



**PLANNING COMMISSION
REGULAR MEETING AGENDA**

June 16, 2016

7:00 p.m.

- 1) **Call to Order** – Chair Doug McCollum
- 2) **Pledge of Allegiance**
- 3) **Agenda Amendments** (Planning Commission and Staff)
- 4) **Commissioner Disclosures**
- 5) **Public Hearings**
 - a) None Scheduled
- 6) **Presentations**
 - a) None Scheduled
- 7) **Discussion Items**
 - a) Stream and Creek Buffer Zoning Text Amendment
 - b) C-4 Height Standards Zoning Text Amendment
 - c) Prioritization of Projects
- 8) **Action Items**
 - a) None Scheduled

Note: Any Discussion Item may be added as an Action Item during the meeting by motion of the Planning Commission.
- 9) **Information Items**
 - a) None Scheduled
- 10) **Citizen Comments** – All citizens who wish to speak about an item or issue that is not listed for a public hearing will be given an opportunity to speak (3 minute limit per speaker).
- 11) **Chairman’s Comments & Council Representative’s Report**
- 12) **Planning Commissioners’ Comments**
- 13) **Approval of Minutes**
 - a) None
- 14) **Adjournment**

If you require any type of reasonable accommodation as a result of physical, sensory or mental disability in order to participate in this meeting **OR** if you would like an expanded copy of this agenda, please contact Tucker Keller at (540) 338-2304 at least three days in advance of the meeting. Expanded copies of the agenda may not be available the night of the meeting, please request a copy in advance.

USE OF ELECTRONIC DEVICES DURING MEETINGS For the comfort and consideration of others, all cellular phones must be turned off and cannot be used in the Council Chambers. Pagers must be set on silent or vibrate mode. This is requested because of potential interference with our recording devices and the transmittal of our hearing impaired broadcast.

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STAFF REPORT
DISCUSSION ITEM

Item # 7a

SUBJECT: Stream and Creek Buffer Zoning Text Amendment

DATE OF MEETING: June 16, 2016

STAFF CONTACT: Daniel Galindo, AICP – Senior Planner

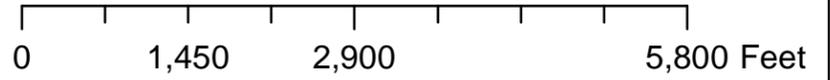
BACKGROUND:

At recent Planning Commission previous meetings, the Commission has discussed the draft amendment created by Vice Chair Stein and Commissioner Paciulli for Article 14 of the Zoning Ordinance which regulates buffering along streams and creeks. During the previous meeting, Town Staff's review comments and proposed changes to the draft amendment were provided. Commissioner Paciulli has since met with the Zoning Administrator and would like to further discuss this topic at the June 16th meeting.

ATTACHMENTS:

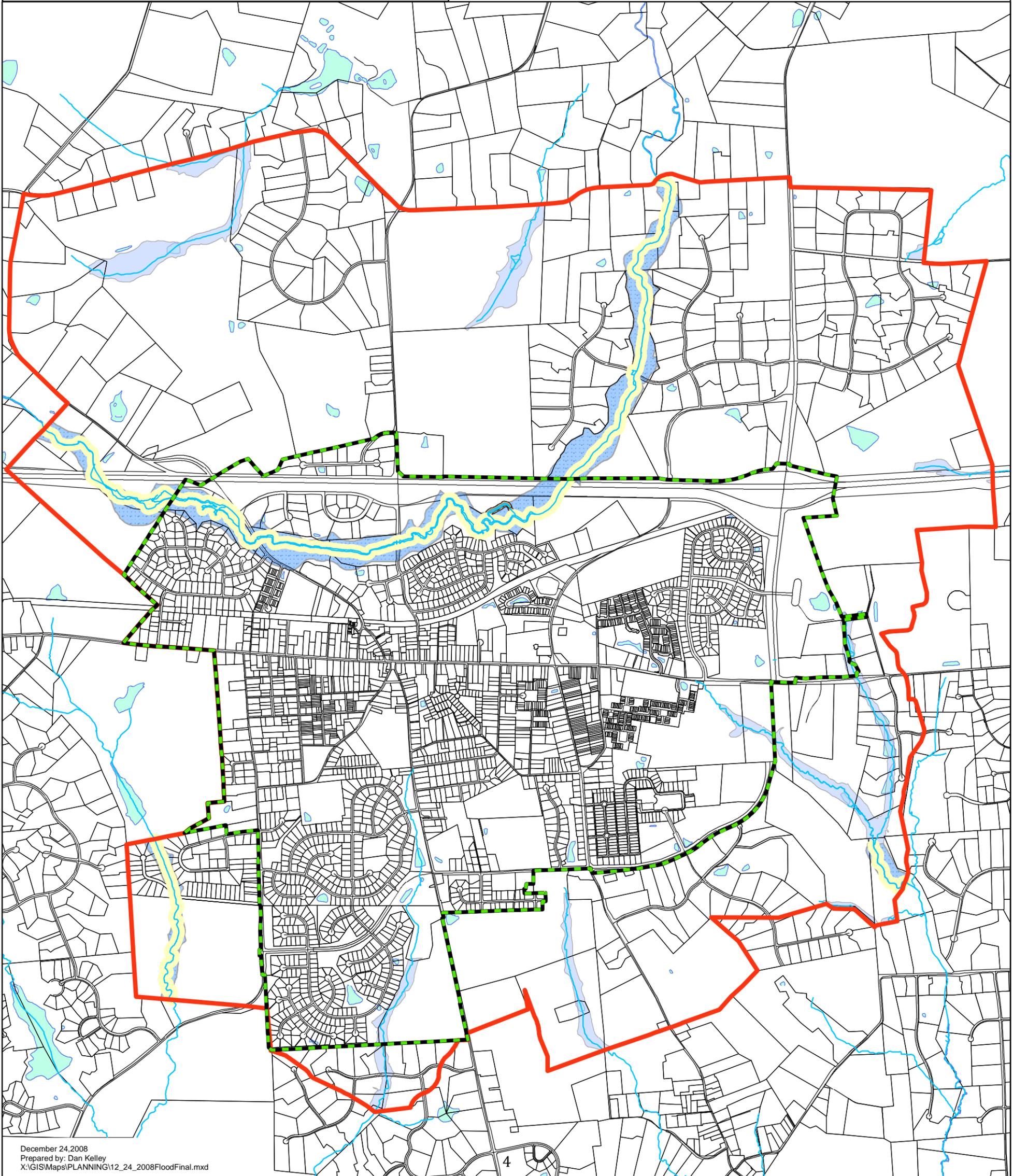
1. Major and Minor Floodplains – Purcellville and JLMA Map
2. Commissioner Paciulli's Stream and Creek Buffer Handout
3. Paciulli/Stein Subcommittee Draft Amendment
4. June 2, 2016 Staff Report
5. Town Staff's Revision of the Subcommittee's Draft Amendment

Major and Minor Floodplains Purcellville and JLMA



Legend

- Town Boundary
- JLMA Boundary
- Streams
- 100 foot buffer
- 35' Buffer
- parcels
- Minor Floodplain (= 640 acres)
- Major Floodplain (>640 acres)
- Water Bodies
- Roads



2025 Environmental Issues and Opportunities

With projections for increased growth and development in and around Purcellville, there will be a greater need to ensure that the environmental quality of the landscape, water and air is protected for the community's health, safety and welfare. When considering future development, special attention should be given to those areas that are environmentally sensitive, such as wetlands, steep slopes, floodplains and poorly drained areas. In addition to protecting water quality, these areas also serve as natural buffer zones for passive recreation and provide diverse habitat opportunities.

Part of what makes floodplains such sensitive areas is their proximity to streams and rivers, which allows them to manage stormwater and pollution. The amounts and types of pollutants and sediment present in an urban environment differ from those found in less developed areas. Ice melting material applied to roads, lawn fertilization practices, pet waste, gasoline, oil and antifreeze from vehicles, and other common pollutants combine to adversely affect water quality for humans and species that live in the water. The Virginia Department of Conservation and Recreation indicates that, "A 100-foot wide strip of forest and grass can reduce sediment by 97 percent, nitrogen by 80 percent and phosphorous by 77 percent (Source: <http://www.dcr.Virginia.gov/sw//crep.htm>).

Conservation efforts and special attention should be directed to any future development influences on the Goose Creek Historic District, south of Purcellville in the JLMA. Continued use of agricultural and conservation districts adjacent to the Town will encourage compatible land uses, preserve agricultural landscapes and benefit community character of western Loudoun County.

While improvements are planned to the Town's water supply and treatment facilities to meet future needs, capacities of the existing water and sewer facilities are limited. It is projected that even with planned improvements in the near future, the systems will not accommodate full build out of the Town under current zoning. Consequently, every effort should be undertaken to protect water quality and promote good environmental principles in new development, thereby proactively managing environmental resources.

Finally, there are a number of water quality issues which must be carefully monitored. These include:

1. Storm water runoff that contains pollutants and sediment.
2. Loss of ground percolation surface area due to the addition of pavement and the construction of buildings that are impervious.
3. Underground storage tanks - In recent years, the Virginia Department of Environmental Quality (DEQ) identified a number of sites in the Town with petroleum releases from underground storage tanks. The majority of these cases are located along Main Street; some have been addressed and closed by DEQ and others are still being monitored.

4. The South Fork of the Catoctin Creek is classified by DEQ as "impaired riverine water," DEQ has mapped at least one citizen monitoring station, a biological station and an ambient monitoring station along the South Fork of Catoctin Creek within the Town. Loudoun County has between 1 and 5 impairments in the watersheds of the County. The Catoctin Creek Watershed Project monitors stations and generates annual reports on the quality. The project is conducted by Loudoun Watershed Watch in conjunction with the Department of Conservation and Recreation and the Loudoun County Soil and Water Conservation District.

2025 Environmental Policies and Implementation Strategies

Environmental recommendations from the 1998 Comprehensive Plan are integrated into the following updated environmental policies for the 2025 Plan. Strategies are recommended to implement each of these environmental policies. Timeframes and participants involved in implementation are defined in the Implementation Strategy Matrix shown in Section IV, Comprehensive Plan Implementation.

- * 1. Environmental Protection and Monitoring: Improve, maintain and protect the natural environment of the Town. Ensure that growth meets the needs of people and protects the environment. Preserve the natural beauty and function of the environment as a habitat for people, plants and animals. Monitor and protect the quality of air, water, flora, fauna and other physical features of the Town and its surroundings.

Implementation Strategies:

- 1.1 Revise zoning and subdivision regulations to include environmental standards for new residential, commercial and industrial development. Include standards that address development in or adjacent to floodplains, forested areas, critical or significant habitats, important viewsheds, water recharge areas, and other similar environmental areas.
- 1.2 Provide leadership in protecting and enhancing the environment by working with Loudoun County and other regional entities to develop an environmental protection strategy. Encourage the formation of a regional environmental conservation coalition of both public and private interests to assist in implementing the strategy and monitoring environmental issues.
- 1.3 Address non-attainment air quality issues and reduce air pollution in Purcellville by encouraging implementation and use of a bus transit system that connects businesses, commercial areas, commuter lots, and public facilities.

- * 2. Sensitive Environmental Areas and Water Resources: Protect scenic and sensitive environmental areas. Conserve and protect water resources. Monitor, maintain, and improve water quality in surface and groundwater sources used by the Town. Integrate wellhead protection and watershed planning into Town planning.

Implementation Strategies:

- 2.1 Review zoning regulations with respect to provisions for protecting and enhancing sensitive environmental areas such as floodplains, wetlands, and other natural areas. Investigate methods used by other communities to protect these areas and minimize development impacts. Amend zoning regulations to strengthen protection of these environments.
 - 2.2 Develop and implement a Storm Water Management Plan. Include regional storm water management strategies for managing stormwater runoff quantity and quality, particularly on East Main Street.
 - 2.3 Proactively address the treatment of storm water for pollutants, nutrients, and sediment before it reaches the wastewater treatment plant by recommending and using applicable natural and technological methods to control pollutants (e.g. vegetation as filters to reduce concentrations, collection traps at drainage inlets, underground systems with filtration capabilities, planting of pollution tolerant vegetation, etc.). Revise parking lot standards to encourage use of pervious pavement options where appropriate.
 - 2.4 Maintain a 100-foot wide buffer around streams and creeks to filter pollution and sediment from the urban environment.
3. ***Environmental Quality of Life: Maintain high standards for environmental quality to enhance the quality of life for residents and businesses. Protect important natural features such as wetlands, floodplains, and forested areas. Encourage landscaped buffers, tree planting, and the retention of heritage landscapes (e.g., stone walls, fences and trees) to preserve environmental character of Purcellville. Preserve important views of natural features at Town gateways, in public spaces and parks, between residential and commercial areas, and along major transportation corridors.***

Implementation Strategies:

- 3.1 Conduct an inventory of existing trees. Develop a tree preservation and replacement plan that promotes citizen and developer partnership in tree retention, replacement and planting.
 - 3.2 Develop a Master Tree Plan for public properties. Plant and maintain trees along streets. Establish an annual tree planting day. Engage local nurseries and arborists from the Extension Service, homeowners, businesses and developers to install, replace and care for trees in conjunction with sidewalk improvements and additions.
 - 3.3 Promote the use of "green" buildings and site development in new construction. Consider financial incentives such as reduced rates for water and sewer.
4. ***Environmental Education and Stewardship: Promote public education regarding the role and importance of the environment in sustaining the community's health and well-being.***

A healthy riparian buffer is an essential part of a healthy stream.

Riparian Buffers

What is a Riparian Buffer?

The term riparian buffer is used to describe lands adjacent to streams where vegetation is strongly influenced by the presence of water. They are often thin lines-of-green containing native grasses, flowers, shrubs and trees that line the stream banks. They are also called vegetated buffer zones. A healthy riparian area is evidence of wise land use management.

What are their values?

Riparian buffers are important for good water quality. Riparian zones help to prevent sediment, nitrogen, phosphorus, pesticides and other pollutants from reaching a stream. Riparian buffers are most effective at improving water quality when they include a native grass or herbaceous filter strip along with deep rooted trees and shrubs along the stream.

Riparian vegetation is a major source of energy and nutrients for stream communities. They are especially important in small, headwater streams where up to 99% of the energy input may be from woody debris and leaf litter. Overhanging riparian vegetation keeps streams cool, this is especially important for North Carolina's mountain trout populations.

Riparian buffers provide valuable habitat for wildlife. In addition to providing food and cover they are an important corridor or travel way for a variety of wildlife. Forested streambanks benefit game species such as deer, rabbit, quail and nongame species like migratory songbirds.

Riparian vegetation slows floodwaters, thereby helping to maintain stable streambanks and protect downstream property. By slowing down floodwaters and rainwater runoff, the riparian vegetation allows water to soak into the ground and recharge groundwater. Slowing floodwaters allows the riparian zone to function as a site of sediment deposition, trapping sediments that build stream banks and would otherwise degrade our streams and rivers.

Loss of Riparian Areas

Degraded riparian buffers reduce water quality values, reduce wildlife and fish populations, cause serious property damage (bank erosion) and loss of valuable agricultural lands. Removal of riparian vegetation results in increased water temperatures and decreased dissolved oxygen. The loss of shade exposes soils to drying out by wind and sunlight and reduces the water storage capacity of the riparian area. Loss of riparian vegetation causes streambank erosion. Eroding banks contribute to sedimentation and lead to a wide shallow stream with little habitat value. These factors result in significant reductions in aquatic stream life.

Restoring and Managing Riparian Buffers

Rehabilitating riparian buffers is key to restoring natural stream functions and aquatic habitats. There are many economic benefits derived from increased riparian habitat, channel stabilization, improved water quality, improved wildlife and fish populations, improved aesthetics, and other associated values. Depending on the surrounding land use and area topography, riparian buffers should range from 25 to 100 feet wide on each side of the stream.

Recommended Riparian Management Practices

- Protect or establish native shrubs, trees, or other vegetation along streams to help prevent bank erosion, trap sediment and filter other pollutants.
- Manage livestock grazing in riparian zones to avoid damage to existing plants.
- Plan developments, forestry activities and other land disturbing activities to protect riparian zones.

Practices to Avoid

- Straightening sections of streams.
- Removing streamside shrubs, trees and other vegetation.
- Farming up to the edge of a stream.
- Allowing livestock access to the riparian zone.
- Operating heavy equipment in the riparian zone.



Degraded riparian buffers lead to streambank erosion and loss of valuable agricultural land.



Well managed buffers provide clean water, stable streams and good wildlife habitat.

Find Out More About Riparian Buffers and Management...

For assistance in evaluating riparian buffer problems, designing a riparian system, information on permits and cost share, contact the following organizations:

North Carolina Wildlife Resource Commission
Natural Resources Conservation Service
Resource Conservation & Development Councils
Soil & Water Conservation Districts
United States Fish and Wildlife Service

All programs and services are offered on a non-discriminatory basis, without regard to race, color, national origin, religion, sex, age, marital status or disability.

This fact sheet was made possible by the following organizations:

Surry Soil and Water Conservation District
Stone Mountain Chapter of Trout Unlimited
Pilot View Resource Conservation and Development, Inc.
Southwestern Resource Conservation and Development, Inc.
United States Fish and Wildlife Service
North Carolina Wildlife Resource Commission



Avoid straightening streams and removing streamside vegetation.

What is a Wetland Buffer?

A wetland buffer is a setback area between a stream, river, or wetland and any upland development. It maintains the natural vegetation cover along the waterway, which is an essential part of the aquatic ecosystem. A wetland buffer is a simple land management practice that is employed by municipalities to protect property and conserve natural resources. In addition to protecting natural resource areas, buffers are the least expensive way for municipalities to protect homes and roadways from flood damage, manage floodwater, and to protect water quality.

The City of Portsmouth has a 100-foot buffer adjacent to all of its wetlands (including most tidal areas) greater than 10,000 square feet or about a quarter of an acre. The City limits what is allowed in this buffer to activities that are compatible with protecting the natural resource value of the buffer and adjacent wetland areas. New construction, ground disturbance and fill or removal of soil are not allowed in the Wetland buffer without a City Conditional Use Permit.

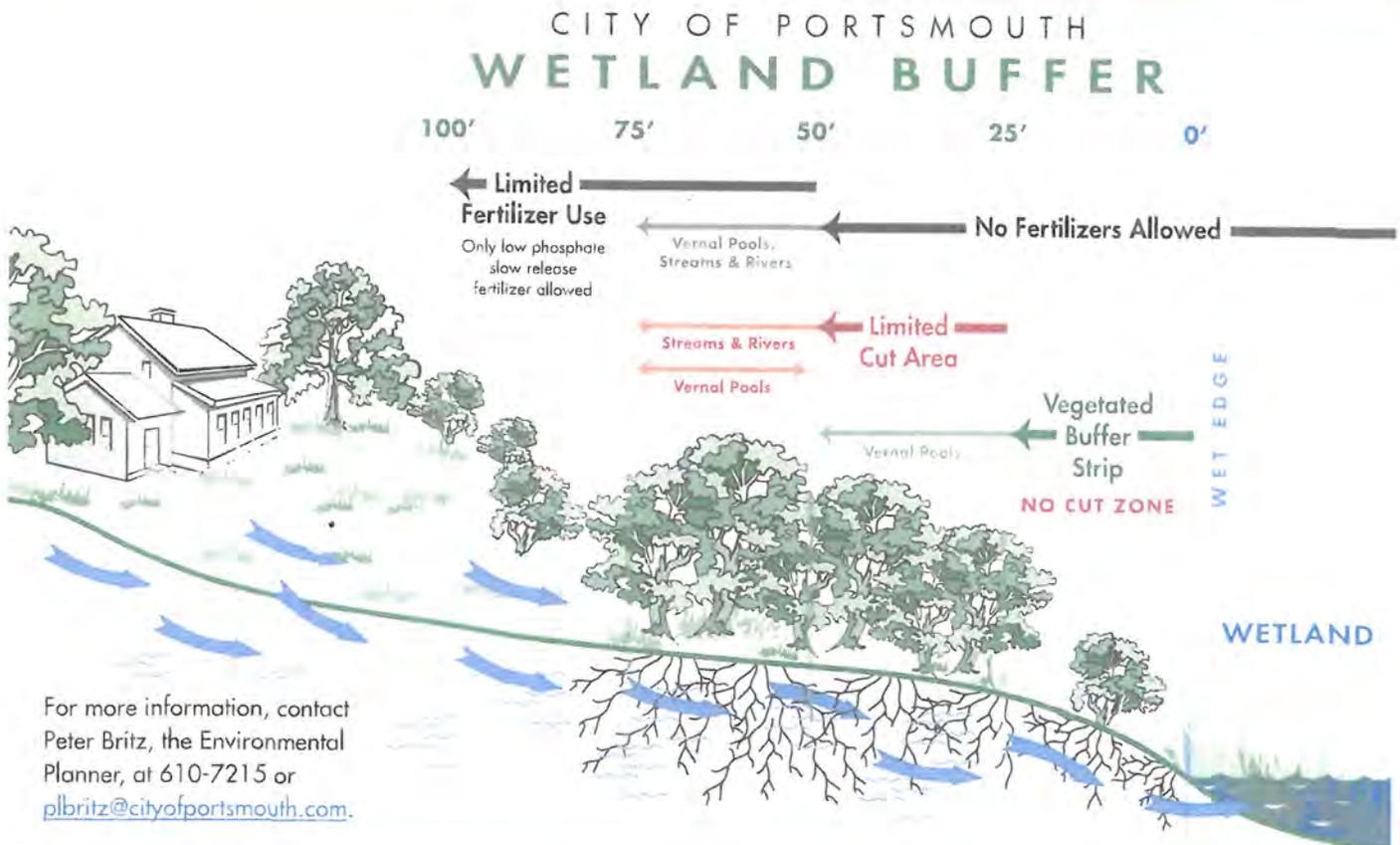
In Portsmouth, the first 25 feet from the edge of a wetland area is known as the Vegetated Buffer Strip (see below). Within this area, cutting and clearing of vegetation is not permitted unless it is to remove invasive species by hand. Between 25 and 50 feet, the City has a Limited Cut Area. In this area, property owners may cut up to 50% of the trees that are greater than six inches in diameter dbh (the diameter of the tree at 4.5 feet up from the ground). The use of fertilizer is prohibited in both the vegetated buffer strip and limited cut area. Beyond the limited cut area, only low phosphate and slow release fertilizers are allowed in the wetland buffer.

If you are planning on doing any work in the wetland or wetland buffer, it is always a good idea to check with the City before going ahead to make sure you do not need a conditional use permit. You can contact Peter Britz, the Environmental Planner at 610-7215 or plbritz@cityofportsmouth.com with any questions.

Additional Wetland Buffer Designations

- As shown below, non-tidal perennial **streams and rivers** have a limited cut area that extends to 75 feet.
- In addition, **vernal pool wetland areas** have a 50-foot vegetated buffer strip with a limited cut area extending from 50 to 75 feet.

The complete Wetlands Protection Ordinance can be found in Article 10 of the City's Zoning Ordinance Section 10.1010. Go to www.planportsmouth.com or direct your smartphone browser to the site by scanning this code:



Riparian Buffer Zones: Functions and Recommended Widths



Prepared by

**Ellen Hawes and Markelle Smith
Yale School of Forestry and Environmental Studies**

For the

Eightmile River Wild and Scenic Study Committee

April 2005

c. Three Zone

The Three Zone system was originally developed as part of an initiative to protect the Chesapeake Bay. The combination of vegetation types (trees, grass and shrubs) helps maximize the efficiency and diversity of benefits that the buffer provides (Figure 2).

Zone 1

Minimum Width: 15 ft.

Composition: Native trees and shrubs

Function: Bank stabilization, habitat, shade, flood prevention

Management: None allowed except bank stabilization and removal of problem vegetation.

Zone 2

Minimum Width: 60 ft.

Composition: Native trees and shrubs.

Function: Removal of nutrient, sediments and pollutants from surface and groundwater, habitat

Management: Some removal of trees to maintain vigorous growth.

Zone 3

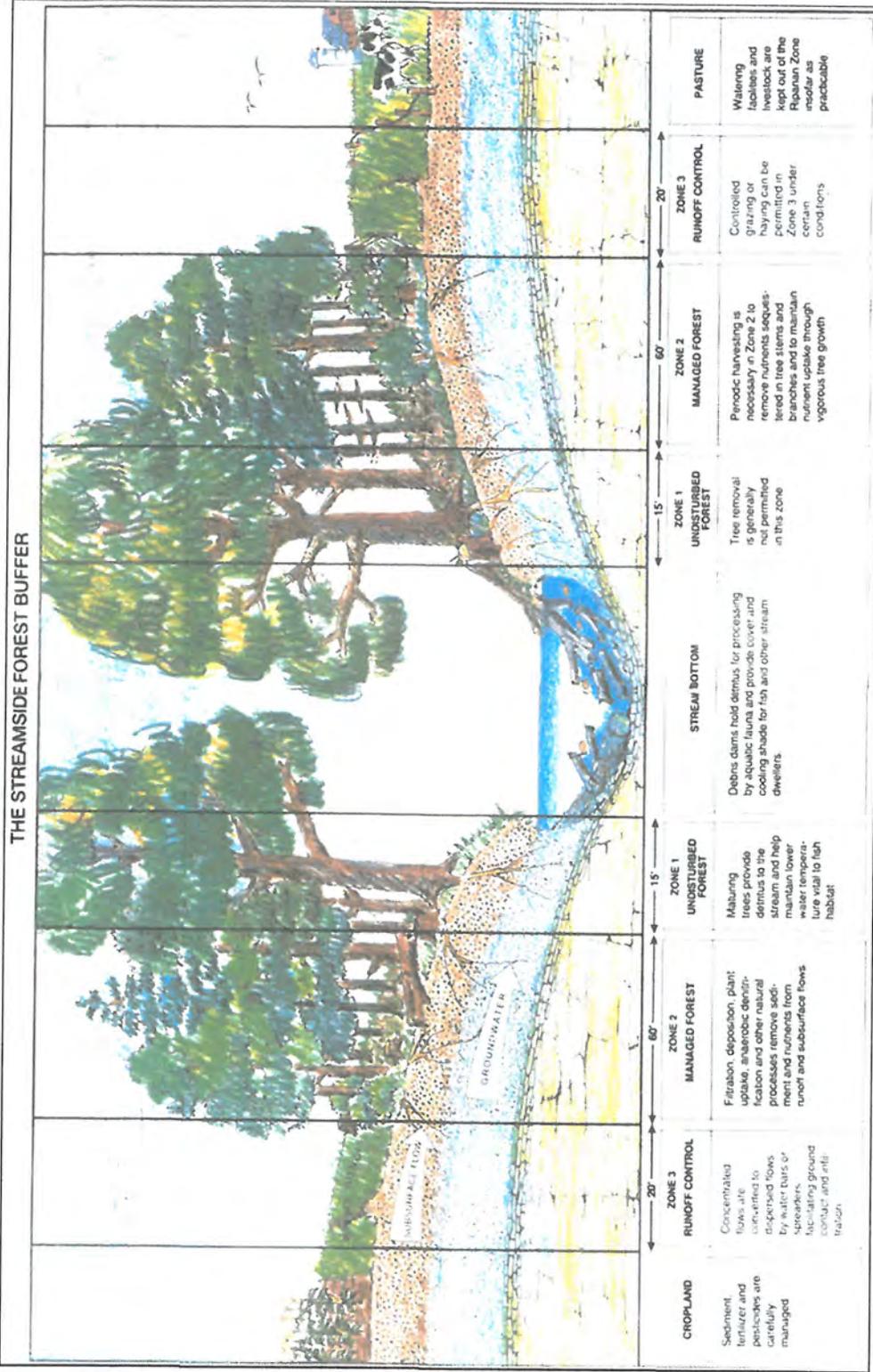
Minimum Width: 30 ft.

Composition: Grasses and herbaceous plants

Function: Slow surface runoff, trap sediments and pesticides

Management: Mowing

Fig. 2: Three-Zone System



Source: Welsch 1991. Riparian Forest Buffers: Function and Design For Protection and Enhancement of Water Resources.

ARTICLE 14. - STREAM AND CREEK BUFFER

Section 1. - Purpose and intent.

The Stream and Creek Buffer is established to govern the construction of buildings, structures, parking, and other impervious surfaces in areas adjacent to major stream areas draining greater than 640 acres and minor stream areas draining less than 640 acres, but more than 100 acres by providing for a setback area from the channel scar line in which construction of improvements would not occur except as set forth below. These streams and creeks within the Town of Purcellville Corporate limits include, but are not limited to the South Fork of Catoctin Creek, North Fork of Goose Creek and Crooked Run, as shown on the Town of Purcellville "Major & Minor Floodplains - Purcellville and JLMA" map.

The intent is to (1) promote water quality and the preservation of significant environmental resource areas, wildlife habitat and corridors, and native vegetation areas; (2) protect and enhance water and groundwater recharge processes by protection of the natural capacity of vegetative areas along rivers and creeks to filter and purify stormwater runoff; (3) protect aquatic environments from the warming effects of solar radiation by preserving riparian tree canopy cover; (4) promote tourism and high quality corporate investment by maintaining to the extent reasonably possible, existing high water quality; (5) to maintain the scenic beauty of the streams of Loudoun County; and (6) implement the comprehensive plan.

Section 2. - Stream and Creek Buffer established.

The following setbacks are established along major and minor streams and creeks in areas where the 100-year floodplain is less than the setbacks provided below:

1. *Major stream buffer.* For streams with major floodplains (streams where the watershed is greater than 640 acres): A minimum of 100 feet on each side of the creek measured from the channel scar line of each creek or stream.
2. Within the 100 foot buffer, a streamside forested area of at least 25 feet on each side of the creek or stream shall be provided. The streamside forested area shall consist of mature trees where they exist prior to the development of a property and shall be supplemented with new tree plantings if required by the town. When no mature trees exist, the streamside forested area shall be created with new tree plantings. All new tree plantings shall comply with the minimum size requirements for plantings found in article 7 of this ordinance. New tree plantings shall be of a species compatible with the stream, creek, and/or wetlands. Unless otherwise exempted by this ordinance, land uses permitted within the streamside forested area shall be limited to pedestrian footpaths (preferably constructed of a porous material); well designed watercourse crossings, designed in accordance with accepted Best Management Practices; passive recreation areas such as gazebos or benches; and other such uses, as determined by the zoning administrator, which do not negatively impact the adjoining stream, creek, or wetlands.
3. *Minor stream buffer.* For streams with minor floodplains (streams with a watershed of less than 640 acres, but greater than 100 acres): A minimum of 35 feet on each side of the stream or creek measured from the channel scar line of the stream or creek.
4. Within the 35 foot buffer, a streamside forested area of at least 25 feet on each side of the creek or stream shall be provided. The streamside forested area shall consist of mature trees where they exist prior to the development of a property and shall be supplemented

with new tree plantings if required by the town. When no mature trees exist, the streamside forested area shall be created with new tree plantings. All new tree plantings shall comply with the minimum size requirements for plantings found in article 7 of this ordinance. New tree plantings shall be of a species compatible with the stream, creek, and/or wetlands. Unless otherwise exempted by this ordinance, land uses permitted within the streamside forested area shall be limited to pedestrian footpaths (preferably constructed of a porous material); well designed watercourse crossings, designed in accordance with accepted Best Management Practices; passive recreation areas such as gazebos or benches; and other such uses, as determined by the zoning administrator, which do not negatively impact the adjoining stream, creek, or wetlands.

- 5.4. Where wetlands exist adjacent to a major or minor stream buffer, a setback of at least 35 feet shall be maintained from all wetlands for all structures and impervious surfaces. When any part of this ordinance requires a setback of more than 35 feet, the larger setbacks shall be provided.

Section 3. - Effect of buffer.

The construction of buildings, structures, impervious parking lots, or other impermeable surfaces within the stream and creek buffer is prohibited, except as stated herein. Existing buildings and structures within the stream and creek buffer are not considered nonconforming, i.e., they can be added to and, if destroyed by fire or casualty, they can be rebuilt to the same or an equivalent footprint. The town encourages the growth, through plantings or natural succession, of vegetative and forestal cover within the Scenic Creek Buffer area.

Section 4. - Development criteria.

The stream and creek buffer is not intended to, and shall not, limit development density (gross floor area or units per acre) otherwise allowed on land within the stream and creek buffer area, and off-street parking requirements shall be reduced as necessary to accommodate the buffer without limiting such otherwise permitted development. The stream and creek buffer shall be administered like any other setback provided for in this ordinance in allowing otherwise developable land within the setback area to be counted for density computation purposes and applied toward the construction of improvements outside the setback area.

Section 5. - Exceptions.

Public or private land disturbance, utility installations, outfalls, road crossings and driveways may be ~~permitted-allowed by special use permit~~, subject to applicable federal and state regulations, ~~to this ordinance~~, and to such performance standards as may be contained in the facilities standards manual. ~~Said land disturbance, installations, outfalls, road crossings and driveways shall be designed in such a way as to minimize impacts on the natural features of the streams and, creeks, wetlands, adjacent slopes and existing trees. Special use permit approval is required for any public or private land disturbance, clearing, grading, installation of utilities and/or outfalls, road crossings, driveways, parking and roadways.~~



STAFF REPORT
DISCUSSION ITEM

Item # 7a

SUBJECT: Stream and Creek Buffer Zoning Text Amendment

DATE OF MEETING: June 2, 2016

STAFF CONTACT: Daniel Galindo, AICP – Senior Planner

BACKGROUND:

At the Planning Commission’s previous meeting, the Commission discussed the draft amendment created by Vice Chair Stein and Commissioner Paciulli for Article 14 of the Zoning Ordinance which regulates buffering along streams and creeks. During that discussion, the Commission asked Town Staff to review the draft amendment and provide its feedback.

ANALYSIS:

The Director of Public Works, Zoning Administrator, and Senior Planner have reviewed and discussed the text of the draft amendment as requested. (The Zoning Administrator’s comments are contained in the letter attached to this report.) While Staff has no issues with the changes proposed for the minor stream buffer, we believe that the proposed requirement for special use permit approval of the listed exceptions (including the overly broad “land disturbance” term) would lead to lengthy delays and substantial negative effects on the Town’s operations. Therefore, Staff has revised the subcommittee’s draft amendment (attached) to remove the special use permit requirement and “land disturbance” term.

If there are specific negative consequences of the listed exceptions that the subcommittee or Planning Commission believes should be avoided, it is Staff’s recommendation that implementing performance standards would be a better method to ensure appropriate mitigation.

ATTACHMENTS:

1. Zoning Administrator’s Letter: Changes to Article 14 Stream and Creek Buffer
2. Town Staff’s Revision of the Subcommittee’s Draft Amendment

Town Staff's Revision of the Subcommittee's Draft Amendment

ARTICLE 14. - STREAM AND CREEK BUFFER

Section 1. - Purpose and intent.

The Stream and Creek Buffer is established to govern the construction of buildings, structures, parking, and other impervious surfaces in areas adjacent to major stream areas draining greater than 640 acres and minor stream areas draining less than 640 acres, but more than 100 acres by providing for a setback area from the channel scar line in which construction of improvements would not occur except as set forth below. These streams and creeks within the Town of Purcellville Corporate limits include, but are not limited to the South Fork of Catoctin Creek, North Fork of Goose Creek and Crooked Run, as shown on the Town of Purcellville "Major & Minor Floodplains - Purcellville and JLMA" map.

The intent is to (1) promote water quality and the preservation of significant environmental resource areas, wildlife habitat and corridors, and native vegetation areas; (2) protect and enhance water and groundwater recharge processes by protection of the natural capacity of vegetative areas along rivers and creeks to filter and purify stormwater runoff; (3) protect aquatic environments from the warming effects of solar radiation by preserving riparian tree canopy cover; (4) promote tourism and high quality corporate investment by maintaining to the extent reasonably possible, existing high water quality; (5) to maintain the scenic beauty of the streams of Loudoun County; and (6) implement the comprehensive plan.

Section 2. - Stream and Creek Buffer established.

The following setbacks are established along major and minor streams and creeks in areas where the 100-year floodplain is less than the setbacks provided below:

1. *Major stream buffer.* For streams with major floodplains (streams where the watershed is greater than 640 acres): A minimum of 100 feet on each side of the creek measured from the channel scar line of each creek or stream.
2. Within the 100 foot buffer, a streamside forested area of at least 25 feet on each side of the creek or stream shall be provided. The streamside forested area shall consist of mature trees where they exist prior to the development of a property and shall be supplemented with new tree plantings if required by the town. When no mature trees exist, the streamside forested area shall be created with new tree plantings. All new tree plantings shall comply with the minimum size requirements for plantings found in article 7 of this ordinance. New tree plantings shall be of a species compatible with the stream, creek, and/or wetlands. Unless otherwise exempted by this ordinance, land uses permitted within the streamside forested area shall be limited to pedestrian footpaths (preferably constructed of a porous material); well-designed watercourse crossings, designed in accordance with accepted Best Management Practices; passive recreation areas such as gazebos or benches; and other such uses, as determined by the zoning administrator, which do not negatively impact the adjoining stream, creek, or wetlands.
3. *Minor stream buffer.* For streams with minor floodplains (streams with a watershed of less than 640 acres, but greater than 100 acres): A minimum of 35 feet on each side of the stream or creek measured from the channel scar line of the stream or creek.

4. Within the 35 foot buffer, a streamside forested area of at least 25 feet on each side of the creek or stream shall be provided. The streamside forested area shall consist of mature trees where they exist prior to the development of a property and shall be supplemented with new tree plantings if required by the town. When no mature trees exist, the streamside forested area shall be created with new tree plantings. All new tree plantings shall comply with the minimum size requirements for plantings found in article 7 of this ordinance. New tree plantings shall be of a species compatible with the stream, creek, and/or wetlands. Unless otherwise exempted by this ordinance, land uses permitted within the streamside forested area shall be limited to pedestrian footpaths (preferably constructed of a porous material); well-designed watercourse crossings, designed in accordance with accepted Best Management Practices; passive recreation areas such as gazebos or benches; and other such uses, as determined by the zoning administrator, which do not negatively impact the adjoining stream, creek, or wetlands.
5. Where wetlands exist adjacent to a major or minor stream buffer, a setback of at least 35 feet shall be maintained from all wetlands for all structures and impervious surfaces. When any part of this ordinance requires a setback of more than 35 feet, the larger setbacks shall be provided.

Section 3. - Effect of buffer.

The construction of buildings, structures, impervious parking lots, or other impermeable surfaces within the stream and creek buffer is prohibited, except as stated herein. Existing buildings and structures within the stream and creek buffer are not considered nonconforming, i.e., they can be added to and, if destroyed by fire or casualty, they can be rebuilt to the same or an equivalent footprint. The town encourages the growth, through plantings or natural succession, of vegetative and forestal cover within the Scenic Creek Buffer area.

Section 4. - Development criteria.

The stream and creek buffer is not intended to, and shall not, limit development density (gross floor area or units per acre) otherwise allowed on land within the stream and creek buffer area, and off-street parking requirements shall be reduced as necessary to accommodate the buffer without limiting such otherwise permitted development. The stream and creek buffer shall be administered like any other setback provided for in this ordinance in allowing otherwise developable land within the setback area to be counted for density computation purposes and applied toward the construction of improvements outside the setback area.

Section 5. - Exceptions.

Public utility installations and repairs, outfalls, road crossings and driveways shall be permitted subject to applicable federal and state regulations, ~~to this ordinance,~~ and to such performance standards as may be contained in the facilities standards manual. Said public utility installations and repairs, outfalls, road crossings and driveways shall be designed in such a way as to minimize impacts on the natural features of the streams and creeks.



STAFF REPORT
DISCUSSION ITEM

Item # 7b

SUBJECT: C-4 Height Standards Zoning Text Amendment

DATE OF MEETING: June 16, 2016

STAFF CONTACT: Daniel Galindo, AICP – Senior Planner

BACKGROUND:

At the previous Planning Commission meeting, Commissioner Paciulli provided a markup of the C-4 Height Standards and a related handout. Staff has since reviewed Ordinance 08-08-03 which amended these standards and discovered that revisions made to the ordinance by motion were not incorporated in the version sent to Municode. A corrected ordinance is provided. Commissioner Paciulli would like to further discuss this topic at the June 16th meeting.

ATTACHMENTS:

1. Commissioner Paciulli's C-4 Height Standards Markup
2. Commissioner Paciulli's C-4 Height Standards Handout
3. Excerpt of Town Council Minutes of August 12, 2008 Regular Meeting
4. Corrected Ordinance 08-08-03 as revised by motion

*This page is
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Section 8. Reserved.

Editor's note—Adopted Sept. 14, 2004, repealed § 8, which pertained to C-3 General commercial district and derived from revised Apr. 14, 1992; revised Jan. 12, 1993; Ord. No. 99-01-1, adopted Feb. 9, 1999; Ord. No. 00-3-1, adopted Mar. 14, 2000.

Section 9. C-4 Central commercial district.

9.1 Purpose of the district.

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

9.2 Permitted uses.

A building or land shall be used only for the following purposes:

1. Accessory buildings and uses.
2. Adult care center.
3. Apartments within the upper stories of a building or group of buildings containing offices, retail or other commercial uses. Apartment units may be served by ground floor entrances or lobbies, but no greater than 50 percent of the gross floor area of the ground floor may be used for residential living space, provided that such residential living space is at the rear of the building and the front half of the ground floor is habitable space used for other, non-residential permitted uses.
4. Bakeries, retail.
5. Child care center, subject to the provisions of article 6, [section] 7.2.
6. Commercial recreation facilities, indoor and outdoor.
7. Eating establishments without drive-in or drive-through facilities.
8. Feed, seed and garden stores, with accessory outdoor storage and display.
9. Financial institutions without drive-in or drive-through facilities.
10. Fitness center.
11. Funeral home or undertaking establishment.
12. Garage, parking, but not auto or truck repair.
13. Hotel, inn, or bed and breakfast facility.

14. Indoor theater.
 15. Institutions, educational or philanthropic, including museums, libraries and art galleries.
 16. Laundries, laundromats or dry-cleaning establishments.
 17. Medical or dental clinics.
 18. Offices, general business or professional.
 19. Parking lots.
 20. Personal service establishments.
 21. Printing, publishing, and engraving establishments, photocopying, photographic processing or blueprinting.
 22. Radio and television stations and studios or recording studios, but not towers.
 23. Retail sales establishments.
 24. School, special instruction.
 25. School, technical, trade, or business.
 26. Single-family detached dwellings. (Revised 4/14/92)
 27. Structured parking garage.
 28. Temporary stands, or outdoor areas for sale of produce, Christmas trees, wreaths, holly, and the like.
 29. Veterinary hospital.
 30. Farm and community market.
 31. Brewery, winery or distillery provided all such facilities are open to the public on a regular basis for tastings, tours or retail sales.
- (Ord. No. 11.01.01, 2-8-2011; Ord. No. 12-07-01, § 3, 7-19-2012)

9.3 Uses permitted by special use permit.

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

1. Concrete plants.
2. Contractor's office with accessory warehouse and outdoor storage yard.
3. Drive-in or drive-through facility accessory to a financial institution.
4. Private clubs, lodge, meeting or assembly hall, fraternal organization or sorority. (Adopted 4/9/02)
5. Rental of household items, tools and appliances subject to the provisions of article 4, section 7.13.

- 6. Sand, gravel and landscaping materials sales and storage.
- 7. Wholesale sales with accessory warehouse storage.

9.4 Permitted signs.

Subject to the general sign regulations of article 6.

9.5 Lot size standards.

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

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

- 1. Minimum front yard: None.
- 2. Maximum front yard: No greater than 15 feet, with the following exceptions:
 - a. That permitted outdoor public use spaces such as outdoor cafe seating are exempt from this requirement, and
 - b. For expansions to existing principal structures, the setback may be greater than 15 feet as long as it is bringing the existing setback into equal or greater conformity with the regulations than the existing structure.
 - c. All lots zoned C-4 and located north of the former W&OD railroad right-of-way, as shown on Map 9.1, are excepted from this provision.

(Ord. No. 13-02-01, § 1, 2-12-2013)

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

and front lot widths of more than 80 feet at the time of adoption of these standards, need only have front facades across 35 percent of the front lot width. Properties to the north of the W&OD trail shall be exempt from either of these requirements.

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

9.7 Special regulations for business and commercial buildings.

- 1. Similar uses permitted. Other commercial, financial, professional, governmental, recreation, entertainment, cultural and service uses which, in the opinion of the administrator, are of the same general character as those permitted uses listed above, shall be permitted, provided that these and the above specified uses shall be permitted only in accord with the development standards of this ordinance.
- 2. Enclosed buildings. Except as provided in the regulations for this district, all uses shall be conducted within completely enclosed buildings of permanent and durable construction, with no open storage of raw, in process, or finished products or material and supplies or waste material, except products on temporary display for sale. This provision does not preclude outdoor eating areas accessory to a permitted use.

9.8 Height standards.

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

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

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

- ~~4. The maximum roof pitch shall be no steeper than 12/12 and the maximum top gable peak shall not exceed 75 feet in height.~~

ZON4:49

ok if important but - why No

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

(Ord. No. 08-08-03, § I, 8-12-2008)

not permitted? 9.2-22
really?
do but look at existing to make sure it covers existing?

9.9 *Off-street parking and loading standards.*

Off-street parking and loading design standards and space requirements for particular uses are contained in article 6.

9.10 *Landscaping, screening and open space.*

Regulations for landscaping, screening and open space are contained in article 7.
(Ord. No. 02-04-4, 4-9-2002; Ord. No. 08-08-03, § II, 8-12-2008)

Section 10. CM-1 Local service industrial district.

10.1 Purpose of the district.

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

10.2 Permitted uses.

A building or land shall be used only for the following purposes:

1. Accessory buildings and uses, including but not limited to the following:
 - a. Any accessory use permitted in the R-2 residential district.
 - b. Coin-operated vending machines for food, tobacco, ice, soft drinks, and sundries inside a building and primarily for the use of occupants thereof.
 - c. Storage of supplies, merchandise, equipment, or goods normally carried in stock, used or produced in connection with a permitted office, business, commercial or industrial use subject to applicable district regulations.
2. Automobile, motorcycle, off-road vehicle, bus or truck sales, service or repair, assembly, painting, upholstery, or body or fender work or rebuilding, but not a salvage or wrecking yard.
3. Business service establishments.
4. Farm implement and tractor sales, service and repair.

2025 Land Use Policies and Categories

Commissioner Paciulli's C-4 Height Standards Handout

To implement the updated community goals set forth in this Comprehensive Plan, the following Land Use Policies are established to guide future land development and zoning decisions. Implementation strategies are recommended with each policy to promote the policies and land use categories established by this Comprehensive Plan.

1. ***Harmonious, Compatible and Orderly Land Development:*** Provide for managed community growth and land development that ensures harmonious, compatible and orderly land use patterns, enhances the unique community character of Purcellville and preserves landmarks (i.e., Cole Farm, Train Station, Dillon's Woods and Tabernacle).

Implementation Strategies:

- 1.1 Amend the Zoning and Subdivision Ordinances to reflect the recommended development standards and land uses discussed in this Comprehensive Plan.

2. ***Balanced Distribution of Land Uses:*** Provide a diversity of land uses in suitable locations to support the residential and business needs of Purcellville while ensuring economic, social and financial stability.

Implementation Strategies:

- 2.1 Amend the Zoning Map to reflect the future land use recommended by this Comprehensive Plan and the Planned Land Use Map.
- 2.2 In considering future rezoning applications and/or annexation requests, evaluate utility service demands and available capacities for new development and give priority to serving and achieving the long-term community goals and future land use recommended in this Comprehensive Plan.

3. ***Infill Development and Redevelopment:*** Promote compatible infill development and redevelopment of underutilized commercial and industrial properties and areas targeted for revitalization.

Implementation Strategies:

- 3.1 Prepare design guidelines and educational materials to promote the desired infill development and redevelopment recommended in this Comprehensive Plan.
- 3.2 Develop and provide incentives and tools needed to initiate appropriate infill development and redevelopment of areas identified in this Comprehensive Plan. Incentives and tools to be considered include financial assistance programs, zoning amendments, and tax service districts.

To achieve the goals of this Comprehensive Plan, specific land use categories are recommended to guide future development in Purcellville. These categories are discussed in the following paragraphs. Additional land development guidelines are set forth in the following section, Community Design.

East Main and is recommended be expanded to the area between Firemen's Field and the Methodist Church in order to maintain the historic integrity of the properties while providing opportunities for alternative development. The intent is to provide the option for limited professional office use in conjunction with an established residential use in specified areas.

The existing R-3(A) Office/Residential zoning district could be used to implement this land use category. This district is included in the Purcellville Zoning Ordinance, but has never been applied to specific properties, so is not included on the Zoning Map. The district provides that at least fifty percent of the structure must be used residentially; that the appearance and character of the structure must be maintained in accordance with recommended historic guidelines for rehabilitation; and that any parking must be landscaped and located to the rear of the building. These provisions should be evaluated and revised as necessary to ensure that they will achieve the desired transitional land use in these areas. Rezoning of properties to this district may be considered where the change in land use is supported by the majority of surrounding property owners.

Neighborhood Commercial

This special land use category is intended to provide easily accessible, small retail and service establishments oriented to supporting frequent residential needs. Those areas recommended for neighborhood commercial are envisioned to be compact, commercial or non-residential development that enhances adjacent residential properties; involves compatible activities and hours of operation; and is characterized by small buildings (less than 3,000 square feet in size) with limited parking.

Two areas are recommended for possible neighborhood commercial development: the Hirst Farm-Locust Grove Neighborhood and the Village Case Neighborhood. Typical neighborhood commercial uses would be a daycare, neighborhood grocery, personal service establishment (beauty shop, barber shop, tailor or seamstress, etc.), community center and bed and breakfast. The maximum height of structures should be 35 feet or less. Buffers should be provided between adjacent residential uses and the non-residential building and parking area. Signage should be limited to less than 20 square feet. All exterior lighting must meet Town outdoor lighting regulations to minimize glare and light pollution.

Downtown Commercial

This land use category is recommended for the downtown central business district extending from Hatcher Avenue to just beyond 23rd Street and including areas north of the W&OD Trail on North 21st Street and Cornwell Lane. This Plan recommends additional commercial district space for expansion of the downtown business district. Zoning in the downtown must provide for appropriate commercial uses, as well as mixed-use, with the possibility of residential use above the first floor. The existing C-4 Central Commercial zoning district should be revised to reflect this goal of increased commercial and mixed uses. District regulations also should be amended to reflect the urban nature of this area. Landscaping is recommended in public areas, but large buffer yards are not in keeping with the desired urban scale of development in downtown. Parking

provisions should be amended to accommodate shared parking opportunities, public transportation options, and the need for structured parking.

New infill development in downtown must be in context with existing development; building height should be based on the relationship from the ground elevation of 21st Street, and buildings should be limited to a maximum Floor Area Ratio (FAR) of 3.0. Additional height and FAR may be considered where there are special public benefits, such as public art or spaces, or unusual topographic conditions. New buildings should be designed and constructed to be compatible with and in context with adjacent buildings.

This sort of lines sort of contradictory

Professional Office

There is limited space designated for professional office or similar types of uses in Purcellville. Consequently, many offices are developed in the town's retail or industrial areas. A new land use category is recommended for professional office in the vicinity of Hirst Road between Maple and Hatcher Avenues. These uses will be visible from the Route 7 Bypass and should include development provisions for attractive landscaping, architectural features, and parking that is screened from view. Tracts in this area of town should be considered a priority for future annexation to expand commercial opportunities.

Professional office buildings should be restricted to a maximum height of 45 feet and a maximum FAR of 1.0. Buildings and parking should occupy no more than 60 percent of the lot. Street frontages should be landscaped and parking screened from public view. No development should be permitted within the floodway or the 100-year floodplain.

Mixed-Use Commercial

The East and West Main Street corridors beyond downtown represent a different type of commercial development than what is in the downtown business district. A new mixed-use commercial land use category is recommended for the commercial areas of East Main Street. The intent of this district is to provide for a variety of retail shopping, office uses, and miscellaneous recreational and service activities in compact clusters.

At the western Town limits, additional property on the south side of West Main Street could be considered for rezoning if consolidation and redevelopment resulted in enhanced site development, improved access and traffic management.

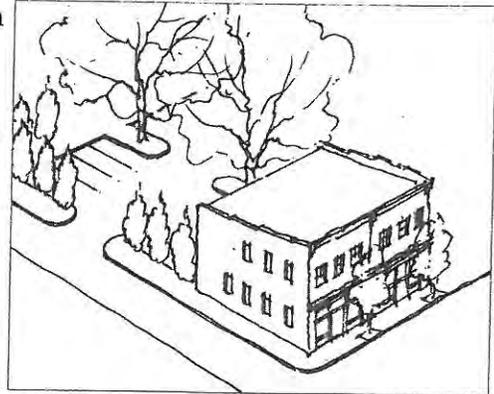
Buildings should be limited to a maximum height of 45 feet and a FAR of 1.0. Buildings and parking should occupy no more than 70 percent of the lot. Buildings should be located close to the street, with most off-street parking located in the rear and none to the front of buildings. Street frontages and parking areas should be landscaped. Street entrances for traffic should be minimized and coordinated with adjacent commercial properties. All development should include pedestrian circulation systems.

Encourage Compatible Land Uses. Promote residential, commercial and industrial land uses that compliment Purcellville's built character and preserve its community character and natural environment. Industrial and commercial uses should be limited to those that are environmentally friendly and add value to Purcellville's quality of life.

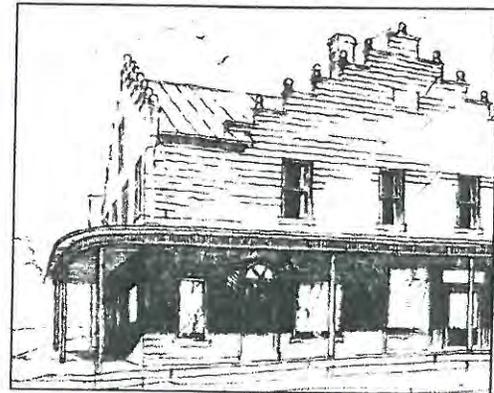
The following illustrations show how these design principles could be applied to specific focus areas in the Town of Purcellville.

Downtown

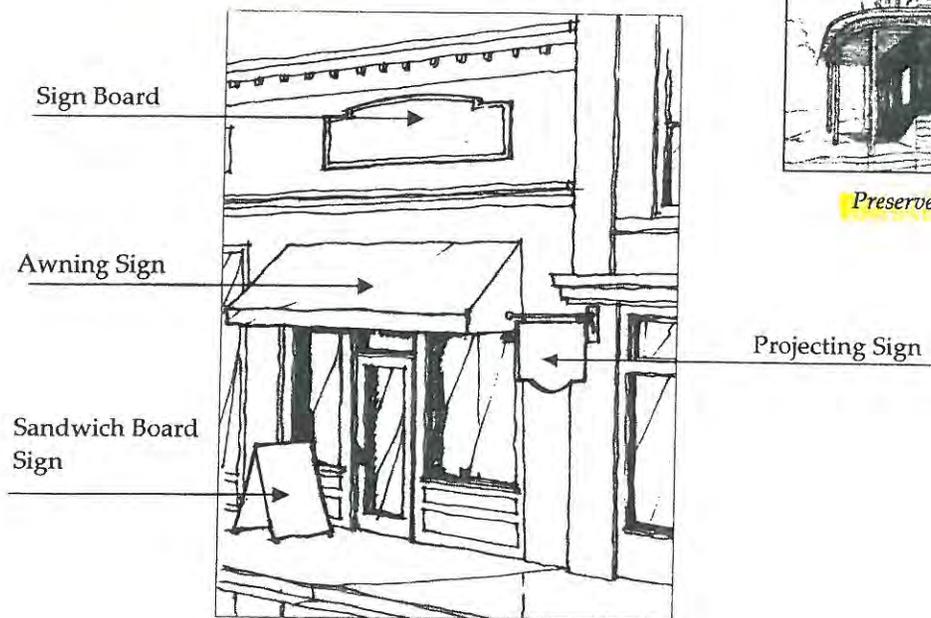
- Building fronts should be at the front property line in order to orient the building to the street.
- Parking in Downtown should be on the street or at the rear of the building.
- Signs should be oriented to the pedestrian and slow-moving traffic. This means that signs should be located on the first floor level, be at a reduced scale, and have shielded and directed lighting.
- Appropriate site furniture should be used to complement the design of the streetscape.
- Defining architectural features of historic buildings should be preserved.
- **New development adjacent to established neighborhoods or commercial areas should be sensitive to existing buildings and landscapes.**



Downtown parking: on-street or behind.



Preserve historic architectural features.



Downtown signage: pedestrian scale.

d) Appointment to Committees, Commissions and Boards

Council member Wagner made a motion that the Town Council approve the expansion of the Committee of the Environment to increase the citizen representation from two to three members.

Motion: Council member Wagner
Carried: 6-0-1 with Priscilla absent
for the vote

Council member Wagner made a motion that the Town Council approve the following reappointments to Committees, Commissions and Boards.

Tom Priscilla, Vice Mayor	Planning Commission	09/08 – 08/12
Bill Druhan	Planning Commission	09/08 – 08/12
Michael Ryan	Planning Commission	09/08 – 08/12
Margaret Vaughan	BZA	09/08 – 08/13
Larry Ferrigno	PRAB	10/08 – 09/10
Kevin DeHart	PRAB	10/08 – 09/10
Jim Buckner	BAR	09/08 – 08/12
Pat Giglio	BAR	09/08 – 08/12
Troy Heskett	EDAC	10/08 – 09/10
John Holmes	EDAC	10/08 – 09/10
Laurie Jayne Geiger	Tree & Beautification	10/08 – 09/10

Motion: Council member Wagner
Carried: 6-0-1 with Priscilla
abstaining

Council member Wagner made a motion that the Town Council approve the following appointments to vacancies on Committees, Commissions and Boards.

Ron Lickey	PRAB	10/08 – 09/10
Jason Dengler	Tree & Beautification	10/08 – 09/10
Shaileen Backman	Committee on the Environ.	
Chip Paculli	Planning Commission	10/06 – 10/10

Motion: Council member Wagner
Carried: 7-0

e) Zoning Ordinance Amendment for Commercial/Industrial Text Amendments

Council member Wiley made a motion that the Town Council approve the amendments to Article 6, 8, 11 and 15 of the Zoning Ordinance by adopting Ordinance 08-08-06.

Motion: Council member Wiley

Council member Wiley withdrew his motion because it was the incorrect motion.

Vice Mayor Priscilla made a motion to adopt Ordinance 08-08-03 adopting the Zoning Ordinance Amendments Commercial/Industrial Amendments Districts and related definitions with the changes recommended by staff in its August 12, 2008 staff report plus the following changes:

C-1 District

1. Delete Article 6.9 items 4, 5, 6 and 7 which are design elements subject to the BAR process.

2. Delete Article 6.9 items 1, 2, 11 and 12 which are screening elements subject to section 7 of the existing zoning ordinance which deals with screening requirements.
3. Delete Article 6.9 item 3 (drainage) which is covered under separate provisions in the ordinance, state law and Facilities Standards Manual.
4. Delete Article 6.9 items 8 and 10 which are parking elements subject to section 6 of the existing ordinance which deals with parking requirements.
5. Delete Article 6.9 item 9 which is an element of all projects in various zoning districts.
6. Delete Article 6.10 item 1a. which is a design element subject to BAR process.
7. Delete Article 6.10 item 1m. which is a screening element subject to section 7 of the existing ordinance which deals with screening requirements.
8. Delete Article 6.6 item 6 in its entirety.

C-4 District

1. Modify Article 9.8 item 2 to delete requirement to step back height standards for buildings on side and rear facades where adjacent to commercial or industrial districts.
2. Modify Article 9.8 item 3 to permit for any parcel not just those greater than 2 acres in size.
3. Delete Article 9.8 item 4 which is a design element subject to the BAR process.
4. Modify Article 9.2 item 3 to use the term living space rather than residential space.
5. Modify Article 9.6 item 2b to identify substitute language instead of saying "greater conformity into" it should be "into a equal or greater conformity".
6. Modify Article 9.6 item 5 to identify that this provision applies only to parking lot expansions of 10 spaces or greater
7. Modify Article 9.2 item 10 to include undertaking establishment.
8. Article 4, subsection 9.8.3 at the end of the first paragraph the following text:

"and those portions of the building greater than 10 feet behind the front façade may be a maximum of 75 feet in height."

Motion: Vice Mayor Priscilla
Carried: 6-0-1 with Varnecky
abstaining

f) Zoning Ordinance Amendment for Special Use Permit Process

Council member Wiley made a motion that the Town Council approve the amendments to Articles 6, 8, 11 and 15 of the Zoning Ordinance by adopting Ordinance 08-08-06.

Motion: Council member Wiley
Carried: 7-0

g) Nutrient Exchange Agreement

Council member Wiley made a motion that the Town Council approve the Nutrient Exchange Agreement and authorize the Mayor or Town representative to sign the agreement.

Motion: Council member Wiley
Carried: 7-0

h) Contract Award for Kimley-Horne to Complete Downtown Enhancement Design

Council member Wiley made a motion that the Town Council endorse staffs recommendation that Kimley-Horne and Associates be awarded the contract to provide

TOWN OF PURCELLVILLE
IN
LOUDOUN COUNTY, VIRGINIA

ORDINANCE NO. 08-08-03

PRESENTED: August 12, 2008

ADOPTED: August 12, 2008

**AN ORDINANCE: ADOPTING ZONING ORDINANCE AMENDMENTS RE:
COMMERCIAL & INDUSTRIAL DISTRICTS & RELATED
DEFINITIONS**

WHEREAS, this Council in December 2006 requested that the Planning Commission review and recommend amendments to commercial and industrial zoning districts to help implement the December 2006 comprehensive plan; and

WHEREAS, the Planning Commission engaged the services of consultant Herd Planning & Design to assist in this task; and

WHEREAS, the Planning Commission held public input sessions on May 10 and May 31, 2008 and a special input session with the Purcellville Business & Professional Association on May 13, 2008 to solicit comments and suggestions on the C-1, C-4, CM-1 and M-1 zoning districts; and

WHEREAS, the consultant prepared draft amendments to these zoning districts following three Planning Commission work sessions in May and June, 2008 that reviewed the districts and the public input received; and

WHEREAS, after the required public notice the Planning Commission and Town Council held a joint public hearing on the proposed amendments on July 8, 2008 at which public comments were heard; and

WHEREAS, the Planning Commission on August 7, 2008 adopted Resolution 08-08-01 recommending the amendments and finding them in the interest of the public necessity, general welfare and good zoning practice; and

WHEREAS, this Council also finds that these amendments to the C-1, C-4, CM-1 and M-1 zoning district and related definitions are in the interest of the public necessity, general welfare and good zoning practice;

THEREFORE BE IT ORDAINED that the Purcellville Town Council hereby adopts the following amendments to the Purcellville Zoning Ordinance:

- I. Article 4, Section 6 is hereby amended to add the underlined text and delete the strikethrough text as follows:**

“Section 6. C-1 Office commercial district.

6.1 Purpose of the district.

The purpose of this district is to provide for planned office parks or for offices and similar business buildings and limited office support uses, in attractive surroundings with types of uses, structures, plantings, and signs so controlled as to be generally compatible with medium density or low density residential surroundings. The district can be applied to large or small areas if development standards are complied with. Height of office buildings is limited to three stories or to two stories in proximity to a low density residential district and permitted ground coverage is low to further enhance residential compatibility. In order to preserve the district area for office uses general business and retail uses are not permitted. (Revised 4/9/91)

6.2 Permitted uses.

A building or land shall be used only for the following purposes:

- ~~10~~ 1. Accessory uses, as follows: including but not limited to the following:

- a. Coin-operated and vending machines for food, tobacco, ice, soft drinks, and sundries inside a building and for the use of occupants thereof.
 - b. ~~Restaurant or cafeteria, lunchroom or snack bar for the use of employees who work in the building where such facility is located, provided such facility has no exterior entrances or exits or signs.~~
 - c. Storage of office supplies or merchandise normally carried in stock or used in connection with a permitted use, subject to applicable district regulations and provided such storage area does not exceed 25 percent of the total floor area of the building.
- ~~2.~~ Adult Care Center.
 - ~~3.~~ Child Care Center, subject to the provisions of Article 6, 7.2.
 - ~~3, 4.~~ Clinics, medical or dental.
 - ~~5.~~ Commercial recreation facilities, indoor and/or outdoor, of not more than 10,000 square feet.
 - ~~4.~~ Data processing center.
 - ~~5.~~ Employment service or agency.
 - ~~6.~~ Eating establishment, provided that any such freestanding use be limited to not more than 15% of the total floor area of a unified, mixed-use development plan on a lot of no less than two acres. Nothing here shall prohibit the division of the site into lots of less than 2 acres after approval of the unified, mixed-use development plan.
 - ~~2, 7.~~ Financial institutions without drive-through or drive-in facilities banks, savings and loan or small loan office, drive-in or otherwise.
 - ~~8.~~ Fitness centers of not more than 10,000 square feet.
 - ~~6 9.~~ Funeral home or undertaking establishment provided all hearses, or other special vehicles are parked or stored inside a completely enclosed building.
 - ~~10.~~ Hotel, motel or suites hotel.
 - ~~4, 11.~~ Offices and office buildings, business, professional, or administrative, provided that no retailing, wholesaling, or servicing shall be permitted on the premises nor shall the storage or display of merchandise to be serviced or offered for sale elsewhere, and, except as herein provided there shall be no machinery or equipment other than machinery or equipment customarily found in offices.
 - ~~12.~~ Parks, and other public facilities as identified in the comprehensive plan.
 - ~~13.~~ Personal service establishments, provided that any such freestanding use be limited to not more than 15% of the total floor area of a unified, mixed-use development plan.
 - ~~14.~~ Pharmacies, without drive-through facilities.
 - ~~7 15.~~ Printing, publishing and engraving establishment, blueprinting, photocopying and similar uses provided that no use permitted in this item shall occupy more than 5,000 square feet of floor area.
 - ~~8 16.~~ Radio or television broadcasting studios or offices or telephone, or radio or television communications center.
 - ~~9 17.~~ School, special instruction studio for an artist, designer, writer, photographer, sculptor, or musician.
 - ~~18.~~ School, technical, trade or business.
 - ~~19.~~ Veterinary Hospital.

6.3 Uses permitted by special use permit or commission permit.

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

~~1. Business or technical school.~~

~~1. Business service establishments.~~

1. Car wash.

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

Move the following two paragraphs to Article 6 and Article 8:

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

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

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

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

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

2.6. Hospital for humans.

~~3. Hotel, motel or apartment or suites hotel.~~

~~4. Nursery schools, kindergartens, child care centers, day nursery or day care center subject to Article 6, section 7.2. (Revised 1/12/93)~~

7. Medical offices.

~~6-8.~~ Radio or television transmission or receiving tower more than ~~50~~ 60 feet in height, measured from grade, provided that for portions of the structure greater than 35 feet in height, required front, side and rear yards shall be increased one foot for each foot in height over 35 feet.

~~6.4~~ The following uses require a commission permit approved in accord with Article 8 of this ordinance and Code of Virginia, § 15.1-456 ~~§15.2-2232:~~

~~7.1.~~ Colleges, universities, technical schools or similar not for profit institutions for educational or philanthropic purposes. (Adopted 3/10/98)

~~8.2.~~ Public or governmental buildings and uses, including governmental offices, libraries, schools, fire stations (volunteer or otherwise), parks, parkways and playgrounds, except those which have been approved as part of a subdivision or site plan. (Revised 4/14/92)

~~9.3.~~ Public utility or public service or transportation uses, treatment plants, water storage tanks, pumping stations or regulator stations, utility storage yards, substations and major transmission lines. (Revised 4/14/92)

6.4 Permitted signs.

Subject to the general sign regulations of Article 6.

6.5 Lot size standards.

1. For permitted uses the minimum lot size shall be 20,000 square feet, ~~with minimum lot width of 100 feet and minimum lot depth of 150 feet, unless an existing building is to be converted to such use in which case the existing lot will be considered adequate if required parking can be provided.~~
2. ~~Building coverage shall be limited to a maximum of 40 percent of lot area.~~
~~Lot width is measured at the minimum front yard building restriction line.~~
2. Minimum street frontage is 50 feet.

6.6 Yard and setback standards.

~~Office or other building:~~

1. Minimum front yard: 35 feet
2. Minimum side yard: ~~none, except 15 feet when a lot abuts a residential district.~~
3. Minimum rear yard: ~~20 feet, 40 feet if adjacent to a residential district.~~
~~Minimum front yard shall be 55 feet from the street centerline if street right-of-way is less than 50 feet in width.~~
4. ~~Minimum setback and buffer from streams: a planted buffer strip of at least 100 feet in width must be provided between any existing stream that drains a watershed area of 100 or more acres, and all proposed buildings and paved parking areas. However, the developer may submit a plan for approval by the Zoning Administrator to reduce the buffer to not less than 50 feet, provided that the plan includes alternative measures that would achieve the same level of protection for water quality and wildlife habitat as would a 100-foot wide buffer.~~
5. Building coverage shall be limited to a maximum of 40 percent of lot area.
6. ~~Maximum total lot coverage of building and parking is 60%.~~
6. ~~The Zoning Administrator may grant an administrative modification of these setback requirements upon recommendation of the Board or Architectural Review, which shall include a written explanation of how any such modification will better accomplish the purpose and intent of the district.~~

6.7 Special provisions for corner lots. [Move provisions for corner lots to Article 3]

1. ~~Each corner lot shall have two front yards and two side yards. Those yards abutting the street shall be considered the front.~~
2. ~~Where a front yard is provided fences, signs, landscaping, shrubbery, evergreens and trees in excess of three feet in height are not permitted within 15 feet from the corner of a lot at intersecting streets.~~

~~See sections below for special regulations for office and other business buildings.~~

6.7 Special regulations for offices and other business buildings.

1. *Site plan required.* Site development plan approval is required. An office park or office buildings or other buildings shall be designed to promote harmonious relationships with surrounding adjacent and nearby properties, developed and undeveloped, including providing a coordinated appearance when viewed from adjacent highways, and to this end may employ such design techniques as may be appropriate to a particular case, including location of permitted uses, orientation, spacing and setback of buildings, maintenance of natural vegetation, location of access points, size and location of signs, open spaces, and parking areas, grading, landscaping and servicing. ~~No building shall be constructed with or~~

~~altered to produce a store front, store window, or display window and There shall be no display from windows or doors.~~

- ~~2. *Access.* The principal means of access for an office park or for any office or bank use containing more than 2,500 square feet of floor area shall be from arterial and/or collector thoroughfares. In no case shall the principal means of access for such building be from a minor residential street. Access points shall be designed to minimize traffic hazard and congestion in accord with accepted principles of traffic engineering and established town policies.~~
- ~~3.2. *Parking.* Off street parking for individual uses shall be provided in accord with the provisions of Article 6. No parking shall be permitted within a required front yard.~~
- ~~4.3. *Loading.* Off street loading space for individual uses shall be provided in accord with the provisions of Article 6. Loading operations shall be conducted within a building and screened from general public view from fronting and side streets or shall be conducted at the side or rear of buildings.~~
- ~~5.4. *Landscaping.* Any part of the lot or project area not used for buildings or other structures, parking, loading and accessways, shall be landscaped with appropriate planting or with pedestrian walks in accord with an approved landscaping plan in accord with the provisions of Article 7.~~
- ~~6.5. *Refuse.* Refuse containers or refuse storage shall be located in a paved area and hidden from general public view, either from within or outside the premises by means of fences, walls, or landscape planting.~~
- ~~7.6. *Drainage.* Provision shall be made for proper stormwater drainage, in accord with the Town's stormwater requirements. Water from parking and loading areas shall not be permitted to drain onto adjacent property except into a natural watercourse or a drainage easement.~~

6.8 Height standards.

Buildings may be erected up to three stories and 45 feet in height except provided that:

- ~~a 1.~~ The height limit for office buildings, banks and clinics is three stories and 45 feet except that Any building or part of a building which is located within 200 50 feet of an R-2 or R-3 residential district shall not exceed two stories and 30 35 feet in height.
- ~~2.~~ A public or semi-public building such as a school, church, or library, Principal structures may be erected to a height of 60 feet from grade provided that for portions of the building greater than 35 45 feet in height, required front, side and rear yards shall be increased one foot for each foot in height over 35 45 feet.
- ~~e 3.~~ Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, and flag poles of any height, and television antennas up to 50 60 feet in height, are exempt from height regulations. Parapet walls may be up to four feet above the height of the building on which the walls rest.
- ~~d 4.~~ No accessory structure which is within ten feet of any adjoining owner lot line shall be more than one story or 15 feet high. All accessory structures shall be of less height than the main buildings on the lot.

6.9 Additional design standards for all uses.

- ~~1. Site plan. Where approval of a site plan is required, the plan shall be designed to promote sensitive use of topography and to promote harmonious relationships with adjacent and nearby residential properties, developed or undeveloped, and to this end shall provide effective screening along side and rear properties lines by means of fences, walls, hedges, planting screen or natural vegetation in accord with the requirements of this ordinance.~~
- ~~2. Refuse. Refuse containers and refuse storage shall be located in a paved area and hidden from general public view, either from within or outside the premises, by means of fences, walls, or landscape planting.~~
- ~~3. Drainage. Provision shall be made for proper stormwater drainage from parking and loading areas. Water shall not be permitted to drain from such areas onto adjacent property except into a~~

natural watercourse or a drainage easement. Provision shall be made for protection against erosion and sedimentation in accord with applicable town ordinances.

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

6.9.10. Additional standards and requirements for special permit uses.

In addition to the general standards set forth in Article 8, Section 2, all special use permits shall be reviewed for compliance with the additional design standards of Section 7.9, the Town of Purcellville Design Guidelines and the following additional requirements:

- I. Drive-in financial institutions, drive-through pharmacies, drive-in or drive-through eating establishments, and other permissible drive-in uses requiring a special use permit shall meet the following additional standards:
 - ~~a. Such a use shall have on all sides the same architectural treatment or shall be architecturally compatible with the building group or neighborhood with which it is associated.~~
 - b.a. Such a use shall be designed so that pedestrian and vehicular circulation is coordinated with that on adjacent properties.
 - e.b. The site shall be designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation. Parking and stacking spaces shall be provided and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the site.
 - d.c. In reviewing such a use or combination of uses, it shall be determined that the lot is of sufficient area and width to accommodate the use and that any such use will not adversely affect any nearby existing or planned residential areas as a result of the hours of operation, noise generation, parking, glare or other operational factors.
 - e.d. For a drive-through pharmacy, signs shall be required to be posted in the vicinity of the stacking area stating the limitations on the use of the window service and/or drive-through lane. Such signs shall not exceed two (2) square feet in area or be located closer than five (5) feet to any lot line.

- f.e. Drive-through stacking lanes shall be a minimum one hundred feet from any residential lot. The planning commission may modify or waive this requirement if it determines that the impacts to nearby residences will be minimal.
 - g.f. Speakers in drive-through areas shall not be audible from adjacent residential uses. Sound attenuation walls, landscaping or other mitigation measures may be required as necessary.
 - h.g. Pedestrian walkways should not intersect the drive-through aisles, but where there is no alternative, they shall have clear visibility.
 - i.h. Drive-through aisles shall have a minimum twelve-foot width on curves and a minimum eleven-foot width on straight sections.
 - j.i. Drive-through aisles shall provide sufficient stacking area behind the menu board for drive-through restaurants and behind the service window for other drive-through uses to accommodate a minimum of six cars (approximately one hundred fourteen feet).
 - k.j. No drive-through aisles shall exit directly into a public right-of-way. Aisles shall be integrated with the on-site circulation and shall merge with the driveway.
 - l.k. Drive-aisles shall be separated from landscaping areas by a six-inch high, poured in place, concrete curb or other suitable protective device meeting town approval.
 - m. Landscaping shall screen drive through aisles from the public right-of-way and shall be used to minimize the visual impacts of menu board signs and directional signs.
2. A traffic impact analysis shall be required as part of any special use permit application, including but not limited to proposed traffic flow, sight visibility for emerging vehicles, roadway capacity for turning movements, and other public safety factors, as well as proposed actions necessary to mitigate adverse impacts. The requirement for a traffic impact analysis may be waived or reduced in scope by the Town Public Works Director if he or she determines in writing that the level of impact does not warrant such study.

6.11 Off-street parking and loading standards.

Off-street parking and loading standards and space requirements for particular uses are contained in Article 6.

6.12 Landscaping, screening and open space.

Regulations for landscaping, screening and open space are contained in Article 7.”

- II. Article 4, Section 9 is hereby amended to add the underlined text and delete the strikethrough text as follows:

“Section 9. C-4 Central commercial district.

9.1 Purpose of the district.

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

9.2 Permitted uses.

A building or land shall be used only for the following purposes:

1. Automotive filling stations consisting of an office and pumps for the sale of fuel and lubricants, so long as bulk storage of flammable liquids is underground and no exterior facilities for service, maintenance or washing, and provided no lighting fixture extends to a height greater than 20 feet,

~~but not including temporary storage of wrecked or inoperative vehicles or storage or rental of luggage trailers, campers, vans, or similar equipment.~~

- ~~29~~ 1. ~~Accessory buildings and uses, including accessory storage of supplies and merchandise normally carried in stock or used in connection with a permitted use, subject to applicable district regulations, including a single family dwelling in association with a permitted office, business or commercial use, in the same building or on the same premises for use by the proprietor or an employee of said business.~~
2. Adult Care Center
3. Apartments within the upper stories of a building or group of buildings containing offices, retail or other commercial uses. Apartment units may be served by ground floor entrances or lobbies, but no greater than 50% of the gross floor area of the ground floor may be used for residential living space, provided that such residential living space is at the rear of the building and the front half of the ground floor is habitable space used for other, non-residential permitted uses.
- ~~2~~ 4. ~~Bakeries, retail, provided all products produced on the premises shall be sold at retail on the premises.~~
5. Child Care Center, subject to the provisions of Article 6, 7.2.
- ~~6.~~ Eating establishments without drive-in or drive-through facilities. Restaurants, delicatessens or ice cream parlors, for service of food for consumption primarily on the premises, including outdoor eating area, but not drive-in restaurants.
7. Feed, seed and garden stores, with accessory outdoor storage and display.
- ~~3~~ 8. Banks and other Financial institutions without drive-in or drive-through facilities.
9. Fitness Center.
- ~~8~~ 10. Funeral home or undertaking establishment.
- ~~10~~ 11. Garage, parking or storage, but not auto or truck repair.
- ~~11~~ 12. Hotel, motel, inn, motor lodge or tourist home bed and breakfast facility.
13. Indoor and outdoor commercial recreation facilities.
14. Indoor theater.
- ~~13~~ 15. Institutions, educational or philanthropic, including museums, libraries and art galleries.
- ~~4.~~ Barber shops or beauty parlors.
- ~~5.~~ Bicycle sales and repair shops.
- ~~6.~~ Catering business.
- ~~14~~ 16. Laundries, laundromats or dry-cleaning establishments with floor area not exceeding 2,500 square feet.
- ~~7~~ 17. Medical or Dental Clinics.
- ~~9.~~ Furniture, upholstery and appliance repairs.
- ~~15~~ 18. Offices, general business or professional.
- ~~16~~ 19. Parking lots, parking spaces and parking areas.
20. Personal service establishments.
- ~~17~~ ~~13.~~ Pet shop or pet grooming facility, dog beauty parlor, provided that any work rooms, cages, pens or kennels be maintained within a completely enclosed, soundproof building and that such shop or parlor be operated in such a way as to produce no objectionable noise or odors outside its walls.
- ~~18.~~ Plumbing and electrical supply sales, retail only.

- 19 ~~21.~~ Printing, publishing, and engraving establishments, photocopying, photographic processing or blueprinting with floor area not exceeding 2,500 square feet.
- 20 ~~22.~~ Radio and television stations and studios or recording studios, but not towers.
- 21 ~~15.~~ ~~Rental of household items, tools and appliances subject to the provisions of Article 4, Section 7.13.~~
- ~~23.~~ Retail Sales Establishments, providing that no new building footprint exceeds 5,000 square feet.
- ~~23.~~ ~~Shoe repairing shops with floor area not exceeding 2,500 square feet.~~
- ~~24.~~ School, Special Instruction.
- ~~25.~~ School, Technical, Trade, or Business.
- 24 ~~26.~~ Single-family detached dwellings. (Revised 4/14/92)
- ~~25.~~ ~~Stores or shops for the conduct of retail business, including sale of accessories, antiques, home or office appliances, art or art supplies, auto parts and accessories, beverages (alcoholic or otherwise), books, carpets, clothing, drugs, fabrics, flowers, food, furniture, hardware, hobby supplies, jewelry, office supplies and stationery, shoes, paint, wallpaper, sporting goods, and similar stores and shops, and incidental repair of products sold on the premises.~~
- ~~27.~~ Structured parking garage.
- ~~26.~~ ~~Studies or shops for artists, photographers, writers, teachers, jewelers, tailors, weavers or other crafts, sculptors or musicians.~~
- ~~27.~~ ~~Telephone station or booth, including drive in or talk from car stations.~~
- ~~28.~~ ~~28.~~ Temporary stands, or outdoor areas for sale of produce, Christmas trees, wreaths, holly, and the like.
- ~~30.~~ ~~Churches and other places of worship. (Adopted 1/12/93)~~
- ~~12~~ ~~29.~~ Veterinary Hospital or clinic for small animals, dogs, cats, birds, and the like, provided that such hospital or clinic and any treatment rooms, cages, pens, or kennels, be maintained within a completely enclosed, soundproof building, and that such hospital or clinic be operated in such a way as to produce no objectionable noise or odors outside its walls.

9.3 Uses permitted by special use permit or commission permit:

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

- ~~1.~~ ~~Apartments or other dwellings designed as an integral part of a building or group of buildings containing offices, retail or commercial uses. In approving such mixed use developments due consideration shall be given to such matters as fire safety, light and air, size and number of dwelling units and means of access thereto, location and number of parking spaces, location of dwellings with respect to commercial uses, and amenities provided for use of residential occupants, and the rehabilitation of existing structures where appropriate.~~
- ~~2.~~ ~~Billiard parlors or pool rooms, bowling alleys, dance halls, theaters, electronic game center or similar recreational establishments as conditional uses.~~
- ~~4.~~ ~~Taxidermists.~~
- ~~6.~~ ~~Private schools, colleges or universities subject to the standards contained in Article 6, section 7.3. (Adopted 1/12/93)~~
1. Concrete Plants.
2. Contractor's office with accessory warehouse & outdoor storage yard.
3. Drive-in or drive-through facility accessory to a financial institution, bank or savings and loan office.

~~5. Nursery schools, kindergartens, child care centers, day nursery or day care centers subject to the standards contained in Article 6, section 7.2. (Adopted 1/12/93)~~

~~7.4. Private clubs, lodge, meeting or assembly hall, fraternal organization or sorority. (Adopted 4/9/02)~~

~~6. Indoor theater~~

~~7. Structured parking garage.~~

~~5. Retail establishments in new buildings of more than 5,000 square feet.~~

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

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

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

~~9.4 The following Uses requiring a commission permit approved in accord with Article 8 of this ordinance and Code of Virginia, §15.1-456 §15.2-2232:~~

~~7.1. Public or governmental buildings and uses, including governmental offices, libraries, schools, fire stations (volunteer or otherwise), parks, parkways and playgrounds, except those which have been approved as part of a subdivision or site plan.~~

~~8.2. Public utility or public service or public transportation uses, treatment plants, water storage tanks, pumping stations or regulator stations, utility storage yards, substations and major transmission lines.~~

~~(Revised 4/14/92)~~

9.4 Permitted signs.

Subject to the general sign regulations of Article 6.

9.5 Lot size standards.

There are no minimum lot size standards for dwellings or business uses in the C-4 central commercial district ~~except as may be required by the health department for uses utilizing individual or on-site sewage disposal systems.~~

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

All structures:

1. Minimum front yard: None.

2. Maximum front yard: No greater than 15 feet, with the following exceptions:

a. that permitted outdoor public use spaces such as outdoor café seating are exempt from this requirement, and

b. for expansions to existing principal structures, the setback may be greater than 15 feet as long as it is bringing the existing setback into equal or greater conformity with the regulations than the existing structure.

3. Minimum side yard: None, except for the side of a lot abutting a residential district there shall be a side yard of at least ten feet.

4. Minimum rear yard: None, ~~(b)~~ except that for business and mixed use buildings, no rear yard is required at the first floor level except on the rear of a lot abutting a residential district there shall be a rear yard of 20 feet. For dwellings there shall be a rear yard of at least 20 feet and for all buildings there shall be a rear yard of at least 20 feet at and above the second floor level.

5. New on-site surface parking lots may not be located closer to the front lot line than the front façade of any new principal structure, with the following exceptions:

- a. that not more than one row of parallel or angled parking is permitted in the front yard if the sidewalk is between such parking and any new principal structure and such parking directly abuts an approved public street without any intervening open space or physical improvements, and
 - b. existing areas of existing parking lots are exempt from this provision.
 - c. one expansion of not more than nine (9) new parking spaces to an existing parking lot is exempt from these provisions.
6. The front façade of the principal structure must extend across at least 50% of the lot width at the front setback, unless less frontage is required due to required driveway access or to preserve existing vegetation. The front façade must enclose a full height, habitable interior space. However, existing parcels with existing principal structures and front lot widths of more than 80 feet at the time of adoption of these standards, need only have front facades across 35% of the front lot width. Properties to the north of the W&OD trail shall be exempt from either of these requirements.
7. The Zoning Administrator may grant an administrative modification of these setback requirements upon recommendation of the Board or Architectural Review, which shall include a written explanation of how any such modification will better accomplish the purpose and intent of the district.

9.7 Special regulations for business and commercial buildings.

- 1. Similar uses permitted. Other commercial, financial, professional, governmental, recreation, entertainment, cultural retail and service uses which, in the opinion of the administrator, are of the same general character as those permitted uses listed above, shall be permitted, provided that these and the above specified ~~uses stores, shops or businesses shall be retail and service establishments primarily selling merchandise and rendering a personal service~~ and shall be permitted only in accord with the development standards of this ordinance.
- 2. Enclosed buildings. Except as provided in the regulations for this district, all uses shall be conducted within completely enclosed buildings of permanent and durable construction, with no open storage of raw, in process, or finished products or material and supplies or waste material, except products on temporary display for sale. This provision does not preclude outdoor eating areas accessory to a permitted use.
- 3. Site plan. Where approval of a site plan is required, the plan shall be designed to promote careful use of topography and to promote harmonious relationships with adjacent and nearby residential and business properties, developed or undeveloped, and to this end shall provide effective screening along side and rear property lines by means of fences, walls, hedges, planting screen or natural vegetation.
- 4.3. Refuse. Refuse containers or refuse storage shall be located in a paved area and hidden from general public view, either from within or outside the premises, by means of fences, walls, or landscape planting in accord with the requirements of this ordinance.
- 5.4. Drainage. Provision shall be made for proper stormwater drainage from parking and loading areas. Water shall not be permitted to drain from such areas onto adjacent property except into a natural watercourse or a drainage easement. Provision shall be made for protection against erosion and sedimentation in accord with applicable town ordinances.

9.8 Height standards.

Buildings may be erected up to ~~three stories and 45 feet~~ in height except provided that:

- a1. Any business building or part of such building which is located within ~~200~~ 50 feet of any residential district shall not exceed ~~two stories and 32~~ 35 feet in height.
- b2. Any public or semi-public building such as a school, church, or library, may be erected to a height of 60 feet provided that the front, side and rear yards facades of the building above 35 feet shall be set back at least ten additional feet from the front facade or the front property line, whichever is greater distance from the public street. shall be increased one foot for each foot in height over 50 feet."

3. ~~Notwithstanding the provisions of 9.8.2., for properties in common ownership that exceed an aggregate of two contiguous acres in size and that abut North 21st Street, the building height at the front façade or the front property line, whichever is the greater distance from the public street, may be up to 35 feet in height; and up to 50% of the width of the front façade may be up to 65 feet in height, and those portions of the building greater than 10 feet behind the front façade may be a maximum of 75 feet in height.~~

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

- e.4. ~~The maximum roof pitch shall be no steeper than 12/12 and the maximum top gable peak shall not exceed 75 feet in height.~~
- d4. Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, and flag poles of any height, and television antennas up to 125 feet in height, are exempt from height regulations. Parapet walls may be up to four feet above the height of the building on which the walls rest.
5. The Zoning Administrator may grant an administrative modification of these height limitations upon recommendation of the Board or Architectural Review, which shall include a written explanation of how any such modification will better accomplish the purpose and intent of the district.

9.9 Off-street parking and loading standards.

Off-street parking and loading design standards and space requirements for particular uses are contained in Article 6.

9.10 Landscaping, screening and open space.

Regulations for landscaping, screening and open space are contained in Article 7."

- III. Article 4, Section 10 is hereby amended to add the underlined text and delete the strikethrough text as follows:

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

10.1 Purpose of the district.

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

10.2 Permitted uses

A building or land shall be used only for the following purposes:

1. ~~Agriculture and forestry as permitted in the R-1 residential district.~~
- 34 J. Accessory buildings and uses, including but not limited to the following:
- a. Any accessory use permitted in the R-1 residential district.
 - b. ~~Dwellings accessory to a farm of ten acres or more.~~
 - e b. Coin-operated vending machines for food, tobacco, ice, soft drinks, and sundries inside a building and primarily for the use of occupants thereof.
 - d. ~~Retail and service facilities inside a principal building for the use of occupants thereof and occupants of other buildings in the industrial development. Retail and service~~

- ~~facilities may include barber shops, beauty parlors, dining rooms, newsstands, restaurants, tobacco, drugs, and sundries.~~
- e c. Storage of supplies, merchandise, equipment, or goods normally carried in stock, used or produced in connection with a permitted office, business, commercial or industrial use subject to applicable district regulations.
- 4 2. Automobile, motorcycle, off-road vehicle, bus or truck sales, service or repair, assembly, painting, upholstering, or body or fender work or rebuilding, but not a salvage or wrecking yard.
- b 3. Business ~~and office supply service~~ establishments.
- ~~4 4.~~ Farm implement and tractor sales, service and repair.
5. Feed and seed sales and storage, blending or packaging.
- ~~3.~~ Retail and service establishments as follows:
- a. ~~Banks and savings and loan offices.~~
- e. ~~Clinics, medical or dental.~~
- d. ~~Employment service or agency.~~
- e. ~~Janitorial or exterminating service.~~
- 2.6 Dwellings Living quarters for resident watchmen and caretakers employed on the premises.
- ~~18 7.~~ Monuments and architectural stone.
- ~~19 8.~~ Nursery or landscaping service.
9. f. Offices and office buildings, studios and the like, business, professional or administrative.
- g. ~~Security service office or station.~~
- ~~21 10.~~ Plumbing and electrical supplies, manufacture, sale or storage.
- ~~36 11.~~ Printing, publishing and engraving establishment, photographic processing, blueprinting, photocopying and similar uses. (Adopted 1/13/98)
- j 12. Retail or wholesale sales and service incidental to a permitted manufacturing, processing, storing or distributing use, not exceeding 30% of the area of the principal use.
- ~~22 13.~~ Rug, ~~and carpet and flooring sales,~~ cleaning and storage, ~~with incidental sales of rugs, and carpets.~~
- ~~23 14.~~ Sign fabricating and painting.
15. Self-service storage compartments commonly known as mini-warehouses including the storage of recreational trailers/vehicles, campers, luggage trailers, boats and boat trailers and similar recreational equipment. (Amended 2/9/99)
- b 16. Temporary stands, or outdoor areas or temporary truck parking, for sale of produce, Christmas trees, wreaths, holly, and the like.
- i 17. Trade or business school, ~~including instruction in heavy construction or materials handling equipment or similar vehicles and equipment.~~
- ~~35 18.~~ Veterinary Hospital or clinic for small animals, dogs, cats, birds, and the like, provided that such hospital or clinic and any treatment rooms, cages, pens, or kennels, be maintained within a completely enclosed, soundproof building, and that such hospital or clinic be operated in such a way as to produce no objectionable noise or odors outside its walls. (Revised 10/8/96)

- ~~33 19.~~ Wholesale merchandising or storage warehouse or distribution center but not a truck or freight terminal.
- ~~5.~~ Blacksmith shop.
- ~~6.~~ Building materials (cement, lime in bags or container, sand, gravel, stone, lumber, hardware, structural or reinforcing steel, pipe and the like) storage and sales, open or enclosed, but not manufacture or steel fabricating or junk storage.
- ~~7.~~ Coal, flour or grain elevator, coal or wood yard.
- ~~8.~~ Concrete products.
- ~~9.~~ Contractor's equipment storage yard or plant or rental of equipment commonly used by contractors.
- ~~10.~~ Facilities and structures necessary for rendering utility service, including poles, wires, transformers, telephone booths and the like for normal electrical power distribution or communication service, and pipelines or conduits for electrical, gas, sewer, or water service.
- ~~8.~~ Fertilizer storage in bags or bulk storage of liquid or dry fertilizer in tanks or in a completely enclosed building, but not manufacture or processing.
- ~~10.~~ Flour, storage, blending and packaging but not milling.
- ~~15.~~ Ink manufacture from primary raw materials (including colors and pigments).
- ~~16.~~ Lumber yard.
- ~~17.~~ Meat products, manufacture but not slaughtering of animals and poultry or smoking and curing of meat.
- ~~20.~~ The above ground and below ground storage and distribution, but not refining, of petroleum and other flammable liquids. Above ground bulk storage is limited to 80,000 gallons.
- ~~24.~~ Sand and gravel processing but not extraction or stone crushing or grinding.
- ~~25.~~ Sawmill (including cooperage stock mill), stationary, and planing mill.
- ~~27.~~ Taxidermists.
- ~~28.~~ Tire rebuilding and recapping.
- ~~29.~~ Tobacco products, cigars, cigarettes.
- ~~30.~~ Welding and soldering shops; machine shop.
- ~~31.~~ Well drilling establishment, water, gas or oil, offices storage or service of supplies and equipment.
- ~~32.~~ Manufacture or storage or distribution of wire, rope and cable.

10.3 Uses permitted by special use permit or commission permit.

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

1. Automobile service station.
2. Building materials (cement, lime in bags or container, sand, gravel, stone, lumber, hardware, structural or reinforcing steel, pipe and the like) storage and sales, open or enclosed, but not manufacture or steel fabricating or junk storage.
3. Child Care Center, subject to the provisions of Article 6, 7.2.
4. Clinics, medical or dental.

- 4a ~~5.~~ Commercial recreational facility, indoor and outdoor. (Adopted 5/10/05)
- ~~6.~~ Contractor's equipment storage yard or plant or rental of equipment commonly used by contractors.
- ~~2. 7.~~ Eating establishment, Restaurant or cafeteria, drive-in or otherwise.
- 4b ~~8.~~ Fitness center. (Adopted 5/10/05)
- ~~9.~~ Financial institutions Banks and savings and loan offices.
- ~~3.10.~~ Radio, television or other communications tower more than 125 feet in height.
- ~~4.~~ Truck terminal, freight.
- ~~11.~~ Facilities and structures necessary for rendering utility service, including poles, wires, transformers, telephone booths and the like for normal electrical power distribution or communication service, and pipelines or conduits for electrical, gas, sewer, or water service.
- ~~13.~~ Feed and seed sales and storage, blending or packaging.
- ~~12.~~ Lumber yard.
- ~~13.~~ Private schools, colleges or universities subject to the standards contained in Article 6, section 7.3.
- ~~14.~~ Retail establishments
- ~~17.~~ Self-service storage compartments commonly known as mini-warehouses including the storage of recreational trailers/vehicles, campers, luggage trailers, boats and boat trailers and similar recreational equipment. (Amended 2/9/99)
- ~~15.~~ School, special instruction.
- ~~16.~~ Well drilling establishment, water, gas or oil, offices storage or service of supplies and equipment.
- ~~17.~~ Welding and soldering shops; machine shop.
- ~~10.4~~ The following uses require a commission permit approved in accord with Article 8 of this ordinance and Code of Virginia, § 15.1-456:
- ~~5.1.~~ Public or governmental buildings and uses, including governmental offices, libraries, schools, fire stations (volunteer or otherwise), parks parkways and playgrounds, except those which have been approved as part of a subdivision or site plan.
- ~~6.2.~~ Public utility or public service or transportation uses, treatment plants, water storage tanks, pumping stations or regulator stations, utility storage yards, substations and major transmission lines. (Revised 4/14/92) [move Section 9.4 to Article 8, Section 2 on Commission Permits]

10.4 Permitted signs.

Subject to the general sign regulations of Article 6.

10.5 Lot size standards.

There are no minimum lot size standards in the CM-1 district, ~~except as may be required by the health official for uses utilizing individual sewage disposal systems.~~

10.6 Yard and setback standards.

All structures.

1. Minimum front yard: 20 feet^(a)

2. Minimum side yard: 10 feet^(b)
3. Minimum rear yard: 20 feet^(b)

^(a)See Article 6 for exceptions for signs and certain other structures.

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

4. The Zoning Administrator may grant an administrative modification of these setback requirements upon recommendation of the Board or Architectural Review, which shall include a written explanation of how any such modification will better accomplish the purpose and intent of the district.

10.7 Special provisions for corner lots. [Move provisions for corner lots to Article 3]

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

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

10.7 Special regulations for commercial and industrial buildings.

1. *Site plan.* Where approval of a site plan is required, the plan shall be designed to promote harmonious relationships with adjacent and nearby residential properties, developed or undeveloped, and to this end may provide effective screening along side and rear property lines by means of fences, walls, hedges, planting screen or natural vegetation in accord with the requirements of this ordinance.
2. ~~*Refuse.* Refuse containers or refuse storage shall be located in an all-weather surfaced area and hidden from general public view from outside the premises by means of fences, walls, or landscape planting.~~
3. ~~*Drainage.* Provision shall be made for proper stormwater drainage from parking and loading areas. Water shall not be permitted to drain from such areas onto adjacent property except into a natural watercourse or a drainage easement. Provision shall be made for protection against erosion and sedimentation in accord with applicable town ordinances.~~
2. *Fencing.* All fencing shall have a uniform and durable character and shall be properly maintained.
3. *Hazardous materials and chemicals.* A list of hazardous materials and chemicals shall be provided at the time an occupancy permit is applied for. The list will be referred to the office of the fire marshal who shall determine special storage and handling requirements and any other requirements as may be required by SARA Title III and applicable state regulations. (Adopted 3/12/96)

10.8.9 Height standards.

Buildings may be erected up to ~~50~~ 60 feet in height ~~except~~ provided that:

- a. A building or part thereof may be erected to a height of 75 feet provided that it is the portions of the building higher than 35 feet are set back from any lot line at least one foot for each additional foot of height above 35 feet located at least 100 feet.
- b. Cupolas, monuments, water towers, chimneys flues, and flag poles of any height, and television antennas up to 125 feet in height, are exempt from height regulations. Parapet walls may be up to four feet above the height of the building on which the walls rest.
- c. The board of zoning appeals may grant exceptions to height limits under Article 9.

10.9 ~~10~~ Off-street parking and loading standards.

Off-street parking and loading design standards and space requirements for particular uses are contained in Article 6.

10.10 ~~11~~ Landscaping, screening and open space.

Regulations for landscaping, screening and open space are contained in Article 7."

- IV. Article 4, Section 11 is hereby amended to add the underlined text and delete the strikethrough text as follows:

"Section 11. M-1 Limited industrial district.**11.1 Purpose of the district.**

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

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

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

A building or land shall be used only for the following purposes:

- ~~1. Any manufacturing or processing use permitted in the CM-1 local service industrial district.~~
- ~~2~~ 1. Accessory buildings and uses, including but not limited to the following:
 - a. Any accessory use permitted in the R-1 residential district.
 - ~~b. Dwellings accessory to a farm of ten acres or more.~~
 - ~~e~~ b. Coin-operated vending machines for food, tobacco, ice, soft drinks, and sundries inside a building and primarily for the use of occupants thereof.
 - ~~d. Retail and service facilities inside a principal building for the use of occupants thereof and occupants of other buildings in the industrial development. Retail and service facilities may include barber shops, beauty parlors, dining rooms, newsstands, restaurants, tobacco, drugs, and sundries.~~
 - ~~e~~ c. Storage of supplies, merchandise, equipment, or goods normally carried in stock, used or produced in connection with a permitted office, business, commercial or industrial use subject to applicable district regulations.
- ~~4~~ 2. Agriculture and forestry as permitted in the R-1 residential district.
- ~~5~~ 3. Automobile painting, upholstery, repairing, rebuilding, reconditioning, body and fender work, truck repairing or overhauling, and automobile service station provided all storage tanks are underground.
- ~~6. Blacksmith shop.~~
- ~~7~~ 4. Building materials sales yards.
- ~~8~~ 5. Bus depot and associated maintenance facilities.
- ~~9~~ 6. Contractors' equipment storage yards, plants or rental of equipment commonly used by contractors.

- ~~11 7.~~ Facilities and structures necessary for rendering utility service, including poles, wires, transformers, telephone booths and the like for normal electrical power distribution or communication service, and pipelines or conduits for electrical, gas, sewer, or water service.
- ~~8.~~ Farm implement and tractor sales, service and repair.
- ~~12 9.~~ Feed and seed storcs.
- ~~13 10.~~ Greenhouse or nursery, commercial, wholesale or retail.
- ~~14.~~ Residential day care or home child care for ten or fewer children subject to Article 6, section 7.1. (Adopted 1/12/93)
- ~~15 11.~~ Laboratories, research, experimental or testing, but not testing explosives.
- ~~16 12.~~ Dwellings Living quarters for resident watchmen and caretakers employed on the premises.
- ~~17.~~ Printing, publishing, and engraving establishment, photographic processing, blueprinting, photocopying and similar uses.
- ~~2.~~ Retail and service establishments as follows:
- ~~a.~~ Banks and savings and loan offices.
 - ~~b.~~ Business and office supply establishments.
 - ~~c.~~ Clinics, medical or dental.
 - ~~d.~~ Employment service or agency.
 - ~~e.~~ Janitorial or exterminating service.
 - ~~f.~~ Offices and office buildings, studios and the like, business, professional or administrative.
 - ~~g.~~ Security service office or station.
13. ~~Generally these light Manufacturing - any use permitted by-right in the CM-1 local service industrial district, and manufacturing of a generally light nature, such as sheet-metal products, bottling, medical equipment, fabrics, furniture, pharmaceutical and ceramics and similar uses similar to those listed below which do not create any more danger to health and safety in surrounding areas and which do not create any more offensive noise, vibration, smoke, dust, lint, odor, heat, glare, or electrical impulse than that which is generally associated with such light industries of the types specifically permitted below:~~
- ~~a.~~ Manufacture or assembly of spacecraft or component parts, medical and dental equipment, office supplies and equipment, drafting, optical, and musical instruments, watches, clocks, toys, games, electrical or electronic apparatus, and communication equipment.
 - ~~b.~~ Manufacture or assembly of boats, boat trailers, bolts, buttons, nuts, screws, and rivets, firearms, photographic and metering equipment, electrical appliances, tools, dies, machinery, and hardware products, sheet-metal products, heating, cooling, and ventilating equipment, and vitreous enameled products.
 - ~~c.~~ Beverage blending or bottling, bakery products, candy manufacture, tobacco products, dairy products and ice cream, fruit and vegetable processing and canning, meat and poultry products, but not distilling of beverages or slaughtering of poultry or animals, or processing or bulk storage of grain or feeds for animals or poultry.
 - ~~d.~~ Manufacture of rugs, mattresses, pillows, quilts, millinery, hosiery, clothing and fabrics, shoes and leather products, printing and finishing of textiles and fibers into fabric goods.
 - ~~e.~~ Manufacture of boxes, furniture, cabinets, baskets, and other wood products of similar nature.

- ~~f. Compounding of cosmetics, toiletries, drugs, and pharmaceutical products.~~
- ~~g. Molding of candles and soap.~~
- ~~h. Manufacture of pottery or other similar ceramic products, from previously pulverized clay, and in kilns fired only by smokeless furnaces.~~
- ~~14. Monumental stone works.~~
- ~~15. Radio or television broadcasting studios and offices, and transmission and receiving towers of height not greater than 125 feet.~~
- ~~16. Retail or wholesale sales and service incidental to a permitted manufacturing, processing, storing or distributing use on the same site.~~
- ~~17. Rug and carpet cleaning and storage with incidental sales of rugs and carpets.~~
- ~~18. Self-service storage.~~
- ~~19. Sheet metal shop.~~
- ~~20. Sign fabricating and painting.~~
- ~~22. Telephone station or booth, including drive-in or talk-from-car stations.~~
- ~~21. School, technical, trade or business school, but not including instruction in heavy trucks or heavy construction or materials handling equipment or similar vehicles and equipment.~~
- ~~22. Temporary stands, or outdoor areas or temporary truck parking, for sale of produce, Christmas trees, wreaths, holly, and the like.~~
- ~~23. Welding or machine shop excluding punch presses exceeding 40-ton rated capacity and drop hammers.~~
- ~~24. Wholesale merchandising or storage warehouse or distribution center but not a truck or freight terminal or package distribution center.~~

11.3 Uses permitted by special use permit or ~~commission permit.~~

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

- ~~1. Nursery schools, kindergartens, child care centers, day nurseries or day care centers.~~
- ~~1. Commercial recreational facility, indoor and outdoor. (Adopted 5/10/05)~~
- ~~2. Eating establishments, without drive-in.~~
- ~~3.4-b. Fitness center. (Adopted 5/10/05)~~
- ~~2.4. Private club, lodge, meeting hall, labor union or fraternal organization or sorority.~~
- ~~3.5. Radio, television or other communications tower more than 125 feet in height.~~
- ~~4. Nursery schools, kindergartens, child care centers, day nursery or day care centers subject to Article 6, section 7.2. (Adopted 1/12/03)~~
- ~~6. Retail establishments.~~

Relocate the following section to Article 8, Section 2:

~~11.3 The following uses require a commission permit approved in accord with Article 8 of this ordinance and Code of Virginia, § 15.1-456:~~

~~5.1. Public or governmental buildings and uses, including governmental offices, libraries, schools, fire stations (volunteer or otherwise), parks, parkways and playgrounds, except those which have been approved as part of a subdivision or site plan.~~

~~6.2. Public utility or public service or transportation uses, treatment plants, water storage tanks, pumping stations or regulator stations, utility storage yards, substations and major transmission lines.~~

~~(Revised 4/14/92)~~

11.4 Permitted signs.

Subject to the general sign regulations of Article 6.

11.5 Lot size standards.

1. For permitted uses the minimum lot size shall be 20,000 square feet with a minimum lot width of 100 feet and minimum lot depth of 150 feet.

2. Building coverage shall be limited to 50 percent of lot area.

Lot width is measured at the building line.

Minimum street frontage is 50 feet.

11.6 Yard and setback standards.

All structures:

Minimum front yard: 25 feet^(a).

Minimum side yard: 15 feet^(b).

Minimum rear yard: 40 feet^(b).

(a) See Article 6 for exceptions for signs and certain other structures.

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

~~11.7 Special provisions for corner lots. [Move provisions for corner lots to Article 3]~~

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

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

11.7 Special regulations for manufacturing and commercial buildings.

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

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

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

Move the following provisions to Article 6, supplementary use regulations:

~~4. *Site plan.* Where approval of a site plan is required, the plan shall be designed to promote careful use of topography and to promote harmonious relationships with adjacent and~~

~~nearby residential and business properties, developed or undeveloped, and to this end may provide effective screening along side and rear property lines by means of fences, walls, hedges, planting screen or natural vegetation in accordance with the requirements of this ordinance.~~

- ~~5. *Refuse.* Refuse containers or refuse storage shall be located in a paved area and hidden from general public view, either from within or outside the premises, by means of fences, walls, or landscaping planting.~~
- ~~6. *Drainage.* Provision shall be made for proper stormwater drainage from parking and loading areas. Water shall not be permitted to drain from such areas onto adjacent property except into a natural watercourse or a drainage easement. Provision shall be made for protection against erosion and sedimentation in accord with applicable town ordinances.~~
- ~~5. *Fencing.* All fencing shall have a uniform and durable character and shall be properly maintained.~~
- ~~6. *Hazardous materials and chemicals.* A list of all hazardous materials and chemicals shall be provided at the time an occupancy permit is applied for. The list will be referred to the office of the fire marshal who shall determine special storage and handling requirements and any other requirements as may be required by SARA Title III and applicable state regulations. (Adopted 3/12/96)~~

11.8 Height standards.

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

11.9 Off-street parking and loading standards.

Off-street parking and loading design standards and space requirements for particular uses are contained in Article 6.

11.10 Landscaping, screening and open space.

Regulations for landscaping, screening and open space are contained in Article 7.

V. Article 15, Definitions is hereby amended to add the following definitions in alphabetical order:

Adult Care Center. A licensed facility that provides supplementary care and protection during only a part of the day to four or more aged, infirm or disabled adults who reside elsewhere, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Mental Health, Mental Retardation and Substance Abuse Services, and (ii) the home or residence of an individual who cares for only persons related to him by blood or marriage. Included in this definition are any two or more places, establishments or institutions owned, operated or controlled by a single entity and providing such supplementary care and protection to a combined total of four or more aged, infirm or disabled adults.

Child Care Center. A licensed establishment which offers care, protection and supervision for compensation to more than nine (9) children at a time during any twenty-four (24) hour period, and then only for part of any twenty-four (24) hour day. A child care center may include nursery schools, kindergartens or other facilities for which the purpose is primarily educational, recreational, or therapeutic treatments.

School, Special Instruction. A school primarily devoted to giving instruction in professional, musical, artistic, scientific or other special subjects, exclusive of a conventional full-day primary or secondary curriculum; includes student learning or tutoring center.

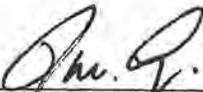
School, Technical, Trade, or Business. A commercial school which primarily provides instruction to adults in vocational and/or business skills.”

Authorization of Zoning Administrator to Make Technical and Clerical Corrections. The Zoning Administrator is hereby authorized and directed to make technical amendments and clerical corrections to these amendments, as necessary for the clarity and accuracy of the document, including (a) corrections of typographical or drafting errors and (b) appropriate section numbers and headings associated codification of the amendments into the adopted Town of Purcellville Zoning Ordinance.

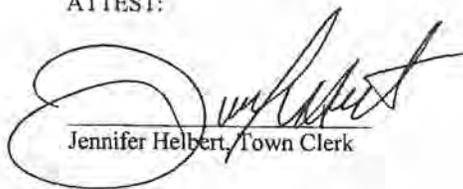
Severability. Should any section, clause or provision of this ordinance be declared by any Virginia or federal court of competent jurisdiction to be invalid, the same shall not affect the validity of this ordinance as a whole or any part thereof other than that which is so declared to be invalid.

THIS ORDINANCE SHALL BE IN EFFECT UPON ITS PASSAGE.

PASSED THIS 12th DAY OF AUGUST, 2008.



Robert W. Lazaro, Jr., Mayor
Town of Purcellville

ATTEST:


Jennifer Helbert, Town Clerk



STAFF REPORT
DISCUSSION ITEM

Item # 7c

SUBJECT: Prioritization of Projects
DATE OF MEETING: June 16, 2016
STAFF CONTACT: Daniel Galindo, AICP – Senior Planner

At the Planning Commission’s February 18th meeting, Commissioner Paciulli raised concerns about the possible inadequacies of the various environmental regulations in the Zoning Ordinance. The Commission’s discussion of his concerns led to a conversation about the comparative importance of this issue in relation to ongoing projects and other previously identified issues that have yet to be addressed. As a result, staff prepared a list of items that could come before the Planning Commission in the near future which were prioritized by the Commission at its March 3rd meeting. It is also worth noting that staff presented a similar list to the Commission at its November 19, 2015 meeting where the Commission discussed and generally prioritized the items noted by staff at that time. In the months since, Commissioner Paciulli has raised additional items of concern to him, so the Commission has decided to discuss the prioritization of projects for the third time in the past seven months at its June 16th meeting.

Current Projects and Issues Identified by Town Staff or the Planning Commission

The first six items were prioritized in the following order by the Planning Commission in March. The remaining items have been noted by Commissioner Paciulli since that time or have been identified by staff.

1. Comprehensive Plan Update – The process of updating the comprehensive plan includes conducting multiple methods of public advertising and outreach, preparation and execution of numerous public engagement events, substantial data collection and analysis, and (eventually) the production of a document to be adopted by the Town. This is staff’s largest and most time-consuming project that is currently ongoing.
2. Floodplain Regulations – Since early 2014, the Federal Emergency Management Agency has worked with Loudoun County and its towns to update and improve the accuracy of the county-wide Flood Insurance Rate Map (FIRM). It is expected that the new FIRM will be finalized by early summer which will start a six month adoption period. During that period, Purcellville must amend the floodplain regulations in its

Zoning Ordinance (Article 12) to adopt the new FIRM and satisfy the current standards of the National Flood Insurance Program (NFIP). In preparation for these changes, Town staff recently met with a representative of the Virginia Department of Conservation and Recreation (DCR) which administers the NFIP in the Commonwealth. DCR has requested that the Town prepare a draft ordinance to amend our floodplain regulations to be reviewed for compliance with NFIP standards. This should allow the Town to fully process and adopt the necessary amendment within the six month window provided.

3. Civil Penalties – A zoning ordinance text amendment to authorize the Town to enforce zoning violations through civil fines. This was first brought forward by staff in 2013.
4. Sign Regulations – A zoning ordinance text amendment to revise the Town’s sign regulations in response to the U.S. Supreme Court’s 2015 decision in *Reed v. Town of Gilbert, Arizona*.
5. Accessory Dwelling Standards – A zoning ordinance text amendment to modify the standards for *Accessory Dwellings* to allow them in conjunction with smaller single-family dwellings than is currently allowed. This was originally requested by a citizen in 2014.
6. Sent to Subcommittee
 - a. Tree Preservation Regulations – In response to the amount of tree removal at the Catoctin Corner development, it has been requested that staff research a possible zoning ordinance text amendment to require greater preservation of trees on a development site.
 - b. Environmental Regulations – Commissioner Paciulli previously raised concerns about the following Town regulations within the Zoning Ordinance:
 - Stream and Creek Buffer (Article 14);
 - Steep Slope Standards (Article 13); and
 - Tree Preservation Regulations (Article 7, Section 2).
7. Other Issues Raised by Commissioner Paciulli Since March 3rd
 - a. Amend the maximum building height in the C-4 district.
 - b. Define the maximum square footage of land disturbance that is allowed without a permit.
 - c. Amend the screening required between residential and non-residential zoning districts.
8. Other Issues Noted by Staff – Staff has identified many other issues that should be addressed when time allows. A sample is listed below:
 - a. Amend conflicting Board of Architectural Review regulations;

- b. Amend Planned Development Housing District requirements and review process;
- c. Amend the requirements for the what information must be included on a site plan or subdivision plat;
- d. Amend bonding requirements to clarify what physical improvements are bonded and when bonding is required;
- e. Amend the Zoning Ordinance and the Land Development and Subdivision Control Ordinance to include the same definition for any term used in both ordinances;
- f. Amend the Zoning Ordinance to establish standards when items are subject to “approval by the Zoning Administrator” and such standards do not exist;
- g. Amend the Zoning Ordinance to establish standards when things should be “appropriately designed” (or something similar) where such standards do not exist;
- h. Amend the Zoning Ordinance to resolve usage of the term “modifications” that may be approved by the Zoning Administrator (The Virginia Code permits the Zoning Administrator to do so but only as specifically authorized by the governing body and such approvals must occur after certain notice is given and findings are made pursuant to § 15.2-2286.A.4 ¶4);
- i. Amend the Zoning Ordinance to define “substantial conformance” or otherwise consider what type of conformance is appropriate for various types of approvals; and
- j. Amend the Zoning Ordinance to specify the steps that an existing use, which previously received SUP approval but is now “permitted,” would go through to modify or be fully released from any conditions of approval.

Existing and Anticipated Legislative Applications

These items are listed only for informational purposes and do not need to be prioritized. Staff will ensure legislative applications receive the necessary public hearings before the Planning Commission at the appropriate time; however, it is important for the Commission to be aware that the time staff must spend to review and process these applications restricts the time available for staff to work on other projects.

1. CPA15-01 – An application to amend the Town’s comprehensive plan by designating two properties located at the southeast corner of the roundabout with a planned land use of Mixed Use Commercial.
2. RZ15-02 – An application to rezone two properties located at the southeast corner of the roundabout from X, Transitional District to MC, Mixed Commercial District.

3. SUP15-02 – A special use permit application to authorize the relocation of an *Eating Establishment with Drive-Through* within the Catoctin Corner development. This use was initially approved as SUP09-07.
4. Amend Sign Regulations to Allow LED Signs – On February 8th, the Town received a letter from a representative of 7-Eleven requesting that LED signs be removed from the list of prohibited signs.
5. Village Case PDH Amendment – As discussed at the Commission’s January meetings, Jason Brownell has indicated that he plans to submit the necessary applications for approval to convert the undeveloped church and commercial sites in Village Case to single family detached dwellings.