, darts, hard and soft courts, miniature golf, radio-controlled vehicles and airplanes,~~
4828 ~~pony rides, waterslides, cultural activities, martial arts, archery, camping, roller or ice skating rinks,~~
4829 ~~skateboarding, picnicking, boating, fishing, swimming, golf driving ranges, and activities incidental to~~
4830 ~~the foregoing, but not including amusement rides, amusement parks, golf courses, hunting preserves,~~
4831 ~~shooting ranges, theme parks or motor vehicle race tracks. (Adopted 9/14/04)~~

4832 Commercial child care. See Child care, commercial.

4833 Commercial equestrian facility. See Equestrian facility, commercial.

4834 Commercial indoor recreation facility. See Recreation facility, commercial indoor.

4835 Commercial outdoor recreation facility. See Recreation facility, commercial outdoor.

4836 Commercial uses of greater than 10,000 square feet. Retail establishments are buildings for Any
4837 use, otherwise listed as a permitted use within a zoning district, involving the display and sale of
4838 merchandise at retail or for the rendering of personal services (but specifically exclusive of coal,
4839 wood and lumber yards), when such use has a floor area of greater than 10,000 square feet. This
4840 term includes, but is not limited to, such as the following uses which will serve as illustration:
4841 Construction/landscaping equipment and supply sales and service; Convenience store; Farm equipment
4842 & supply sales and service; Food processing, retail; Personal services establishment; and Retail sales,
4843 general. drugstore, news stand, food store, candy shop, antique store, gift shop, hardware store,
4844 household appliance store, furniture store, florist, optician, music store, tailor shop, barbershop and
4845 beauty shop; wholesale establishments are business establishments that sell merchandize in bulk to
4846 large scale buyers, usually other businesses, for the purpose of later retail distribution to the resident
4847 population, businesses and/or to tourists. (Adopted 9/14/04)

4848 Commission. The planning commission of the Town of Purcellville, Virginia.

4849 Communications tower. A structure of skeletal framework or a pole, guyed or self-supporting,
4850 used to support antennas. Guy wire, framework and other stabilizing devices are considered part of
4851 the structure of the tower. This definition explicitly excludes similar structures of 75 feet in height
4852 or less which solely support amateur radio antennas.

4853 Communications tower, attached: A Communications tower which is placed on an existing
4854 building or other non-communications structure and increases the height of the existing
4855 structure by not more than ten feet.

4856 Communications tower, free-standing: A Communications tower which is not attached to another
4857 structure.

4858 Community or cultural facility. A facility typically engaged in nonprofit or quasi-public use for a
4859 public purpose, such as a community center, cultural center, museums senior center and the like.

4860 Community garden. A public facility for the cultivation of fruits, vegetables or flowers by more
4861 than one person or family.

4862 Commuter parking lot. See Parking lot, commuter.

4863 Concept plan. Part of a special use permit application, prepared in accordance with Article 8,
4864 Section 1: Special Use Permit of this ordinance, which may consist of visual and written representation
4865 depicting a layout and/or design of a proposed development. Once approved through the legislative
4866 process, this document becomes binding on the developer and his successors in interests. (Ord. No.
4867 08-08-06, § IV, 8-12-2008)

4868 Concrete plant. A plant for the manufacture or mixing of concrete, cement and concrete and
4869 cement products, including any apparatus and uses incidental to such manufacturing and mixing.

4870 Condominium. Real property and any incidentals thereto or interests therein which have been
4871 or are to be lawfully established as such under the Virginia Condominium Act.

4872 Conservancy subdivision. A single-family residential development in which the residential lots
4873 are clustered together on a portion of the tract, leaving the largest portion of the tract in permanent
4874 open space. A conservancy subdivision may include the following categories of land:

4875 a. Single-family lots: Smaller residential lots located in a contiguous grouping oriented along a
4876 street or a green.

4877 b. Conservancy lots: Larger residential lots containing a designated building area with the
4878 remainder designated as permanent open space.

4879 c. Open space: Land permanently preserved through an open space easement designated as
4880 greenbelt open space, conservancy open space and usable open space, as defined in this
4881 ordinance.

4882 Construction/landscaping equipment and supply sales and service. A retail or wholesale
4883 commercial establishment engaged in the sale, rental, service and/or repair from the premises of
4884 equipment, goods and materials used during construction and landscaping activities, including but
4885 not limited to: brick, stone, lumber and other wood construction materials, pipes and other plumbing
4886 supplies, wiring and other electrical supplies, drywall, carpet and other flooring products, sand,
4887 gravel, potting soil, fertilizer, mulch, plants, tools and hardware, motorized construction equipment,
4888 motorized lawn and garden equipment, and related equipment and supplies. May include a Nursery,
4889 Greenhouse, and Outdoor storage as accessory uses.

4890 Contractor's office and storage area. A facility in which a contractor conducts administrative
4891 activities, record-keeping, clerical work and other similar functions of the business in conjunction
4892 with the storage of vehicles, equipment and supplies for offsite use in the performance of any
4893 construction or land development trades; does not include an Automobile, salvage or wrecking yard
4894 or Junk yard or automobile graveyard.

4895 Convalescent, nursing or rest home. See Nursing home. Any institution however named, whether
4896 conducted for charity or for profit, which is advertised, announced or maintained for the express or
4897 implied purpose of caring for two or more nonrelated persons admitted thereto for the purpose of
4898 nursing or convalescent care. Nursing and convalescent care includes care given because of
4899 prolonged illness or defect or during the recovery from injury or disease, and includes any and all of
4900 the procedures commonly employed in waiting on the sick, such as administration of medicine,
4901 preparation of special diets, giving of bedside care, application of dressing and bandages, and the
4902 carrying out of treatments prescribed by a duly licensed practitioner of medicine.

4903 Convenience store. A small-scale retail establishment offering for sale a limited line of groceries,
4904 beverages, periodicals and other household items intended for the convenience of the passerby. Such
4905 establishments may have on-site service of food and drink for immediate consumption.

4906 Country inn. A building containing a maximum of nine guest rooms, having sleeping and eating
4907 accommodations where short-term lodging of no more than 14 days is provided, with or without
4908 meals, for compensation, and in which meals may be provided to guests only, and which is operated
4909 in accordance with all pertinent town code requirements. May be an accessory use within a Single-
4910 family detached dwelling or Single-family detached farmhouse dwelling as allowed by the use
4911 regulations of a zoning district. A single-family dwelling in which the principal use is permanent
4912 residential quarters; and in which, as an accessory use, accommodations for from six through ten

4913 ~~guests in four through nine rooms are made available for transient occupancy for compensation,~~
4914 ~~generally for not more than seven days. (Adopted 10/8/91)~~

4915 ~~Day nursery or child day care center. See Child care, commercial. Facilities or programs for the~~
4916 ~~care of more than four children away from their own home for any part of a 24-hour day, for~~
4917 ~~compensation or otherwise.~~

4918 *Density, residential.* Unless otherwise specified, the number of dwelling units per gross acre of
4919 residential land area, with gross acres including all the land area, including streets, easements, and
4920 open space portions of a developed site.

4921 *Detached single-family dwelling.* See Dwelling, single-family detached.

4922 *Development.* Any manmade change to improved or unimproved real estate including, but not
4923 limited to, buildings or other structures, the placement of mobile homes, streets, and other paving,
4924 utilities, filling, grading, excavation, mining, dredging, or drilling operations.

4925 *Diameter at breast height (dbh).* The diameter of a tree measured as the circumference of the
4926 tree trunk at 4.5 feet above the ground. In the case of multiple trunks, the collective circumstances of
4927 all trunks at 4.5 feet above grade will constitute dbh. ~~(Ord. No. 08-04-04, § II, 4-8-2008)~~

4928 *District.* Any section of the Town of Purcellville in which the zoning regulations are uniform and
4929 so designated on the zoning district map.

4930 ~~*Dog kennel, commercial.* A place prepared to house, board, breed, handle or otherwise keep or~~
4931 ~~care for dogs for sale or in return for compensation, or any place where more than five adult dogs are~~
4932 ~~kept.~~

4933 ~~*Drive-through in facilityies (including but not limited to drive through pharmacies, photo*~~
4934 ~~*processing, dry cleaning, video, free standing unmanned teller machines and drive in eating*~~
4935 ~~*establishment uses not otherwise addressed.* A portion of a commercial establishment in which patrons~~
4936 ~~do business from their motor vehicles through a window or other remote device or station. (Adopted~~
4937 ~~9/14/04)~~

4938 ~~*Dry cleaning and laundry Dry-cleaning establishments.* An establishment which launders and/or~~
4939 ~~dry cleans articles dropped off on the premises directly by the customer or where articles are~~
4940 ~~dropped off, sorted, and picked up but where laundering or cleaning is done elsewhere. The~~
4941 ~~alteration and mending of clothing items may be conducted as an accessory use. Commercial~~
4942 ~~establishments in which dry-cleaning processes are carried out. (Adopted 9/14/04)~~

4943 *Duplex dwelling.* See Dwelling, duplex.

4944 *Dwelling.* A building or portion thereof, designed or used exclusively for residential occupancy,
4945 as an independent housekeeping unit, and physically separated from any other rooms or dwelling
4946 units which may be in the same structure, and containing independent cooking and sleeping facilities,
4947 but not including boats, trailers, mobile homes, motor homes, hotels, motels, motor lodges, tourist
4948 courts, or tourist homes. ~~(Revised 9/14/04)~~

4949 *Dwelling, accessory.* A subordinate dwelling unit in a main building or accessory building as
4950 approved by the board of zoning appeals under Article 9: Board of Zoning Appeals. This includes
4951 servants or caretakers quarters and guest houses.

4952 *Dwelling, apartment.* A part of a building containing cooking and housekeeping facilities,
4953 consisting of a room or suite of rooms intended, designed, and used as a residence by an individual
4954 or a single family; a building is an apartment building if it contains three or more such apartment
4955 units, that are not in a townhouse configuration.

4956 *Dwelling, attached.* See *Dwelling, single-family attached.* (See *Townhouse.*)

4957 *Dwelling, detached single-family.* See *Dwelling, single-family detached.* A single-family dwelling
4958 entirely surrounded by a yard or other separation from other main buildings on the same lot or on
4959 adjacent lots. The term "single-family dwelling" as used in this ordinance shall be considered to mean
4960 a detached single-family dwelling unless specified as attached.

4961 *Dwelling, duplex.* A structure arranged or designed to be occupied by two families, the structure
4962 having only two dwelling units attached by a common wall without openings, either vertical or
4963 horizontal, each with its own outside entrance. ~~(Ord. No. 05-05-03, § II, 5-10-2005)~~

4964 *Dwelling, multiple-family.* A building designed for or occupied exclusively by three or more
4965 families living independently of each other.

4966 *Dwelling, single-family.* A building designed for or occupied exclusively by one family.

4967 *Dwelling, single-family attached.* A single-family dwelling designed to be sold as a unit but
4968 forming one of a group or series of three or more attached single-family dwellings separated from
4969 one another by party walls without doors, windows, or other provisions for human passage or
4970 visibility through such walls from basement to roof, and having roofs which may extend from one of
4971 the dwelling units to another.

4972 *Dwelling, single-family detached.* A single-family dwelling entirely surrounded by a yard or other
4973 separation from other main buildings on the same lot or on adjacent lots.

4974 *Dwelling, single-family detached farmhouse.* A single-family dwelling entirely surrounded by a
4975 yard and located on or abutting an Agriculture/horticulture use occupied by the owner of the land or
4976 a tenant whose primary job is running the farm.

4977 *Dwelling unit.* A room or group of rooms occupied or intended to be occupied as separate living
4978 quarters by a single-family or other group of persons living together as a household or by a person
4979 living alone and having its own permanently installed cooking and sanitary facilities.

4980 *Eating establishments.* An eating establishment is any building in which, for compensation, food
4981 or beverages are dispensed for consumption within the structure or in outdoor areas next to the
4982 structure, including, among other establishments, restaurants, cafes, cafeterias, tea rooms,
4983 ~~confectionery shops~~ and refreshment stands. ~~(Adopted 9/14/04)~~

4984 *Equestrian facility, commercial.* Horse, donkey or mule facilities utilized as a business, including
4985 stables, indoor and outdoor riding rings, paddocks, and other buildings or structures accessory and
4986 incidental to the above uses.

4987 *Equestrian facility, residential.* Horse, donkey or mule facilities utilized for personal enjoyment
4988 and not as a business, including stables, indoor and outdoor riding rings, paddocks, and other
4989 buildings or structures accessory and incidental to the above uses, provided that no more than one
4990 such animal shall be kept for each acre of land on the premises.

4991 *Family.* A group of people living together consisting of: a) One or more persons related* by blood
4992 or marriage together with any number of natural, foster, step or adopted children, domestic servants,
4993 nurses and therapists and no more than two roomers or boarders; or b) No more than four unrelated
4994 persons; or c) Per § 15.2-2291 of the Code of Virginia, up to eight individuals residing in a residential
4995 facility that suffer from mental illness, mental retardation, or developmental disabilities and have
4996 one or more resident counselors or other staff persons. For the purposes of this subsection, mental
4997 illness and developmental disability shall not include current illegal use of or addiction to a controlled
4998 substance as defined in § 54.1-3401; or d) up to eight individuals residing in a residential facility that
4999 are aged, infirm or disabled and have one or more resident counselors or other staff persons. For

5000 purposes of this subsection, "residential facility" means any assisted living facility or residential
5001 facility in which aged, infirm or disabled persons reside with one or more resident counselors or
5002 other staff persons and for which the Department of Social Services is the licensing authority
5003 pursuant to this Code.

5004 * Persons who are related includes husbands, wives, parents, children, grandparents,
5005 grandchildren, brothers, sisters, aunts, uncles, cousins, nephews, nieces (including step or half
5006 relationships) as demonstrated by official public records such as government-issued
5007 identification, birth or marriage certificates; or by affidavits.

5008 *Farm and community market.* An event in which multiple vendors on a regularly scheduled basis,
5009 but no more than two days per week, meet to sell at retail to the public farm produce, food stuffs, art
5010 work or handicrafts substantially grown or produced by the seller, members of seller's family or farm
5011 laborers employed by seller upon property owned or leased by the seller.

5012 *Farm equipment and supply sales and service.* A retail or wholesale commercial establishment
5013 engaged in the sale, rental, service and/or repair from the premises of equipment, goods and
5014 materials used in soil preparation and maintenance, the planting and harvesting of crops, and other
5015 operations and processes pertaining to farming and ranching, including, but not limited to: farm tools
5016 and implements, seed, feed, grain, tack, animal care products, motorized farming equipment, and
5017 related equipment and supplies; may include custom milling of grain and feed and *Outdoor storage*
5018 as accessory uses.

5019 ~~*Farm supply and service establishments, implement sales, rental and service, feed and seed store,*~~
5020 ~~*including custom milling of grain and feed. Wholesale or retail commercial establishment for the sale,*~~
5021 ~~*rental and/or repair of heavy equipment including farm machinery, construction equipment and*~~
5022 ~~*related items, and/or the storage and sale of feed, seed and related items, including custom milling*~~
5023 ~~*of grain and feed. (Adopted 9/14/04)*~~

5024 ~~*Financial institution, without drive-in facilities.* An establishment in which customers frequent~~
5025 ~~the site for the purposes of buying and selling securities, obtaining loans, depositing and withdrawing~~
5026 ~~money, and the like. (Adopted 9/14/04)~~

5027 ~~*Fire, rescue or police stations (volunteer or otherwise).* An establishment facility from which fire,~~
5028 ~~and-rescue, and/or police vehicles operate and in which they are stored and maintained, and which~~
5029 ~~may include offices and/or transient lodging accommodations for the personnel who staff the~~
5030 ~~vehicles. (Adopted 9/14/04)~~

5031 *Firing range, indoor.* A facility, contained within a completely enclosed building, used for
5032 shooting at targets with rifles, pistols or other firearms which complies with all federal and state
5033 regulations for such use.

5034 *Fitness center.* A private fitness establishment which may offer for use aerobic training and/or
5035 strength training equipment, saunas, locker rooms and shower facilities and instruction in general
5036 health and physical fitness. Such use may provide massages, provided not more than five percent of
5037 the gross floor area is used for massages. (Ord. No. 05-05-04, § III, 5-10-2005)

5038 *Floodplain.* (a) A relatively flat or low land area adjoining a river, stream, or watercourse which
5039 is subject to partial or complete inundation; (b) an area subject to the unusual and rapid
5040 accumulation of surface waters from any source. (for further definitions pertaining to floodplains,
5041 see ~~Article 12: Floodplain District~~Article 12 Floodplain District). (Revised 9/14/04)

5042 *Floor area.*

- 5043 a. Commercial, business, and industrial buildings, or buildings containing mixed uses: The
5044 sum of the gross horizontal areas of the several floors of a building measured from the
5045 exterior faces of the exterior walls or from the centerline of walls separating two buildings
5046 but not including: (1) attic space providing headroom of less than seven feet; (2) basement
5047 space not used for retailing; (3) uncovered steps or fire escapes; (4) accessory water towers
5048 or cooling towers; (5) accessory off-street parking spaces; and (6) accessory off-street
5049 loading spaces.
- 5050 b. Residential buildings: The sum of the gross horizontal areas of the several floors of a
5051 dwelling, exclusive of garages, basements, and open porches, measured from the exterior
5052 faces of the exterior walls.

5053 Food processing, retail. A facility in which the preparation, processing, and packaging of food
5054 products, but not the slaughtering of animals, occurs in conjunction with the retail sale of such food
5055 products for consumption at an off-site location. Examples of activities include bakeries, creameries
5056 and confectioneries.

5057 Food processing, wholesale. A facility in which the preparation, processing and packaging of food
5058 products, but not the slaughtering of animals, occurs for the sale of such food products in bulk to
5059 large scale buyers, usually other businesses, for the purpose of later retail distribution to the resident
5060 population, businesses and/or to tourists.

5061 Free-standing communications tower. See Communications tower.

5062 *Frontage.*

- 5063 a. *Street (or road) frontage:* All of the property on one side of a street or road between two
5064 intersecting streets (crossing or terminating), measured along the line of the street, or if the
5065 street is dead-ended, then all of the property abutting on one side between an intersecting
5066 street and the dead-end of the street.
- 5067 b. *Lot frontage:* The distance for which the front boundary line of the lot and the street or road
5068 line are coincident.

5069 Fuel pump. A pump for dispensing all forms of gasoline or similar fuel for motor vehicles in one
5070 self-contained unit, which may include more than one hose. (See pump, fuel).

5071 Fuel pump, accessory. A Fuel pump located on the premises of a business and used solely by such
5072 business; retail fuel sales to the general resident population are prohibited.

5073 Fueling station. Any lot or parcel of land or portion thereof used partly or entirely for the storing,
5074 retail sale and dispensing of flammable liquids, combustible liquids, liquefied flammable gas, or
5075 flammable gas into the fuel tanks of motor vehicles. Accessory uses of such an establishment may
5076 include a Convenience store, Car wash, and/or building including not more than three interior service
5077 stalls where minor maintenance services may be rendered and sales made, such as lubrication, brake
5078 repair, muffler replacement, and the like but not including major mechanical and body work,
5079 painting, welding or other work involving noise, glare, fumes, smoke or other impacts to an extent
5080 greater than normally found at fueling stations.

5081 *Funeral home-or-undertaking establishment.* An establishment used primarily for human funeral
5082 services, which may or may not include facilities on the premises for embalming, performance of
5083 autopsies or other surgical procedures, and storage of funeral-related supplies and vehicles, but does
5084 not include facilities for cremation. (Adopted 9/14/04)

5085 ~~Garage, private. An accessory building used for storage purposes only and having a floor area of~~
5086 ~~not more than 900 square feet.~~

5087 ~~Garage, parking or storage, but not auto or truck repair. See Parking structure. A structure used~~
5088 ~~solely for the parking of motor vehicles (other than a carport or garage in a residential district), but~~
5089 ~~does not include repair, storage, sales or maintenance of vehicles; may be public or private; may be~~
5090 ~~free or for a fee. (Adopted 9/14/04)~~

5091 ~~Garage, private. An accessory building used for storage purposes only and having a floor area of~~
5092 ~~not more than 900 square feet.~~

5093 ~~Garage, public. A building or portion thereof, other than a private garage, designed or used for~~
5094 ~~servicing, repairing, equipping, renting, selling, or storing motor-driven vehicles.~~

5095 ~~General retail sales. See Retail sales, general.~~

5096 ~~Governmental offices and assembly room. A facility structure, or part thereof, owned by or leased~~
5097 ~~and occupied and used for administrative, technical or professional office activities of by an agency~~
5098 ~~or political subdivision of the United States of America, the Commonwealth of Virginia, a county or~~
5099 ~~a town or city which may include rooms or an accessory building where groups of people gather for~~
5100 ~~a meeting, event or regularly scheduled program. (Adopted 9/14/04)~~

5101 ~~Government operations facility. A facility owned by an agency or political subdivision of the~~
5102 ~~United States of America, the Commonwealth of Virginia, a county or a town or city where vehicles,~~
5103 ~~equipment and supplies necessary for providing government services are stored and maintained;~~
5104 ~~Governmental office and assembly room may be included as an accessory use. This use does not~~
5105 ~~include any facilities defined as Public utility, major or Public utility, minor.~~

5106 ~~Grade. Grade or grade elevation shall be determined by averaging the elevations of the finished~~
5107 ~~ground adjacent to all the corners and/or other principal points in the perimeter wall of the building.~~

5108 ~~Green-houses, commercial, wholesale or retail. A structure with translucent walls and/or roof~~
5109 ~~used to sprout or grow vegetation for later sale or planting. (Adopted 9/14/04)~~

5110 ~~Group home. A residential facility, licensed by the Virginia Department of Behavioral Health and~~
5111 ~~Developmental Services, in which no more than eight (8) mentally ill, intellectually disabled or~~
5112 ~~developmentally disabled persons reside, with one or more resident or nonresident staff persons.~~
5113 ~~Mental illness and developmental disability shall not include current illegal use of or addiction to a~~
5114 ~~controlled substance as defined in § 54.1-3401 of the Code of Virginia.~~

5115 ~~Guest house. Living quarters within a detached accessory building located on the same premises~~
5116 ~~with the main building for use by temporary guests of the occupants of the premises, and not rented~~
5117 ~~or otherwise used as a separate dwelling unless permitted by the terms of this ordinance.~~

5118 ~~Guest room. A room which is intended, arranged or designed to be occupied, or which is occupied,~~
5119 ~~by one or more guests paying direct or indirect compensation therefore, but in which no provision is~~
5120 ~~made for cooking.~~

5121 ~~Heritage tree(s). Any tree or grouping of trees that has been designated by the town council or~~
5122 ~~in the comprehensive plan to have notable historic or cultural interest. (Ord. No. 08-04-04, § II, 4-8-~~
5123 ~~2008)~~

5124 ~~Home occupation. An occupation, including any professional, vocational, business, trade and/or~~
5125 ~~personal service, excluding retail sales, conducted by the occupant of a dwelling unit, which is~~
5126 ~~incidental to the primary use of the property as a residence.~~

5127 ~~Hospital. A building or group of buildings, having room facilities for overnight patients, used for~~
5128 ~~providing services for the in-patient medical or surgical care of sick or injured humans, and which~~
5129 ~~may include related facilities, central service facilities, and staff offices; provided, however, that such~~

5130 related facility must be incidental and subordinate to the main use and must be an integral part of
5131 the hospital operations.

5132 ~~Hotel, motel, motor lodge or tourist home. (Revised 9/14/04)~~

5133 ~~Hotel-~~A building designed or occupied as a temporary living place for individuals who are, for
5134 compensation, lodged with or without meals, and in which provisions may or may not be made for
5135 cooking in individual rooms or suites. A hotel may include restaurants, taverns or club rooms, public
5136 banquet halls, ballrooms and meeting rooms. A hotel contains a central entrance lobby and does not
5137 provide a motor vehicle parking space adjacent to each individual room as does a motel.

5138 ~~Motel: A building designed as a temporary living place, like a hotel, except that each unit is provided~~
5139 ~~with its own off-street parking facility. A motel may include restaurants, taverns or club rooms,~~
5140 ~~public banquet halls, ballrooms and meeting rooms.~~

5141 ~~Tourist court; tourist home; motor lodge: Any group of dwelling units, combined or separated,~~
5142 ~~used for the purpose of housing transient guests, each unit of which is provided with its own~~
5143 ~~toilet, washroom and off-street parking facility, but does not include restaurants, taverns or club~~
5144 ~~rooms, public banquet halls, ballrooms and meeting rooms.~~

5145 ~~Indoor firing range. See firing range, indoor.~~

5146 *Inoperative motor vehicle.* Any motor vehicle, trailer, or semi-trailer which has not been in
5147 operating condition for a period of 60 days or longer. Such condition is characterized by broken or
5148 removed parts, including tires, required for legal operation of the vehicle on public streets, by an
5149 expired or missing state inspection sticker, by expired or missing state license plates, and/or by an
5150 expired or missing local decal. (Ord. No. 08-04-04, § II, 4-8-2008)

5151 ~~Institutions. Philanthropic or cultural facilities such as museums, libraries and art galleries,~~
5152 ~~public or private, but not including schools. (Adopted 9/14/04)~~

5153 *Junk.* Dilapidated and inoperative automobiles, trucks, tractors, and other such vehicles and
5154 parts thereof, dilapidated wagons and other kinds of vehicles and parts thereof, discarded appliances,
5155 scrap building material, scrap contractor's equipment, tanks, casks, cans, barrels, boxes, drums,
5156 piping, bottles, glass, wood scraps, old iron, machinery, rags, paper, excelsior, hair, mattresses, beds
5157 or bedding or any other kind of scrap or waste material which is stored, kept, handled, or displayed.

5158 *Junk yard or automobile graveyard.* The use of any area of land lying within 100 feet of a state
5159 highway or the use of more than 200 square feet of land area in any location for the storage, keeping
5160 or abandonment of junk, including scrap metals or other scrap materials. The term "junk yard" shall
5161 include the term "automobile graveyard" as any lot or place which is exposed to the weather upon
5162 which more than five motor vehicles of any kind, incapable of being operated, are placed.

5163 ~~Kennel. A place prepared to house, board, handle or otherwise keep or care for dogs and other~~
5164 ~~small domestic animals in return for compensation, or any place where more than five adult dogs are~~
5165 ~~kept.~~

5166 ~~Laboratory. A facility used for scientific research, investigation, testing, or experimentation~~
5167 ~~related to natural resources, medical resources, and manufactured materials but excluding the~~
5168 ~~testing of explosives. Facilities for the manufacture or sale of products shall only be allowed when~~
5169 ~~incidental to the main purpose of the laboratory.~~

5170 ~~Laundries. See Dry cleaning and laundry establishment. Commercial retail establishments that~~
5171 ~~provide laundry services. (Adopted 9/14/04)~~

5172 *Laundromats.* Commercial retail establishments that provide self-serve washing and drying
5173 services. ~~(Adopted 9/14/04)~~

5174 ~~*Lawn mower, yard and garden equipment, rental, sales and service.* Retail commercial
5175 establishment at which lawn mower, yard and garden equipment, rental, sales and service are carried
5176 out; does not include large farm machinery, trucks or heavy equipment. (Adopted 9/14/04)~~

5177 *Libraries.* An institution for the custody, circulation and administration of a collection of books,
5178 manuscripts, etc., but not for the sale of such. ~~(Adopted 9/14/04)~~

5179 ~~*Light manufacturing.* See *Manufacturing, light.*~~

5180 ~~*Lighted sports field.* A field for competitive sports, including but not limited to: baseball, football,
5181 lacrosse, and soccer, that is illuminated by any man-made device located outdoors that produces light
5182 by any means.~~

5183 *Loading space.* A space within a building or on the premises providing for the standing, loading
5184 or unloading of vehicles.

5185 *Lot.* A parcel of land occupied or intended to be occupied by a main building or groups of main
5186 buildings and accessory buildings, together with such yards, lot width and lot areas as are required
5187 by this ordinance, and having frontage upon a street or road, either shown on a plat of record or
5188 considered a unit of property and described by metes and bounds. Such lot may consist of a single lot
5189 of record or a part or combination of one or more lots of record. ~~(Ord. No. 04-12-04, §§ 1, 2, 12-14-
5190 2004)~~

5191 *Lot, corner.* A lot abutting upon two or more streets at their intersection where the interior angle
5192 of intersection is not greater than 135 degrees. A lot abutting upon a curved street shall be considered
5193 a corner lot if the tangents to the curve at the points of intersection of the side lot lines intersect at
5194 an interior angle of less than 135 degrees. A reversed corner lot is a corner lot that is turned, with
5195 reference to an adjoining lot, to front on another street.

5196 *Lot coverage.* That portion of the lot that is covered by buildings and structures.

5197 *Lot, depth of.* The average horizontal distance between the front and rear lot lines.

5198 *Lot, double frontage.* A lot, other than a corner lot, which has a frontage on two streets.

5199 *Lot line, front.* The line separating the lot from a street on which it fronts. On a corner lot, the
5200 front shall be deemed to be along the shorter dimension of the lot; and where the dimensions are
5201 equal, the front shall be on that street on which a predominance of the other lots in the block front.

5202 *Lot line, rear.* The lot line opposite and most distant from the front lot line.

5203 *Lot line, side.* Any lot line other than a front or rear lot line.

5204 *Lot of record.* A lot shown upon a plan of subdivision or upon a plat attached or referred to in a
5205 deed described by metes and bounds in a deed recorded in the clerk's office of the circuit court of the
5206 county.

5207 *Lot width.* The horizontal distance between the side lot lines measured at the front building
5208 setback line.

5209 ~~*Lumber and building supply.* Retail or wholesale commercial establishment that sells wood
5210 construction materials and related building supplies. (Adopted 9/14/04)~~

5211 ~~*Machine shop.* An establishment where lathes, presses, grinders, shapers, and other wood and
5212 metal working machines are used.~~

5213 Major public utility. See Public utility, major.

5214 ~~Major transmission lines. See Public utility, minor. The main lines, pipes, pumps and similar~~
5215 ~~facilities, used for transmitting, collecting or distributing a public utility service or commodity to~~
5216 ~~areas within a jurisdiction, distinguished from the smaller lines that bring service to particular~~
5217 ~~customers. (Adopted 9/14/04)~~

5218 *Manufactured home.* A structure subject to federal regulation, which is transportable in one or
5219 more sections; is eight body feet or more in width and 40 body feet or more in length in the traveling
5220 mode, or is 320 or more square feet when erected on-site; is built on a permanent chassis; is designed
5221 to be used as a single-family dwelling, with or without a permanent foundation, when connected to
5222 the required utilities; and includes the plumbing, heating, air conditioning, and electrical systems
5223 contained in the structure.

5224 Manufacturing, light. The processing or fabrication of certain materials or products where no
5225 process involved will produce noise, vibration, air pollution, fire hazard, or noxious emission which
5226 will disturb or endanger neighboring properties.

5227 *Memorial tree.* Any tree that has been designated by the town council to be a special
5228 commemorating memorial tree. ~~(Ord. No. 08-04-04, § II, 4-8-2008)~~

5229 Mini-storage facility. A building, portion of a building, or group of buildings consisting of
5230 individual, self-contained units leased to individuals, organizations, or businesses for self-service
5231 storage of personal property.

5232 Minor public utility. See Public utility, minor.

5233 *Modular home.* A movable or portable dwelling over 32 feet in length and over 20 feet wide,
5234 designed and constructed without a carriage or hitch, as a stationary house constructed for
5235 placement upon a permanent foundation, to be connected to utilities, for year-round occupancy. It
5236 can consist of one or more components that can be retracted when transported and subsequently
5237 expanded for additional capacity, or of two or more units separately transportable but designed to
5238 be joined and joined into one integral unit.

5239 ~~Monument sales establishments (with incidental processing to order, but not including the shaping~~
5240 ~~of headstones). Retail or wholesale commercial establishment that sells headstones for grave sites~~
5241 ~~and other stone or masonry monuments. (Adopted 9/14/04)~~

5242 ~~Motorcycle or off-road vehicle sales and service. Retail commercial establishment that sells and~~
5243 ~~services motorcycles, off-road vehicles and related items. (Adopted 9/14/04)~~

5244 Multiple-family dwelling. See Dwelling, multiple-family.

5245 Multiple-use development. A development shown on a single approved site plan consisting of
5246 two or more permitted uses or uses allowed by special use permit in the zoning district within which
5247 the development is located.

5248 Nature preserve. Sites with environmental resources intended to be preserved in their natural
5249 state.

5250 *Nonconforming lot.* An otherwise legally platted lot that does not conform to the minimum area,
5251 width or depth requirements of this ordinance for the district in which it is located either at the
5252 effective date of this ordinance or as a result of subsequent amendments to the ordinance.

5253 *Nonconforming structure.* A building or structure that does not conform with the lot area, yard,
5254 height, lot coverage, or other area regulations of this ordinance, or is designed or intended for a use
5255 that does not conform to the use regulations of this ordinance, for the district in which it is located,

5256 either at the effective date of this ordinance or as a result of subsequent amendments to this
5257 ordinance.

5258 *Nonconforming use.* The otherwise legal use of a building or structure or of a tract of land that
5259 does not conform to the use regulations of this ordinance for the district in which it is located, either
5260 at the effective date of this ordinance or as a result of subsequent amendments to this ordinance.

5261 *Nursery.* An outdoor area for the growing of plants, trees and shrubs for sales and planting off-
5262 site.

5263 ~~*Nursery schools; kindergartens; child care center; day nursery; day care center.* See *Child care,*
5264 *commercial.* A licensed establishment operated as a commercial enterprise or public facility which is
5265 operated only during a part of any 24-hour day for the purpose of providing care, protection,
5266 supervision and/or education for compensation to more than nine children or more than four aged,
5267 infirm, or disabled adults who mainly reside elsewhere. (Adopted 9/14/04)~~

5268 ~~*Nurseries for growing plants, trees and shrubs.* A commercial establishment that grows plants,
5269 trees and shrubs for sales and planting off-site. Maybe include retail sales of such plants, as well as
5270 accessory sales of related items such as fertilizer and mulch, but only as subordinate activities.
5271 (Adopted 9/14/04)~~

5272 *Nursing home.* An extended or intermediate care facility, licensed by the Virginia Department of
5273 Health, in which nursing services and health-related services are provided on a continuing basis for
5274 the treatment and inpatient care of two or more non-related individuals who, by reason of advanced
5275 age, chronic illness or other infirmity are unable to care for themselves.

5276 ~~*Offices—Business, professional, or administrative.* The A facility in which the administrative
5277 activities, record-keeping, clerical work and other similar functions of a business, professional
5278 service, medical practitioner, industry, or government are conducted, and, in the case of professions
5279 such as lawyers, engineers, dentists, physicians, and the like, the facility where such professional
5280 services are rendered. (Adopted 9/14/04)~~

5281 ~~*Offices—Medical or dental.* The facility in which the administrative activities, record-keeping,
5282 clerical work and other similar functions of a dentist, physician or other medical practitioner are
5283 conducted and the facility where such professional services are rendered. (Adopted 9/14/04)~~

5284 *Open space.* Land set aside, dedicated and designed to protect natural environmental resources,
5285 to serve as a visual amenity, and/or to provide recreational opportunities within a private
5286 development or, if owned by the Town of Purcellville or other public agency, within the community
5287 at large. Such land shall be primarily naturally vegetated or landscaped, but may include limited
5288 paved areas, such as sidewalks, pedestrian plazas, trails, and recreational courts. Such land shall not
5289 include streets, driveways, parking areas, structures, above ground public utilities, including storm
5290 water management facilities, or other improvements, except as may be approved for recreational or
5291 historic preservation purposes in a site plan or subdivision plat. The following are the only three
5292 recognized types of open spaces:

5293 *Open space, common.* Open space within or related to a residential development, not within
5294 individually owned lots or dedicated for public use or associated with non-residential or rental
5295 apartment uses, that is owned by a non-profit organization as described in Article 7, Section 7.4:
5296 Open Space for Residential Properties~~article 7, section 6.4~~, and is designed and intended for the
5297 common use or enjoyment of the residents of the development.

5298 *Open space, public.* Open space owned by the Town of Purcellville or other public agency and
5299 maintained by it for the use and enjoyment of the general public.

5300 *Open space, private.* Open space within a private non-residential or rental apartment
5301 development that is designed and intended for the common use or enjoyment of the occupants
5302 of the development. ~~{Ord. No. 04-12-04, §§ 1, 2, 4-8-2004}~~

5303 *Outdoor storage.* An accessory unenclosed area located on an All-weather surface to the rear of
5304 the lot where equipment, merchandise, materials, and supplies are stored for more than 24 hours.
5305 Outdoor storage shall not be used for the storage of inoperative motor vehicles and junk.

5306 *Outdoor storage lot.* A lot consisting of an unenclosed area ~~accessory industrial use~~ located on an
5307 ~~all-weather surface-All-weather surface~~ adjacent to an existing commercial or industrial use ~~the rear~~
5308 ~~of the lot and~~ where equipment, merchandise, materials, and supplies are stored for more than 24
5309 hours. Outdoor storage lots are not ~~automobile-Automobile, salvage or wrecking yards, Junk yards or~~
5310 ~~automobile graveyards, or Vehicle sales storage lots or automobile used car lots~~, as defined in this
5311 article. Outdoor storage lots ~~shall are~~ not ~~be~~ used for the storage of inoperative motor vehicles and
5312 junk. ~~{Ord. No. 08-04-04, § II, 4-8-2008}~~

5313 *Park.* Land used for either or both active and/or passive recreational use. Parks may contain
5314 landscaped or naturally vegetated areas, recreational buildings and facilities and parking for vehicles.
5315 Public parks are open to the public; access to private parks is controlled by the owners.

5316 *Parking lot.* An all-weather surface not located in a street or alley; containing motor vehicle
5317 parking spaces to accommodate customers and/or employees, either with or without charge; and
5318 connected with a street or alley by a paved driveway which affords ingress and egress for a motor
5319 vehicle without requiring another motor vehicle to be moved. ~~Parking garages are not parking lots.~~
5320 Parking lots ~~shall are~~ not ~~be~~ used as ~~Outdoor storage lots or Vehicle sales, automobile storage lots,~~
5321 ~~or automobile used car lots~~, as defined in this article. ~~{Ord. No. 08-04-04, § II, 4-8-2008}~~

5322 *Parking lot, commuter.* A facility designed for short term parking of vehicles where the occupants
5323 of such vehicles transfer to public transit to continue their trips.

5324 *Parking lot, public.* A use consisting of a Parking lot constructed of a dust-free, all-weather
5325 material ~~An area~~ containing one or more parking spaces for operable self-propelled passenger
5326 vehicles, designed for and available to the general public as an accommodation for patrons,
5327 customers or employees, either with or without charge. ~~{Ord. No. 08-04-04, § II, 4-8-2008}~~

5328 ~~*Parks.* Land used for either or both active and/or passive recreational use. Parks may contain~~
5329 ~~landscaped or naturally vegetated areas, recreational buildings and facilities and parking for vehicles.~~
5330 ~~Public parks are open to the public; access to private parks is controlled by the owners. Unlighted~~
5331 ~~parks do not have illuminated courts, fields, parking areas or other facilities. Lighted parks have some~~
5332 ~~areas that are illuminated for nighttime use. {Adopted 9/14/04}~~

5333 *Parking space off-street.* An all-weather surfaced area not in a street or alley and having an area
5334 of not less than 162 square feet (nine feet by 18 feet), exclusive of driveways, permanently reserved
5335 for the temporary storage of one vehicle and connected with a street or alley by a paved driveway
5336 which affords ingress and egress for an automobile without requiring another automobile to be
5337 moved.

5338 *Parking structure.* A structure or portion thereof composed of one or more levels or floors used
5339 exclusively for the parking or storage of operable motor vehicles. A parking structure may be totally
5340 below grade or either partially or totally above grade with those levels being either open or enclosed.

5341 ~~*Parkways.* A roadway designed to blend with the surrounding landscape by means of grading~~
5342 ~~and landscaping. {Adopted 9/14/04}~~

5343 *Personal services establishment.* Retail personal services such as barber and beauty
5344 establishments, optician, seamstress, tailor, and the like. ~~(Adopted 9/14/04)~~

5345 ~~*Petroleum, propane, and other flammable liquids, storage, distribution, and sales.* A facility that~~
5346 ~~stores more than 15,000 gallons of petroleum, propane and/or other flammable liquids in above-~~
5347 ~~ground and/or below-ground tanks for the eventual distribution to the consumer by means of a fleet~~
5348 ~~of vehicles designed to hold and dispense such liquids. Accessory uses include the parking and~~
5349 ~~storage of the distribution vehicles, the outside or inside storage of propane tanks, and the fueling of~~
5350 ~~propane-fueled vehicles.~~

5351 ~~*Petting farm.* A collection of farm animals or gentle exotic animals for children to pet and feed.~~

5352 *Playgrounds.* A recreational area which is graded and either planted in grass or paved, or a
5353 combination of both, which may have play equipment, and which may be lighted or unlighted. Does
5354 not include miniature golf grounds, golf driving ranges, mechanical amusement devices or accessory
5355 uses such as refreshment stands and equipment sales or rentals. ~~(Adopted 9/14/04)~~

5356 ~~*Plumbing and electrical supply sales.* Retail or wholesale commercial establishment that sells~~
5357 ~~plumbing or electrical supplies. (Adopted 9/14/04)~~

5358 ~~*Police stations.* See *Fire, rescue or police station.* An office space used for administrative functions~~
5359 ~~of local government law enforcement personnel. (Adopted 9/14/04)~~

5360 *Porch.* A structural part of a building that is enclosed and covered by a roof that is usually
5361 separate from the main roof of the structure. A porch is generally associated with an entrance to the
5362 structure but also may be a covered and enclosed deck. ~~(Adopted 3/12/96)~~

5363 *Premises.* A lot, together with all buildings and structures thereon.

5364 ~~*Printing, publishing and engraving establishments, photocopying, photographic processing or*~~
5365 ~~*blueprinting.* An retail establishment providing convenient services for printing or photocopying~~
5366 ~~copies of flyers, brochures, photographs, blueprints and the like, for small scale users; or a printing~~
5367 ~~plant which produces large runs of printed materials, including books, reports and the like, mainly~~
5368 ~~for businesses, organizations and large scale users. (Adopted 9/14/04)~~

5369 ~~*Private clubs including health clubs.* An organization catering exclusively to members and their~~
5370 ~~guests, including premises and buildings, for recreational or athletic purposes which are not~~
5371 ~~conducted primarily for gain; provided, there are not conducted any vending stands, merchandising~~
5372 ~~or commercial activities, except as required generally for membership and purposes of such clubs;~~
5373 ~~includes civic clubs. (Adopted 9/14/04)~~

5374 ~~*Private club, lodge, public benefit association, meeting or assembly hall, or fraternal organization*~~
5375 ~~*or sorority.* A facility where the principal purpose is for members of used by a non-profit organization~~
5376 ~~or group of people organized for a common purpose to meet to pursue common civic-oriented goals,~~
5377 ~~interests and activities, and usually characterized by certain membership qualifications, payment of~~
5378 ~~fees and dues, regular meetings, and a constitution and bylaws. These clubs and organizations may~~
5379 ~~engage in activities consistent with their nonprofit status. (Adopted 9/14/04)~~

5380 ~~*Private garage.* See *Garage, private.*~~

5381 ~~*Private schools.* See *School, private.* A facility owned by a private entity that provides a curriculum~~
5382 ~~of elementary, secondary and/or collegiate academic instruction, including kindergartens,~~
5383 ~~elementary schools, junior high or middle schools, high schools and colleges. (Adopted 9/14/04)~~

5384 ~~*Public or governmental buildings, facility, and or uses not otherwise defined.* Any facility owned or~~
5385 ~~operated by a public utility or an agency of local, regional, state or federal government and not~~

5386 ~~otherwise defined within this article. A building, or part thereof, owned or leased and occupied and~~
5387 ~~used by an agency or political subdivision of the United States of America, the commonwealth, a~~
5388 ~~county or a town or city. (see also Governmental Offices) (Revised 9/14/04)~~

5389 ~~*Public parking lot. See Parking lot, public.*~~

5390 ~~*Public recreation facility. See Recreation facility, public.*~~

5391 ~~*Public school. See School, public.*~~

5392 ~~*Public utility. A business or service and the facilities and appurtenances thereto, which is*~~
5393 ~~*engaged in regularly supplying the public with potable water, sanitary sewer, electricity, gas,*~~
5394 ~~*telephone or cable communications, and other similar public commodities or services. Does not*~~
5395 ~~*include Communications towers.*~~

5396 ~~*Public utility, major. Public utility, major shall include the following: electric substations and*~~
5397 ~~*other distribution centers, electrical generating plants and facilities, sewage treatment and*~~
5398 ~~*disposal facilities, storage facilities for natural gas, oil and other petroleum products, supply*~~
5399 ~~*yards for any public utility, dial centers, repeater stations, water purifications facilities,*~~
5400 ~~*microwave facilities, satellite earth stations, water storage facilities and maintenance facilities*~~
5401 ~~*incidental to any use set forth above. (Ord. No. 07-06-06, § II, 6-12-2007)*~~

5402 ~~*Public utility, minor. Public utilities, minor shall include the following: electric transformer;*~~
5403 ~~*natural gas transmission facilities; telecommunication facilities (including, but not limited to,*~~
5404 ~~*exchanges); potable water wells; water and sewer transmission, collection, distribution and*~~
5405 ~~*metering devices; and water and sewage pumping stations. (Ord. No. 07-06-06, § II, 6-*~~
5406 ~~*12-2007)*~~

5407 ~~*Public water and sewer systems. A water or sewer system owned and operated by a municipality*~~
5408 ~~*or county, or owned and operated by a corporation approved by the governing body and properly*~~
5409 ~~*chartered and certified by the State Corporation Commission, and subject to special regulations as*~~
5410 ~~*herein set forth.*~~

5411 ~~*Public utility or public service or transportation uses. A business or service and the facilities and*~~
5412 ~~*appurtenances thereto, which is engaged in regularly supplying the public with electricity, gas, storm*~~
5413 ~~*sewer, telephone or cable communications, and other similar public commodities or services. Does*~~
5414 ~~*not include public water or sewer services or facilities, or telecommunications towers. (Adopted*~~
5415 ~~*9/14/04)*~~

5416 ~~*Pump, fuel. A pump for dispensing all forms of gasoline or similar fuel for motor vehicles in one*~~
5417 ~~*self-contained unit directly adjacent to one corresponding refueling space. (Adopted 9/14/04)*~~

5418 ~~*Pumping stations or regulator stations. See Public utility, minor. An appurtenant structure for*~~
5419 ~~*collecting, processing or distributing a public utility commodity, including electric substations and a*~~
5420 ~~*water or sewer systems. (Adopted 9/14/04)*~~

5421 ~~*Radio or television broadcasting studios or offices. A structure or part thereof, containing studio*~~
5422 ~~*or office space used for the administrative or technical activities of radio or television broadcasting*~~
5423 ~~*or telecommunications services. (Adopted 9/14/04)*~~

5424 ~~*Radio, television, telephone or other communication tower. See Communications tower. (Adopted*~~
5425 ~~*9/14/04)*~~

5426 ~~*Communications tower, attached: Any communications antenna which is placed on an existing*~~
5427 ~~*building or other non-communications structure, and increasing the height of the existing*~~
5428 ~~*structure by not more than ten feet.*~~

5429 ~~Communications tower, free-standing: An independent structure of skeletal framework or a pole,~~
5430 ~~guyed or self supporting, used to support antennas. Guy wire, framework and other stabilizing~~
5431 ~~devices are considered part of the structure of the tower.~~

5432 ~~Recreational uses or facilities for a private membership (such as clubs and lodges, golf courses,~~
5433 ~~game courts, swimming pools, archery range, fishing or boating lakes, picnic grounds, or similar~~
5434 ~~activities, and accessory facilities, including sale of food, beverages, bait, incidentals, supplies and~~
5435 ~~equipment). A sports or recreation facility principally for the use of members and guests, may include~~
5436 ~~indoor or outdoor facilities. (Adopted 9/14/04)~~

5437 Recreation facility, commercial indoor. Any enclosed or semi-enclosed establishment operated as
5438 a commercial enterprise (open to the public for a fee) in which are conducted recreational,
5439 therapeutic or athletic activities, whether or not under instruction, such as but not limited to: tennis,
5440 volleyball and other court games; soccer and lacrosse; indoor golf cages, batting cages, bowling alleys,
5441 billiards and other games of skill; swimming; gymnastics, dance, miniature golf, cultural activities,
5442 martial arts, archery, roller or ice skating, skateboarding, and activities incidental to the foregoing,
5443 but not including amusement rides or regular live entertainment. Incidental office, retail, and other
5444 commercial uses commonly established in such facilities shall be allowed as long as they are clearly
5445 accessory to and only serve the users of the principal facility.

5446 Recreation facility, commercial outdoor. Any outdoor area or establishment operated as a
5447 commercial enterprise (open to the public for a fee) for the following activities, such as but not
5448 limited to: games and athletics, batting and pitching cages, darts, hard and soft courts, miniature golf,
5449 radio-controlled vehicles and airplanes, pony rides, waterslides, cultural activities, martial arts,
5450 archery, camping, roller or ice skating rinks, skateboarding, picnicking, boating, fishing, swimming,
5451 golf driving ranges, and activities incidental to the foregoing, but not including amusement rides,
5452 amusement parks, golf courses, hunting preserves, shooting ranges, theme parks or motor vehicle
5453 race tracks.

5454 Recreation facility, public. Any facility defined as Recreation facility, commercial indoor or
5455 Recreation facility, commercial outdoor operated by an agency of local, regional, state or federal
5456 government.

5457 Regulations. The whole body of regulations, text, charts, tables, diagrams, maps, notations,
5458 references, and symbols, contained or referred to in this ordinance.

5459 ~~Rental or sale of luggage trailers and pick-up truck caps but not including truck trailer bodies~~
5460 ~~except campers and travel trailers. A commercial retail establishment for the rental or sale of luggage~~
5461 ~~trailers for motor vehicles and the rental or sale of pick-up truck caps, and may include camper~~
5462 ~~attachments and travel trailers with sleeping accommodations. (Adopted 9/14/04)~~

5463 ~~Rental of household items, tools and appliances.~~ A business establishment that rents household
5464 consumer merchandize, including tools and appliances, to the general resident population. (Adopted
5465 9/14/04)

5466 ~~Repair service establishment.~~ A business establishment that repairs consumer merchandise, tools
5467 or appliances. (Adopted 9/14/04)

5468 Residential child care. See Child care, residential.

5469 Residential equestrian facility. See Equestrian facility, residential.

5470 Retail food processing. See Food processing, retail.

5471 Retail sales, accessory. The sale or rental of consumer merchandise to the general resident
5472 population and/or to tourists as an accessory use to an existing use otherwise allowed.

5473 Retail sales, general-establishment. A business establishment ~~that sells engaged in the sale or~~
5474 rental of consumer merchandise merchandize or services to the general resident population and/or
5475 to tourists, including household goods, clothing, hair-care appliances, and other such items. Does not
5476 include Construction/landscaping equipment and supply sales and service or Farm equipment and
5477 supply sales and service. (Adopted 9/14/04)

5478 ~~Restaurant or cafeteria, lunchroom or snack bar for the use of employees who work in the building~~
5479 ~~where such facility is located, provided such facility has no exterior entrances or exits or signs. A~~
5480 ~~structure, or any part thereof, in which food or beverages are prepared and dispensed for~~
5481 ~~consumption at the time of sale, and which is primarily to serve the employees who work in the~~
5482 ~~building.~~ (Adopted 9/14/04)

5483 Roominghouse. A building other than a hotel, motel, or motor lodge where, for compensation and
5484 by prearrangement for definite periods, lodging, meals, or lodging and meals are provided for three
5485 or more persons but containing no more than five sleeping rooms.

5486 School. A facility owned by a governmental or private entity that provides a curriculum of early
5487 childhood, elementary, secondary and/or collegiate academic instruction, including preschools,
5488 kindergartens, elementary schools, junior high or middle schools, high schools and colleges.

5489 School, private. A School owned by a non-governmental entity.

5490 School, public. A School owned by a governmental entity.

5491 School, special instruction. A ~~school-facility~~ primarily devoted to giving instruction in
5492 ~~professional,~~ musical, artistic, scientific or other special subjects, exclusive of a conventional full-day
5493 primary or secondary curriculum; includes student learning or tutoring center. (Ord. No. 08-08-03, §
5494 V, 8-12-2008)

5495 School, technical, trade, or business. A ~~commercial school-facility~~ which primarily provides
5496 instruction to adults in vocational and/or business skills. (Ord. No. 08-08-03, § V, 8-12-2008)

5497 ~~Schools.~~ A facility owned by a governmental or private entity that provides a curriculum of
5498 elementary, secondary and/or collegiate academic instruction, including kindergartens, elementary
5499 schools, junior high or middle schools, high schools and colleges. (Adopted 9/14/04)

5500 Screening. A method of visually shielding or obscuring one abutting or nearby structure or use
5501 from another by use of planted vegetation, fences, walls or berms in accordance with the terms of
5502 this ordinance.

5503 Service/repair establishment. A business establishment that repairs consumer merchandise,
5504 tools or appliances but not motorized vehicles, equipment or machinery.

5505 Shopping center. A group of commercial establishments planned, owned, and managed as a total
5506 entity with on-site parking, loading areas separated from customer access, unified design,
5507 landscaping and signage in accordance with an approved plan. (Ord. No. 07-06-06, § II, 6-12-2007)

5508 Sign. For definitions pertaining to signs, see Article 6, Section 3: General Sign Regulations.

5509 Sign shop. An establishment that manufactures signage and engages in the retail sale of signs,
5510 banners, or similar items.

5511 Single-family attached dwelling. See Dwelling, single-family attached.

5512 *Single-family detached dwelling.* ~~See *Dwelling, single-family detached.* A structure arranged or~~
5513 ~~designed to be occupied by one family, the structure having only one dwelling unit, with the exclusion~~
5514 ~~of mobile or manufactured homes and trailers, and which is entirely surrounded by open space or~~
5515 ~~yards on the same lot. (Adopted 9/14/04)~~

5516 *Single-family detached farmhouse dwelling.* See *Dwelling, single-family detached farmhouse.*

5517 *Single-family dwelling.* See *Dwelling, single-family.*

5518 *Site plan.* A document which is a detailed engineered drawing of the proposed improvements
5519 included and required in the development of a given lot, prepared in accordance with ~~a~~Article 11,
5520 ~~Section 5: Site Plans of this ordinance.~~ For the purposes of this ordinance, a site plan is not to be
5521 construed as a concept plan, as required by other provisions of this ordinance. Reference ~~a~~Article 5
5522 of the Land Development and Subdivision Control Ordinance. ~~(Ord. No. 08-08-06, § IV, 8-12-2008)~~

5523 *Special event.* ~~A temporary indoor or outdoor use, lasting seven (7) consecutive days or less, that~~
5524 ~~extends beyond the normal uses and standards allowed by the zoning ordinance which is intended~~
5525 ~~to or likely to attract substantial crowds and is unlike the customary or usual activities generally~~
5526 ~~associated with the property where the event is to be located. Includes *Event* as defined in ^{*}[insert~~
5527 ~~correct citation upon adoption]* of the Town Code.~~

5528 *Special instruction school.* See *School, special instruction.*

5529 *Specimen tree.* Any tree which has been individually designated by the town council to be notable
5530 by virtue of its outstanding size and quality for its particular species. ~~(Ord. No. 08-04-04, § II, 4-8-~~
5531 ~~2008)~~

5532 *Special exception.* A special use exception, yard exception, or height exception specifically listed
5533 in this ordinance which may be permitted in a specified district or in all districts in accordance with
5534 terms of this ordinance by the board of zoning appeals under certain conditions, such conditions to
5535 be determined in each case by the terms of this ordinance and by the board of zoning appeals.

5536 *Special use permit.* The permit for a use listed as requiring such permit in this ordinance and
5537 which may be in a specified district under certain conditions, such conditions to be determined in
5538 each case by the terms of this ordinance and by the town council of the Town of Purcellville after
5539 public hearing and report by the planning commission in accordance with the procedures specified
5540 by this ordinance and applicable state law.

5541 *Storage warehouse.* ~~A use engaged in storage and distribution of goods or materials for sale in a~~
5542 ~~business located on the premises; does not include *Mini-storage facility.*~~

5543 *Story.* That portion of a building included between the surface of any floor and the surface of the
5544 floor next above it, or if there be no floor above it, then the space between such floor and the ceiling
5545 next above it. For the purpose of height measurement for any building other than a detached single-
5546 family dwelling a basement shall be counted as a story if its ceiling is over five feet above the level
5547 from which the height of the building is measured or if it is used as a separate dwelling unit by other
5548 than a janitor or other employee and his family.

5549 *Story, half.* A partial story under a gable, hip or gambrel roof, the wall plates of which on at least
5550 two opposite exterior sides are not more than two feet above the floor of such story, provided,
5551 however, that any such story used as a separate dwelling unit, by other than a janitor or other
5552 employee and his family, shall be counted as a full story.

5553 *Street (road).* A public or private thoroughfare which affords the principal means of access to
5554 abutting properties.

5555 *Street, centerline.* The centerline of a street shall mean the centerline thereof as shown in any of
5556 the official records of the town or as established by the Virginia Department of Highways and
5557 Transportation. If no such centerline has been established, the centerline of a street shall be a line
5558 lying midway between the side lines of the right-of-way thereof.

5559 *Street line (right-of-way line).* The line between a lot, tract or parcel of land and a contiguous
5560 street.

5561 *Structural alteration.* Any change in the supporting members of a building or structure, including
5562 bearing walls, partitions, columns, beams, girders or similar parts of a building or structure, and any
5563 substantial change in the roof of a building.

5564 *Structure.* Anything constructed or erected, the use of which requires permanent location on the
5565 ground, or attachment to something having a permanent location on the ground, including, but
5566 without limiting the generality of the foregoing, mobile homes, monopoles, swimming pools,
5567 backstops for tennis courts, gazebos, and pergolas. ~~(Revised 3/12/96)~~

5568 ~~*Studios or shops for artists, sculptor, designer, photographers, writers, teachers, jewelers, tailors,*~~
5569 ~~*weavers or other crafts, sculptors or musicians.*~~ A structure or part of a structure which serves as the
5570 working space for an artist, sculptor, weaver, photographer, writer, dancer, musician, yoga
5571 instructor, and the like. etc. ~~(Adopted 9/14/04)~~

5572 *Substations.* ~~See *Public utility, major.* An appurtenant structure for collecting, processing or~~
5573 ~~distributing a public utility commodity. (Adopted 9/14/04)~~

5574 ~~*Taxidermist.* One who prepares, stuffs and mounts the skins of animals in lifelike form. (Adopted~~
5575 ~~9/14/04)~~

5576 ~~*Technical school.* See *School, technical.*~~

5577 ~~*Temporary food truck/trailer.* A licensed, motorized vehicle or trailer, temporarily parked for no~~
5578 ~~longer than three (3) days consecutively or 60 total days within a calendar year, that is a self-~~
5579 ~~contained temporarily parked food service operation, used to store, prepare, display or serve food~~
5580 ~~intended for individual portion service.~~

5581 ~~*Temporary stands, or outdoor areas for sale of produce, Christmas trees, wreaths, holly, and the*~~
5582 ~~*like.* A structure or designated area for the temporary retail sales of produce or seasonal plant~~
5583 ~~materials or fireworks merchandise by a single vendor, including, but not limited to: produce,~~
5584 ~~Christmas trees, fireworks, arts and crafts, previously prepared food, and the like. Does not include~~
5585 ~~*Eating establishments or Temporary food truck/trailer.*~~

5586 ~~*Theater.* A building or part of a building devoted to showing motion pictures, or for dramatic,~~
5587 ~~dance, musical, or other live performances although incidental use for private meetings, exhibits, and~~
5588 ~~presentations shall be permitted. A structure designed and used for dramatic performances, musical~~
5589 ~~performances or the showing of motion picture films. (Adopted 9/14/04)~~

5590 ~~*Townhouse.* See *Dwelling, single-family attached.* A single-family dwelling designed to be sold as~~
5591 ~~a unit but forming one of a group or series of three or more attached single-family dwellings~~
5592 ~~separated from one another by party walls without doors, windows, or other provisions for human~~
5593 ~~passage or visibility through such walls from basement to roof, and having roofs which may extend~~
5594 ~~from one of the dwelling units to another.~~

5595 ~~*Treatment plants.* See *Public utility, major.* The central facility for treatment and purification of~~
5596 ~~water or wastewater, as part of a public water or sewer system owned and operated by a county or~~
5597 ~~municipality or other government entity, or by an approved private operator to serve a community~~
5598 ~~area. (Adopted 9/14/04)~~

5599 *Upholstery shop.* An establishment that repairs and replaces upholstery to household and office
5600 *furnishings; does not include motor vehicle upholstery or repair.*

5601 *Urgent care clinic.* See *Clinic, urgent care.*

5602 *Utility storage yards.* A yard area in which materials, equipment and/or vehicles used for
5603 construction, excavating or similar activities involved in the construction and maintenance of a public
5604 utility system are stored, kept and/or maintained. ~~(Adopted 9/14/04)~~

5605 *Variance.* A variance from application of the strict terms of this ordinance which may be granted
5606 in a specific case by the board of zoning appeals under the terms of this ordinance and applicable
5607 state law.

5608 *Vehicle repair, light.* Buildings and premises including no more than five interior service stalls,
5609 wherein the primary use is the supply and replacement at retail of oil, batteries, tires and motor
5610 vehicle accessories, and where in addition, the maintenance and repair services may be rendered and
5611 sales made, such as oil changes, chassis lubrication, brake replacement and repair, muffler
5612 replacement, washing and polishing and the like. Permissible uses do not include major mechanical
5613 and body work, painting, welding, or other work involving noise, glare, fumes, smoke or other
5614 impacts to an extent greater than normally found at heavy vehicle repair facilities. ~~(Adopted~~
5615 ~~9/14/04)~~

5616 *Vehicle sales and service.* Buildings and premises, including any interior service stalls, wherein
5617 *the primary use is the sale, rental, service, and/or repair of automobiles, trucks, recreational vehicles,*
5618 *motorcycles, all-terrain vehicles, boats, and trailers; not an Automobile, salvage or wrecking yard or*
5619 *Junk yard or automobile graveyard.*

5620 *Vehicle sales storage lot.* A place in which operable vehicles are stored pending sale; not an
5621 *Automobile, salvage or wrecking yard or Junk yard or automobile graveyard. An adjunct use to an*
5622 *existing Vehicles sales and service use located adjacent.*

5623 ~~*Veterinary clinic or hospital for small animals.*~~ A facility for the provision of surgical or other
5624 medical treatment to animals. Such animals may be kept in the facility during the recovery period or
5625 while under medical treatment only. ~~(Adopted 9/14/04)~~

5626 ~~*Water storage tanks.* See *Public utility, major.* Tanks for the storage of a public water supply or~~
5627 ~~*approved private communal water supply.* (Adopted 9/14/04)~~

5628 *Wholesale food processing.* See *Food processing, wholesale.*

5629 *Wholesale sales.* An establishment that sells merchandise in bulk to large scale buyers, usually
5630 *other businesses, for the purpose of later retail distribution to the resident population, businesses*
5631 *and/or to tourists.*

5632 *Yard.* An open space other than a court, on a lot, and unoccupied and unobstructed from the
5633 ground upward, except as otherwise provided in this ordinance.

5634 *Yard, front.* A yard lying between the front lot line and the front building setback line, and
5635 extending across the full width of the lot. The front yard depth shall be the minimum distance,
5636 measured horizontally, between the front building setback line and the front lot line.

5637 *Yard measurement.* In measuring a yard, the building line shall be deemed to mean a line parallel
5638 to the nearest lot line drawn through the point of a building or the point of a group of buildings
5639 nearest to such lot line, and the measurement shall be taken at right angles from the building line to
5640 the nearest lot line.

5641 *Yard, rear.* A yard lying between the rear lot line and the nearest part of the building not
5642 hereinafter excepted, and extending across the full width of the lot. The rear yard depth shall mean
5643 the minimum distance, measured horizontally, between any part of the building not specifically
5644 excepted and the rear lot line.

5645 *Yard, side.* A yard lying between a side lot line and the nearest part of the building or use not
5646 hereinafter excepted, and extending from the front yard to the rear yard, or if there be no front or
5647 rear yard, to the front or rear lot lines. Side yard width shall mean the minimum distance, measured
5648 horizontally, between any part of the building or use not specifically excepted and the nearest side
5649 lot line.

5650 *Yard/garage sale.* Any sale entitled “garage sale,” “yard sale,” “barn sale,” “lawn sale,” or any
5651 similar casual, temporary sale of tangible personal property on any portion of a residential lot, as
5652 allowed by the use regulations of a zoning district, which is advertised by any means whereby the
5653 public at large can be made aware of such sale. Such sales are limited to a period of no more than
5654 three consecutive days.

5655