

## Zoning District Use Changes Amendment – Matrix of Questions and Responses November 4, 2015

#	Question & Source	Staff's Response	Issues & Options	Final Action by Council
1.	<p>Why change zoning now if we will make more changes after amending the comprehensive plan? – Mayor Fraser</p>	<p>Code of Virginia § 15.2-2230 requires a comprehensive plan to be reviewed, but not necessarily revised, every five years. Because a comprehensive plan is only advisory in Virginia and does not carry the force of law, simply adopting or revising a plan has no effect on the form of land development or function of land uses within a community. The plan must be implemented through additional legislative actions. This creates a natural five-year cycle where a comprehensive plan revision leads to various methods of plan implementation until the cycle starts over again. The most common implementation tool is the adoption or revision of ordinances such as a zoning ordinance or land development and subdivision ordinance.</p> <p>In Purcellville's case, the Planning Commission's 2011 review of the comprehensive plan ended when it voted to recommend amendments to the Comprehensive Plan on November 11, 2011, so the next comprehensive plan review is not required to begin until November 11, 2016. After taking its vote, the Commission took a logical step toward implementing the plan by working on zoning ordinance revisions with a chosen focus on the lists of allowed uses. The three and a half years that this revision process has taken is longer than normal; however, the Town is only four years in to the typical five-year cycle. When Town Council previously discussed the appropriateness of the Planning Commission continuing work on the proposed revisions, Council voted unanimously on</p>	<p>Council must ultimately decide whether to adopt the Planning Commission's recommended amendment language as presented, adopt with changes, or not to adopt the amendment at this time.</p>	

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		<p>March 10, 2015 to approve Resolution 15-03-02 requesting that the Planning Commission complete its work. Therefore, the act of amending the zoning ordinance itself would be entirely appropriate at this time, but it is ultimately up to Town Council to decide if the Planning Commission's recommended amendments should be adopted.</p> <p>Whether or not Council adopts this amendment prior to the next review of the comprehensive plan, it is guaranteed that additional amendments will be required to properly implement a revised plan in the future; that is simply the nature of this process.</p>		
2.	<p>Which streets can have "bus shelters?" – Mayor Fraser</p>	<p>The use standard for "bus shelters" limits their possible locations to "arterial and collector roads as identified on Figure 2.1, Existing Streets Plan, of the Purcellville Townwide Transportation Plan." The following streets are identified as either arterial or collector roads on this Plan: Harry Byrd Highway, North 21st Street/Hillsboro Road, North 23rd Street, Hirst Road, West Main Street/East Main Street/West Colonial Highway, Hatcher Avenue/Purcellville Road, North Maple Avenue/South Maple Avenue, South 32nd Street/Silcott Springs Road, South Nursery Avenue, South 20th Street/Telegraph Springs Road, A Street/William T. Druhan, Jr. Boulevard, and the future Northern Collector road (Mayfair Crown Drive will be the first section constructed).</p>	<p>If Council desires to clarify the possible locations of "bus shelters," the use standard can be modified to state the street names rather than reference the Existing Streets Plan.</p> <p>If Council desires to further restrict the possible locations of "bus shelters," then the use standard can be modified to state the street names with fewer included.</p>	
3.	<p>Are the citizens of Purcellville requesting "bus shelters" to be permitted</p>	<p>No citizen requested the addition of "bus shelters" as a listed use; the Planning Commission is attempting to address a discrepancy in the existing</p>	<p>See #2.</p>	

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	across all districts, and if so why? – Mayor Fraser	<p>ordinance while simultaneously acting to support transit services as recommended in the <u>Purcellville, Virginia 2025 Comprehensive Plan</u> and the <u>Purcellville Townwide Transportation Plan</u>.</p> <p>The referenced discrepancy is that although “wayside bus shelters” are listed in the current ordinance as a SUP in the only the X district, they exist elsewhere in town—Purcellville Gateway and the Shoppes at Main and Maple, for example. In addition, the Purcellville Connector (Route 40) currently travels on the following streets: North 21st Street/Hillsboro Road, North 23rd Street, Hirst Road, West Main Street/East Main Street/West Colonial Highway, North Maple Avenue, South 32nd Street, and South Nursery Avenue. This is a majority of the streets indicated on the Existing Streets Plan referenced in the use standard.</p>		
4.	What will be the impact on home values along the town’s arterial and collector roadways where “bus shelters” would be allowed? – Mayor Fraser	Staff does not have the necessary expertise to determine whether or not the proposed change will have a direct impact on home values. The Planning Commission included this use and its standards in the recommended amendment in an attempt to definitively state where “bus shelters” are allowed and to ensure residents that “bus shelters” will not be installed in the middle of residential neighborhoods. It is also important to note that no “bus shelter” could be installed on private property without the approval of the property owner.	See #2.	
5.	When the transit plan states a goal is to support more riders, is that in	It is unclear whether this question is referencing specific text in an adopted plan, but the <u>Purcellville, Virginia 2025 Comprehensive Plan</u> and the	None.	

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	<p>reference to riders going locally around a walking town or going out of town on long distances to work? – Mayor Fraser</p>	<p><u>Purcellville Townwide Transportation Plan</u> are both generally supportive of providing transportation options to those traveling within town and those commuting to work outside of town. For example, <i>2025 Transportation Policy #2</i> states that the Town should: “Encourage and support transit systems and facilities to reduce energy [use], protect the environment, and maintain Town character and quality of life” (pg. 95-96). Similarly, a goal of the <u>Transportation Plan</u> is to “Provide a High-Quality Transportation Experience for All Users and Modes of Transportation” with an associated strategy to “support existing and future transit services by providing bus stop amenities such as <i>shelters</i>, street lighting, benches, signage, information, and sidewalks” (pg. 2, emphasis by staff).</p>		
6.	<p>What is the rationale for removing self-storage? Why is the Town not receiving revenues? – Mayor Fraser</p>	<p>The Planning Commission believes that the other uses proposed for the CM-1 and M-1 districts are a better use of the Town's limited industrial land. The Town is receiving property and BPOL taxes from existing self-storage businesses at the same rates as most other businesses; however, the Planning Commission believes other industrial uses tend to return higher tax revenues to the Town. In particular, BPOL is based on the overall revenue of a business, and other industrial uses are likely to have higher annual revenues. Similarly, other industrial uses are likely to utilize the water and sewer services offered by the Town at a higher level than self-storage businesses. Although unrelated to the Town's direct tax revenues, the Planning Commission also considered that self-storage</p>	<p>If Council disagrees with the Planning Commission's recommendation to remove this use, the use will need to be added to the use table, and staff will need to create an appropriate definition for the use.</p>	

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		<p>businesses tend to have very few employees while other industrial uses can employ a greater number of workers which would hopefully be residents of the town or local area.</p> <p>The policy decision to be made by Council is whether the potential benefits of removing self-storage as a use in CM-1 and M-1 outweighs the negative effects of such a change. Possible benefits include increased tax revenues and a greater number of local jobs. Possible negatives include making two existing businesses nonconforming and limiting the availability of convenient local storage for citizens and businesses. Unfortunately, the Code of Virginia does not permit a locality to protect existing businesses by allowing a use within a zoning district but preventing new businesses from utilizing that use.</p>		
7.	<p>The claim is that the self-storage use does not generate enough tax revenue for the town. Are there any other business in town that fall under this category of not enough tax revenue to the town and are they at risk of becoming nonconforming? – Mayor Fraser</p>	<p>Details on the taxes paid by a specific business are not public information and can not be shared by the Finance Department. The Planning Commission attempted to look at uses generally, and self-storage is the only use currently operating in town that it recommends deleting from the ordinance, for the reasons stated in #6.</p>	See #6.	
8.	<p>Are the “accessory uses” listed as permitted in the C-1 district in the current</p>	<p>They are now part of the overall use.</p>	None.	

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	ordinance no longer applicable for the district, or were they rolled up into the overall definition of "accessory buildings and uses?" – Mayor Fraser			
9.	Since the "accessory uses" definition includes coin-operated and vending machines for food, tobacco, ice, soft drinks, and sundries inside a building and for the use of occupants thereof; Now that "accessory uses" is combined and applied across residential districts will the above specific items persist? Say for example can there be a coin operated machine for tobacco in a residential district? – Mayor Fraser	<p>"Accessory buildings" and "accessory uses" are both defined as being "clearly incidental to or customarily found in connection with" the principal use of a lot. Therefore, an accessory use which is appropriate in a commercial district is not likely appropriate in a residential district and vice versa. The determination on what is and is not appropriate in any specific case would be made by the Zoning Administrator.</p> <p>Regarding the possibility of coin-operated machines for tobacco being allowed in residential districts, they are not "clearly incidental to or customarily found in connection with" residential dwellings, so they would not be allowed.</p>	If Council desires to create lists of the various "accessory buildings and uses" that would be allowed in a particular district, staff could attempt to do so, but staff would not recommend this course of action as it would be impossible to create an exhaustive list of every possible "accessory building" or "accessory use" for all of the various uses within the zoning ordinance.	
10.	What are the sizes of Magnolia's at the Mill, Nichols Hardware, and Dragon Yong-In Martial Arts? – Councilmember Lehr	Magnolia's: 11,800 sq. ft. Nichols Hardware: 11,214 sq. ft. Dragon Yong-In: 24,576 sq. ft.	None.	

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11.	<p>Where a cell for “commercial uses of greater than 10,000 square feet” is blank: is there no restriction on the size or is anything over 10,000 sq. ft. prohibited?            – Councilmember Lehr</p>	<p>The Planning Commission’s intent was for there to be no direct restriction on permitted uses over 10,000 sq. ft. within the CM-1 and M-1 districts as “general retail sales” already requires a SUP at any size in CM-1 and M-1. However, the Zoning Administrator also raised a similar question as he doesn’t read the table to reflect this intent.</p>	<p>To address this issue, staff recommends deleting this use from the use table and instead listing the range of uses it covers such as “general retail sales” and “construction/landscaping equipment and supply sales and service” as “P/SUP” with a use standard for each use, as applicable, that states that an SUP is required when the proposed use is over 10,000 sq. ft. Listing “commercial uses of greater than 10,000 square feet” within the use table was an attempt to format the amendment most similarly to the existing ordinance which contains a similar use as an SUP in the MC district. Modifying the amendment as recommended by staff should achieve the same result simply written a different way.</p> <p>If Council supports staff’s recommended change, it should consider combining the other uses in the use</p>	

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			table which are listed twice solely due to size and designating them as "P/SUP".	
12.	<p>Today "commercial uses of greater than 10,000 square feet" is only allowed in the MC district, and to allow it in our historic and office district seems inconsistent with the purpose of those district. Why exactly is this being proposed for the C1 and C4 district? – Mayor Fraser</p>	<p>There are currently no size restrictions on any of the uses in the C-4 district. In the C-1 district, there are various size restrictions on only "commercial recreation facilities, indoor and/or outdoor," "eating establishments," "fitness centers," "personal service establishments," and "printing, publishing and engraving establishments." The permitted use of "pharmacies, without drive-through facilities" does not have any size restriction. The Planning Commission felt that current restriction on "commercial uses of greater than 10,000 square feet" requiring a SUP in the MC district should be expanded to the C-1 and C-4 districts to ensure an equal level of protection in all of the Town's primary commercial districts.</p> <p>In addition, the current use listed in MC is restricted to "freestanding" commercial uses. This means that the current ordinance only requires an SUP for a use over 10,000 square feet when it is the only use in a building; any use over 10,000 square feet that is contained within a building housing other uses would not require an SUP. The Planning Commission felt this offered an easy loophole that could be exploited by a developer, so it has recommended the term freestanding be removed. Under this proposal, any use over 10,000 square</p>	<p>See #12 for staff's recommendation on a proposed change regarding this use.</p> <p>If Council does not agree with the Planning Commission's recommendation to add the additional regulation of making "commercial uses of greater than 10,000 square feet" a SUP in C-1 and/or C-4, the use can be deleted as desired by Council.</p> <p>If Council does not agree with the Planning Commission's recommendation to remove use of the term "freestanding" regarding "commercial uses of greater than 10,000 square feet," the term can be added to the definition of this use.</p>	

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		<p>feet would require an SUP even if it is moving in to an existing building.</p> <p>See #11 for further discussion of the “commercial uses of greater than 10,000 square feet” use.</p> <p>See #21 for further discussion of “general retail sales” in the C-1 district.</p>		
13.	<p>How is the area of “commercial uses of greater than 10,000 square feet” measured? – Patrick Sullivan</p>	<p>The Planning Commission’s intent is for the area to include the entirety of a use’s enclosed space even if such space is located on multiple floors.</p>	<p>To address this issue, staff recommends adding “gross” before “floor area” in the use’s definition. “Gross floor area” is a term defined within the ordinance.</p>	
14.	<p>Does the definition of “vehicle sales and service” preclude the use being accessory to another use? – Patrick Sullivan</p>	<p>It was not the Planning Commission’s intent to limit the use in this way. The definition of this use utilized portions of language from the current definition for “automobile or truck sales, service, and repair, including body or fender repair, but not auto salvage or junk” including the phrase “primary use.”</p>	<p>To address this issue, staff recommends deleting the word “primary” from the definition of the use.</p>	
15.	<p>Is an “eating establishment” retail or not? – Mayor Fraser</p>	<p>Not for the purpose of this ordinance; it is a separately defined use.</p>	<p>None.</p>	
16.	<p>If we reduce the number of uses, does that by default mean we must add uses to certain zoning districts? – Councilmember Jimmerson</p>	<p>No; however, the Planning Commission tried to treat similar uses the same in similar districts and to fix existing issues within the ordinance. For example, there is currently an auction house on West Main Street in the MC district. That use is not contained within the existing ordinance, so the Planning Commission added “auction house.” Once added to</p>	<p>If Council does not agree with the Planning Commission’s recommendation to add “auction house” to CM-1 and M-1 or to similarly add other uses to other districts, the</p>	

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		the table, the Commission felt the use was also appropriate in the CM-1 and M-1 districts, so it was allowed there as well.	use can be removed in those districts.	
17.	What exactly constitutes a "studio?" – Councilmember Jimmerson	The proposed definition for "studio" is "a structure or part of a structure which serves as the working space for an artist, sculptor, weaver, photographer, writer, dancer, musician, yoga instructor, and the like."	None.	
18.	I can see that the local breweries want to have food trucks at their locations but if we add this as a permitted use, would there be a limitation to how many in one zone or property? – Councilmember Jimmerson	No, the amendment recommended by the Planning Commission only includes limitations on the duration that a "temporary food truck/trailer" can be parked as stated within the definition for the use. These limitations were placed in an attempt to ensure that such a temporary use is truly temporary and can not be a permanent competitor to the Town's brick and mortar "eating establishments."	If Council desires to place an additional limitation on the number of "temporary food truck/trailers" located in one zone or property at a given time, it should be added as a use standard for this use.	
19.	Why is there a need for a "theater" in the IP district? – Councilmember Jimmerson	Whether or not there is a <i>need</i> for a "theater" in the IP district is a policy decision to be made by Town Council. In the current ordinance it is currently a permitted use in IP as "indoor performing arts center or theater," but the Planning Commission has proposed it as a SUP based on public comments stating concerns about the potential impacts of large theaters.	If Council does not believe that a use should be allowed within a district, it can be removed where desired.	
20.	If we are using 2011 data to drive current decision are we at risk of not positioning Purcellville to take advantage of current	What constitutes an economic trend is somewhat subjective, and trendy businesses may not directly correspond to the uses listed in a zoning ordinance. Using the trends listed in the question as examples:	If Council does not believe that a use should be allowed within a district, it can be removed where desired.	

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	<p>trends such as big data analytics, cyber security, environmental control self storage, breweries, etc., and what market segment and demographics are being targeted? – Mayor Fraser</p>	<ul style="list-style-type: none"> <li>• “big data analytics” and “cyber security” are the types of businesses that may simply use “offices” as allowed in the ordinance;</li> <li>• “environmental control self storage” would not be allowed by the current draft of the amendment for the reasons listed in #6; and</li> <li>• “breweries” are already listed in the amendment as “brewery, winery or distillery.”</li> </ul>		
21.	<p>If the goal is to have the light retail as a supplemental/ complimentary use in an existing office, why not have it reflected as such instead of allowing a broadly defined retail use which can be stand alone? Do the citizens of Purcellville envision stand alone retail in the current C1 district, what do they envision? – Mayor Fraser</p>	<p>The Planning Commission’s intent was to limit “general retail sales,” as is suggested by the first question, to ensure that it is only a secondary portion of an overall development by including a use standard which states: “In the C-1 district, any such use shall be limited to not more than 15 percent of the total floor area of a multiple-use development, as defined in Article 15: Definitions.” This standard was adapted from the current ordinance which places it on “eating establishments” and “personal service establishments” in the C-1 district.</p> <p>A number of public comments have stated that so called “big box” stores should not be allowed in C-1. Given the limited acreage currently zoned C-1, staff believes that the use standard stated above ensures a “big box” store could not be built in C-1. The district’s purpose and the comprehensive plan’s description of the “Professional Office” future land use offer the only other guidance available regarding how the C-1 district is envisioned. In particular, the purpose states that the “district is to provide for planned office parks or for offices and</p>	<p>If Council believes that the use standard should be more restrictive, it can be modified as directed by Council.</p> <p>If Council does not agree with the Planning Commission’s recommendation to allow “general retail sales” in the C-1 district at all, the use can be deleted from the district.</p>	

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		similar business buildings and limited office support uses." The Planning Commission believed that "general retail sales" subject to the stated use standard fit the "limited office support uses" authorized by the district's purpose.		
22.	What will be the impact on the town's ability to generate revenue from "communication towers" when this change is allowing more entrants in the market than prior? – Mayor Fraser	The Planning Commission's intent in expanding the number of districts in which a "communications tower" could be allowed by SUP was to attempt to ensure that the town could be adequately covered by wireless network coverage; it did not specifically discuss the effect of this change on the Town's revenues.	If Council does not agree with the Planning Commission's recommendation to allow "communications towers" as a SUP in a greater number of districts, the use can be deleted from any district as desired by Council.	
23.	Also, what's the impact on home values since the likelihood of a "communications tower" being adjacent to residential district is increased by virtue of the use being allowed in 9 districts? – Mayor Fraser	Staff does not have the necessary expertise to determine whether or not the proposed change will have a direct impact on home values.	See #22.	
24.	What will residents in the county whose home is close to a proposed "communication tower" in the IP district say? – Mayor Fraser	This question can not be answered by staff.	See #22.	

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25.	Is "indoor firing range" a new use? – Mayor Fraser	Yes.	<p>If Council does not believe that "indoor firing range" should be allowed in town, the use and its definition can be deleted from the amendment.</p> <p>If Council does not believe that "indoor firing range" should be allowed in a district or should not be a permitted use in a district, the amendment can be modified as directed by Council.</p>	
26.	Does "indoor firing range" include gun sales and will that cannibalize our existing gun shops? – Mayor Fraser	"Indoor firing range" would be defined as "a facility, contained within a completely enclosed building, used for shooting at targets with rifles, pistols or other firearms which complies with all federal and state regulations for such use." Gun sales are not required for the use, but they could possibly be sold under "accessory retail sales." If this were to occur, it is possible (or even likely) that some of the gun sales at a new firing range would have otherwise taken place at an existing gun shop, but it is impossible to answer this question definitively.	See #25.	
27.	Is the M1 district near residential area and since "indoor firing range" is a permitted use what will be done to minimize any	The area zoned M-1 is located north of the Route 7 Bypass and west of Purcellville Road. The existing industrial park surrounding Richardson Lane is separated from any residentially zoned property by Purcellville Road or Nichols Lane. The zoning boundary of the new Mayfair industrial park would	See #25.	

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	negative impact on home values? – Mayor Fraser	about the Mayfair residential community, but it would be separated on the north by Mayfair Crown Drive (Northern Collector Road) and on the east by a minimum of the 50 feet landscaping buffer. On the east, the stormwater pond for the development and designated tree save areas would also separate the M-1 land from any homes.  Staff does not have the necessary expertise to determine whether or not the proposed change will have a direct impact on home values.		
28.	What's the value to our community to have an "amphitheater" in our historic district and along our main street? – Mayor Fraser	An "amphitheater" could potentially be a gathering place for the community depending on its location, capacity and other specifics. The Planning Commission chose to list it as an SUP in the same districts where a "theater" is listed as an SUP. It is being proposed as a SUP based on public comments stating concerns about the potential impacts of large amphitheaters.	If Council does not believe that "amphitheater" should be allowed within a district, it can be removed where desired.	
29.	Is "amphitheater" being proposed in anticipation of some other area being zoned C-4? – Mayor Fraser	No.	See #28.	
30.	Dragon Yong-In Martial Arts is one of the largest Taekwondo schools in the country why are we requiring a SUP from them for any improvements to their building? – Mayor Fraser	The Planning Commission felt that large "commercial indoor recreation facilities" could have impacts which warrant review as a SUP; Dragon Yong-In Martial Arts was in no way targeted specifically.	If Council does not agree with the Planning Commission's recommendation to require a SUP for "commercial indoor recreation facilities – greater than 10,000 square feet," the use can be	

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			switched to permitted in any district as desired by Council.	
31.	<p>What's the impact of permitting "playgrounds" across all residential districts on traffic, home values, loitering, littering, etc.? – Mayor Fraser</p>	<p>Generally, "playgrounds" do not generate large traffic volumes. Staff does not have the necessary expertise to determine whether or not the proposed change will have a direct impact on home values. Staff is not aware of any research that has been conducted nor any other available resource which states the amount of loitering or littering created by a "playground" or any other land use.</p>	<p>If Council does not agree with the Planning Commission's recommendation to allow "playgrounds," the use can be removed from any zoning district as desired by Council.</p>	
32.	<p>What was the reason for making "car wash" permitted and not under a SUP in the MC, CM1, and M1 district? – Mayor Fraser</p>	<p>The Planning Commission did not believe that a "car wash" would have the kinds of significant impacts that would warrant review as a SUP.</p>	<p>If Council does not believe that "car wash" should be allowed in a district or should not be a permitted use in a district, the amendment can be modified as directed by Council.</p>	
33.	<p>Why is a "hotel" being allowed as a permitted use in the MC main street district? – Mayor Fraser</p>	<p>The Planning Commission tried to treat similar uses the same in similar districts, and a hotel is currently a permitted use in both C-1 and C-4. The Planning Commission did not feel that a "hotel" would have any greater impacts in MC where it is currently listed as a SUP than in C-1 or C-4 where it is currently permitted. For this reason, it proposed "hotel" as a permitted use in MC.</p>	<p>If Council does not believe that "hotel" should be a permitted use in the MC district, it can be changed back to SUP or removed.</p>	
34.	<p>Do the citizens of Purcellville envision a "hotel" on Main Street and if so what height and size? – Mayor Fraser</p>	<p>"Hotel" is currently a SUP in the MC district, so a previously elected Town Council must have felt that a hotel was appropriate along Main Street at some point in the past. Currently, the maximum height of a building in the MC district is 45 feet and that</p>	<p>See #33.</p>	

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