

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

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

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

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

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

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

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

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

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

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

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

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

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

62 vi. ~~Home occupations.~~

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

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

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

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

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

74 iv. ~~Bed and breakfast.~~

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

- 77 4. Lot size standards.

78 i. Single-family detached dwellings:

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

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

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

83 d. Minimum street frontage: 25 feet.

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

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

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

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

- 91 5. Yard and setback standards.

92 i. Single-family detached dwelling:

93 Minimum front yard: 50 feet.

94 Minimum side yard: 30 feet.

95 Minimum rear yard: 50 feet.

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

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

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

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

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

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

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

112  follows:

<del>County AR1</del>	<del>goes to</del>	<del>Town X</del>
<del>County PD-G1</del>	<del>goes to</del>	<del>Town CM-1</del>
<del>County JLMA2</del>	<del>goes to</del>	<del>Town X</del>
<del>County JLMA3</del>	<del>goes to</del>	<del>Town X</del>
<del>County PDH6</del>	<del>goes to</del>	<del>Town PDH8*</del>
<del>County RC</del>	<del>goes to</del>	<del>Town X</del>

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

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

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118 **ARTICLE 4. - DISTRICT REGULATIONS**

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

120 *1.1 Use table.*

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

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

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

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126 Use Table

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

<u>Use</u>	<u>R2</u>	<u>R3</u>	<u>R3A</u>	<u>R8</u>	<u>R15</u>	<u>C1</u>	<u>MC</u>	<u>C4</u>	<u>CM1</u>	<u>M1</u>	<u>PDH</u>	<u>X</u>	<u>IP</u>	<u>AC</u>	<u>RT</u>	<u>Use Standard</u>
<u>Adult care center</u>						<u>P</u>		<u>P</u>								
<u>Agriculture/horticulture</u>												<u>P</u>		<u>P</u>		<u>Art. 4, Sec. 1.2.2</u>
<u>Amphitheater</u>							<u>SUP</u>	<u>SUP</u>					<u>SUP</u>			
<u>Assisted living facility - 1-8 individuals</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>			<u>PPU</u>	<u>P</u>		<u>P</u>	<u>P</u>	
<u>Assisted living facility - 9 or more individuals</u>	<u>SUP</u>	<u>SUP</u>	<u>SUP</u>	<u>SUP</u>	<u>SUP</u>		<u>SUP</u>	<u>SUP</u>			<u>SPU</u>		<u>SUP</u>		<u>SUP</u>	
<u>Auction house</u>							<u>P</u>		<u>P</u>	<u>P</u>						
<u>Automated teller machine (ATM), accessory</u>						<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>SPU</u>					
<u>Bed and breakfast</u>	<u>SUP</u>	<u>SUP</u>	<u>P</u>	<u>SUP</u>	<u>SUP</u>		<u>P</u>	<u>P</u>				<u>P</u>		<u>P</u>	<u>SUP</u>	
<u>Brewery, winery or distillery</u>						<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>				<u>P</u>		
<u>Bus depot and maintenance facility</u>									<u>P</u>	<u>P</u>						
<u>Bus shelter</u>	<u>P</u>	<u>PPU</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Art. 4, Sec. 1.2.3</u>									
<u>Car wash</u>						<u>SUP</u>	<u>P</u>		<u>P</u>	<u>P</u>						<u>Art. 4, Sec. 1.2.4</u>
<u>Catering</u>						<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>					<u>P</u>	
<u>Cemetery</u>													<u>SUP</u>			
<u>Child care, commercial</u>						<u>P</u>	<u>P</u>	<u>P</u>			<u>SPU</u>		<u>SUP</u>			<u>Art. 4, Sec. 1.2.5</u>
<u>Child care, residential</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>			<u>PPU</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>Art. 4, Sec. 1.2.6</u>
<u>Church or other place of worship</u>											<u>SPU</u>		<u>P</u>			<u>Art. 4, Sec. 1.2.7</u>
<u>Clinic, urgent care</u>						<u>P</u>	<u>P</u>	<u>P</u>	<u>SUP</u>							
<u>College or university</u>											<u>SPU</u>		<u>P</u>			<u>Art. 4, Sec. 1.2.8</u>
<u>Commercial uses of greater than 10,000 square feet</u>						<u>SUP</u>	<u>SUP</u>	<u>SUP</u>								
<u>Communications tower</u>	<u>SUP</u>		<u>SUP</u>	<u>SUP</u>	<u>SUP</u>	<u>SUP</u>	<u>Art. 4, Sec. 1.2.9</u>									
<u>Community garden</u>											<u>SPU</u>	<u>P</u>	<u>P</u>	<u>P</u>		
<u>Community or cultural facility</u>							<u>P</u>	<u>P</u>			<u>SPU</u>		<u>P</u>			
<u>Concrete plant</u>								<u>SUP</u>								<u>Art. 4, Sec. 1.2.10</u>
<u>Conservancy subdivision</u>														<u>P</u>		<u>Art. 4, Sec. 1.2.11</u>
<u>Construction/ landscaping equipment and supply sales and service</u>							<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>						<u>Art. 4, Sec. 1.2.12</u>
<u>Contractor's office and storage area</u>						<u>P</u>		<u>SUP</u>	<u>P</u>	<u>P</u>						<u>Art. 4, Sec. 1.2.13</u>
<u>Convenience store</u>							<u>P</u>	<u>P</u>			<u>SPU</u>					
<u>Country inn</u>							<u>P</u>	<u>P</u>						<u>P</u>		

<u>Use</u>	<u>R2</u>	<u>R3</u>	<u>R3A</u>	<u>R8</u>	<u>R15</u>	<u>C1</u>	<u>MC</u>	<u>C4</u>	<u>CM1</u>	<u>M1</u>	<u>PDH</u>	<u>X</u>	<u>IP</u>	<u>AC</u>	<u>RT</u>	<u>Use Standard</u>
<u>Drive-through facility</u>						<u>SUP</u>	<u>SUP</u>	<u>SUP</u>	<u>SUP</u>	<u>SUP</u>	<u>SPU</u>					<u>Art. 4, Sec. 1.2.14</u>
<u>Dry cleaning and laundry establishment</u>							<u>P</u>	<u>P</u>								
<u>Dwelling, accessory</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>						<u>SE</u>	<u>SE</u>		<u>SE</u>	<u>SE</u>	<u>Art. 4, Sec. 1.2.15</u>
<u>Dwelling, apartment</u>			<u>P</u>		<u>P</u>		<u>P</u>	<u>P</u>								<u>Art. 4, Sec. 1.2.16</u>
<u>Dwelling, duplex</u>				<u>P</u>	<u>P</u>											
<u>Dwelling, multiple-family</u>					<u>P</u>						<u>PPU</u>					<u>Art. 4, Sec. 1.2.17</u>
<u>Dwelling, single-family attached</u>				<u>P</u>	<u>P</u>			<u>SUP</u>			<u>PPU</u>					<u>Art. 4, Sec. 1.2.18</u>
<u>Dwelling, single-family detached</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>			<u>SUP</u>			<u>PPU</u>	<u>P</u>		<u>P</u>	<u>P</u>	
<u>Dwelling, single-family detached farmhouse</u>														<u>P</u>		
<u>Eating establishment - less than or equal to 6,000 square feet</u>						<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>SPU</u>			<u>P</u>		<u>Art. 4, Sec. 1.2.19</u>
<u>Eating establishment - greater than 6,000 square feet</u>						<u>SUP</u>	<u>SUP</u>	<u>SUP</u>	<u>SUP</u>	<u>SUP</u>	<u>SPU</u>			<u>SUP</u>		<u>Art. 4, Sec. 1.2.19</u>
<u>Equestrian facility, commercial</u>											<u>SPU</u>			<u>SUP</u>		<u>Art. 4, Sec. 1.2.20</u>
<u>Equestrian facility, residential</u>	<u>P</u>										<u>SPU</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>Art. 4, Sec. 1.2.21</u>
<u>Farm and community market</u>							<u>P</u>	<u>P</u>			<u>SPU</u>		<u>P</u>	<u>P</u>		<u>Art. 4, Sec. 1.2.22</u>
<u>Farm equipment and supply sales and service</u>							<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>				<u>SUP</u>		<u>Art. 4, Sec. 1.2.23</u>
<u>Financial institution</u>						<u>P</u>	<u>P</u>	<u>P</u>			<u>SPU</u>					
<u>Fire, rescue or police station</u>									<u>SUP</u>		<u>PPU</u>		<u>P</u>			
<u>Firing range, indoor</u>							<u>SUP</u>		<u>SUP</u>	<u>P</u>						
<u>Fitness center</u>						<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>						
<u>Food processing, retail</u>							<u>P</u>	<u>P</u>								
<u>Food processing, wholesale</u>							<u>SUP</u>		<u>P</u>	<u>P</u>						
<u>Fuel pump, accessory</u>						<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>						<u>Art. 4, Sec. 1.2.24</u>
<u>Fueling station</u>							<u>SUP</u>		<u>SUP</u>	<u>P</u>						<u>Art. 4, Sec. 1.2.25</u>
<u>Funeral home</u>							<u>SUP</u>	<u>SUP</u>								
<u>Government office and assembly room</u>											<u>PPU</u>		<u>P</u>			
<u>Government operations facility</u>											<u>PPU</u>		<u>SUP</u>			
<u>Group home</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>			<u>PPU</u>	<u>P</u>		<u>P</u>	<u>P</u>	
<u>Home occupation</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>			<u>SPU</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>Art. 4, Sec. 1.2.26</u>
<u>Hospital</u>													<u>SUP</u>			

<u>Use</u>	<u>R2</u>	<u>R3</u>	<u>R3A</u>	<u>R8</u>	<u>R15</u>	<u>C1</u>	<u>MC</u>	<u>C4</u>	<u>CM1</u>	<u>M1</u>	<u>PDH</u>	<u>X</u>	<u>IP</u>	<u>AC</u>	<u>RT</u>	<u>Use Standard</u>
<u>Hotel</u>						<u>P</u>	<u>P</u>	<u>P</u>								
<u>Kennel</u>						<u>SUP</u>	<u>SUP</u>	<u>SUP</u>	<u>SUP</u>	<u>SUP</u>				<u>SUP</u>		<u>Art. 4, Sec. 1.2.27</u>
<u>Laboratory</u>						<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>						<u>Art. 4, Sec. 1.2.28</u>
<u>Laundromat</u>							<u>P</u>	<u>P</u>								
<u>Library</u>								<u>P</u>			<u>PPU</u>		<u>P</u>			
<u>Lighted sports field</u>												<u>SUP</u>	<u>SUP</u>	<u>SUP</u>		<u>Art. 4, Sec. 1.2.29</u>
<u>Machine shop</u>									<u>P</u>	<u>P</u>						<u>Art. 4, Sec. 1.2.30</u>
<u>Manufacture of stairs and similar wood products</u>						<u>SUP</u>										
<u>Manufacturing, light</u>									<u>P</u>	<u>P</u>						
<u>Nature preserve</u>														<u>P</u>		
<u>Nursing home</u>	<u>SUP</u>	<u>SUP</u>	<u>SUP</u>	<u>SUP</u>	<u>SUP</u>		<u>SUP</u>	<u>SUP</u>					<u>SUP</u>		<u>SUP</u>	
<u>Office</u>			<u>P</u>			<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>SPU</u>					<u>Art. 4, Sec. 1.2.31</u>
<u>Outdoor storage lot</u>							<u>SUP</u>	<u>SUP</u>	<u>P</u>	<u>P</u>						<u>Art. 4, Sec. 1.2.32</u>
<u>Park</u>						<u>P</u>					<u>PPU</u>		<u>P</u>	<u>P</u>		
<u>Parking lot, commuter</u>													<u>SUP</u>			
<u>Parking lot, public</u>						<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>PPU</u>		<u>P</u>			
<u>Parking structure</u>						<u>SUP</u>	<u>SUP</u>	<u>SUP</u>	<u>SUP</u>	<u>SUP</u>			<u>SUP</u>			
<u>Personal services establishment</u>						<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>SPU</u>					<u>Art. 4, Sec. 1.2.33</u>
<u>Petroleum, propane, and other flammable liquids, storage, distribution and sales</u>									<u>P</u>	<u>SUP</u>						
<u>Petting farm</u>														<u>P</u>		
<u>Playground</u>	<u>P</u>	<u>SPU</u>		<u>P</u>	<u>P</u>											
<u>Printing, publishing and engraving</u>						<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>							
<u>Private club</u>							<u>SUP</u>	<u>SUP</u>			<u>SPU</u>		<u>P</u>	<u>SUP</u>		
<u>Public or government building, facility, or use not otherwise defined</u>											<u>PPU</u>		<u>SUP</u>			
<u>Public utility, major</u>	<u>SUP</u>	<u>SPU</u>	<u>SUP</u>	<u>SUP</u>	<u>SUP</u>	<u>SUP</u>										
<u>Public utility, minor</u>	<u>P</u>	<u>SPU</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>										
<u>Radio or television studio</u>						<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>						
<u>Recreation facility, commercial indoor - less than or equal to 10,000 square feet</u>						<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>				<u>SUP</u>		
<u>Recreation facility, commercial indoor - greater than 10,000 square feet</u>						<u>SUP</u>	<u>SUP</u>	<u>SUP</u>	<u>SUP</u>	<u>SUP</u>				<u>SUP</u>		
<u>Recreation facility, commercial outdoor -</u>							<u>P</u>	<u>P</u>						<u>SUP</u>		

<u>Use</u>	<u>R2</u>	<u>R3</u>	<u>R3A</u>	<u>R8</u>	<u>R15</u>	<u>C1</u>	<u>MC</u>	<u>C4</u>	<u>CM1</u>	<u>M1</u>	<u>PDH</u>	<u>X</u>	<u>IP</u>	<u>AC</u>	<u>RT</u>	<u>Use Standard</u>
<u>less than or equal to 20,000 square feet</u>																
<u>Recreation facility, commercial outdoor - greater than 20,000 square feet</u>							<u>SUP</u>	<u>SUP</u>						<u>SUP</u>		
<u>Recreation facility, public</u>								<u>P</u>			<u>PPU</u>		<u>SUP</u>	<u>P</u>		
<u>Retail sales, accessory</u>						<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>			<u>P</u>	<u>P</u>		
<u>Retail sales, general</u>						<u>P</u>	<u>P</u>	<u>P</u>	<u>SUP</u>	<u>SUP</u>	<u>SPU</u>					<u>Art. 4, Sec. 1.2.34</u>
<u>School, private</u>							<u>SUP</u>	<u>SUP</u>			<u>SPU</u>		<u>P</u>			<u>Art. 4, Sec. 1.2.35</u>
<u>School, public</u>											<u>PPU</u>	<u>SUP</u>	<u>SUP</u>			
<u>School, special instruction</u>			<u>SUP</u>			<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>SPU</u>		<u>P</u>			<u>Art. 4, Sec. 1.2.36</u>
<u>School, technical</u>			<u>SUP</u>			<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>SPU</u>					<u>Art. 4, Sec. 1.2.37</u>
<u>Service/repair establishment</u>							<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>						
<u>Sign shop</u>						<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>						<u>Art. 4, Sec. 1.2.38</u>
<u>Special event</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>SPU</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Storage warehouse</u>									<u>P</u>	<u>P</u>						
<u>Studio</u>			<u>P</u>			<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>				<u>P</u>		<u>Art. 4, Sec. 1.2.39</u>
<u>Temporary food truck/trailer</u>						<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>			<u>P</u>	<u>P</u>		
<u>Temporary stand</u>							<u>P</u>	<u>P</u>								
<u>Theater</u>							<u>SUP</u>	<u>SUP</u>					<u>SUP</u>			
<u>Upholstery shop</u>							<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>						
<u>Vehicle sales and service</u>							<u>SUP</u>		<u>P</u>	<u>P</u>						<u>Art. 4, Sec. 1.2.40</u>
<u>Vehicle sales storage lot</u>							<u>SUP</u>		<u>P</u>	<u>P</u>						
<u>Veterinary clinic</u>		<u>SUP</u>				<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>SPU</u>			<u>P</u>		<u>Art. 4, Sec. 1.2.41</u>
<u>Wholesale sales</u>							<u>SUP</u>		<u>P</u>	<u>P</u>						
<u>Yard/garage sale</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>							<u>P</u>		<u>P</u>	<u>P</u>	

127

128 1.2 Use standards.

129 1. Accessory buildings and uses:

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

131 2. Agriculture/horticulture:

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

135 3. Bus shelter:

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

4. Car wash:

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

5. Child care, commercial:

a. Maximum enrollment of 150 students daily.

b. In addition to the minimum lot size requirements of the zoning district, the minimum lot area for commercial child care shall be of such size to provide 75 square feet of usable outdoor recreation for each child that may use the space at any one time. Such area shall be delineated on a plat or site plan submitted at the time the application is filed and shall include only:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

183 6. Child care, residential

184 a. All such uses shall be subject to applicable state regulations specifically Code of  
185 Virginia, § 63.2-1701 et seq.

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

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

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

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

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

195 7. Church or other place of worship:

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

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

205 8. College or university:

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

208 b. Colleges and universities must meet the following development standards:

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

- 211 ii. All such uses shall be located so as to have direct access to an existing or  
212 programmed public street of sufficient right-of-way and cross-section width to  
213 accommodate pedestrian and vehicular traffic to and from the use as determined  
214 by the zoning administrator. To assist in making this determination, each  
215 applicant, at the time of site plan application, shall provide an estimate of the  
216 maximum expected trip generation, the distribution of these trips by mode and  
217 time of day, and the expected service area of the facility.
- 218 iii. A site plan shall be submitted and reviewed in accordance with the requirements  
219 and procedures of Article 11, Section 5: Site Plans and the requirements set forth  
220 in Article 5 of the Land Development and Subdivision Control Ordinance (LDSCO)  
221 unless granted a waiver in accordance with Article 5, Section 5.1.B of the LDSCO.

222 9. Communications tower:

- 223 a. In residential districts, the maximum tower height is 75 feet.
- 224 b. In commercial and industrial districts, the maximum tower height is 125 feet.
- 225 c. In the C-4 district, such use may only be located north of the former W&OD railroad  
226 right-of-way, as shown on Map 9.1 in Article 4, Section 9: C-4 Central Commercial  
227 District.

228 10. Concrete plant:

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

232 11. Conservancy subdivision:

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

234 12. Construction/landscaping equipment and supply sales and service:

- 235 a. All inventory and materials shall be stored under cover, within an enclosed area,  
236 screened from view of public streets or within a fully enclosed building.
- 237 b. In the C-4 district, such use may only be located north of the former W&OD railroad  
238 right-of-way, as shown on Map 9.1 in Article 4, Section 9: C-4 Central Commercial  
239 District.

240 13. Contractor's office and storage area:

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

243 14. Drive-through facility:

- 244 a. Such a use shall have on all sides the same architectural treatment or shall be  
245 architecturally compatible with the building group or neighborhood with which it is  
246 associated.
- 247 b. Such a use shall be designed so that pedestrian and vehicular circulation is coordinated  
248 with that on adjacent properties.
- 249 c. The site shall be designed to minimize the potential for turning movement conflicts and  
250 to facilitate safe and efficient on-site circulation. Parking and stacking spaces shall be

251 provided and located in such a manner as to facilitate safe and convenient vehicle and  
252 pedestrian access to all uses on the site.

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

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

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

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

265 h. Drive-through aisles shall have a minimum 12-foot width on curves and a minimum  
266 11-foot width on straight sections.

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

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

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

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

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

280 15. Dwelling, accessory:

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

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

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

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

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

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

294 i. Side yard: Same as principal structure;

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

296 16. Dwelling, apartment:

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

302 17. Dwelling, multiple-family:

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

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

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

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

320 e. No apartment building shall contain more than 12 dwelling units.

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

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

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

331 i. The maximum lot coverage shall be 40 percent.

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

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

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

342 18. Dwelling, single-family attached:

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

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

351 c. A minimum of six dwellings are required for each development.

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

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

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

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

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

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

- 377 f. The minimum front yard per dwelling unit shall be 15 feet. The minimum rear yard  
378 shall be 25 feet. The minimum side yard for end and corner lots shall be ten feet.
- 379 g. Every dwelling unit shall have a minimum gross floor area of 1,200 square feet with a  
380 minimum of 600 square feet per floor, exclusive of attic and exclusive of basements  
381 which are more than 50 percent underground.
- 382 h. Maximum building height for townhouses shall be 35 feet.
- 383 i. The maximum lot coverage shall be 40 percent.
- 384 j. Rear access may be required for emergency vehicles as determined by the fire marshal.
- 385 k. No motor vehicle shall be parked on any lot upon which a townhouse has been or is to  
386 be erected unless a garage is provided as part of the unit. No townhouse shall have a  
387 garage or carport attached to its exterior facade. No garage shall be converted to living  
388 area.
- 389 l. Townhouse dwellings abutting each other shall have complementary but not identical  
390 facades.
- 391 m. There shall be at least three but no more than eight townhouse dwellings continuously  
392 connected; provided that the average number of units continuously connected shall not  
393 exceed six. There shall be an open space of at least 20 feet between any two such groups  
394 of continuously connected buildings.
- 395 n. No more than two abutting townhouse dwellings shall have the same front yard  
396 setbacks. Building setback variations as required shall be at least three feet. No more  
397 than two abutting townhouses shall have a common roof line.
- 398 o. Soundproof and fireproof walls shall be provided between adjoining dwellings at least  
399 up to and including the underside of the roof.
- 400 p. Service areas and rear yards visible from a street shall be appropriately screened as  
401 approved by the Zoning Administrator.
- 402 q. Each lot containing a townhouse shall provide a private rear yard at least 300 square  
403 feet in area and at least 15 feet in depth enclosed visually by uniform fences or walls.
- 404 r. Each dwelling shall be self-contained as to heating, air conditioning and utilities.
- 405 s. The developer shall provide front yard areas and common areas with lawn and  
406 appropriate shrubbery planting except on areas designated for walks and driveways.  
407 The lawn and shrubbery planting shall be subject to approval by the zoning  
408 administrator.
- 409 t. Common refuse bins shall be completely screened from view by means of a fence or  
410 wall, and a gate which can be latched open and closed.
- 411 u. Each development site shall have a publicly-dedicated or approved private street  
412 throughout the development so as to adjoin all private parking lots and access courts.  
413 Townhouse lots, which abut a private street and/or parking lot or access court, shall  
414 meet the following criteria:
- 415 i. Private streets, parking lots and access courts shall be constructed in conformance  
416 with the standards set forth in Article 6, Section 1: Off-Street Parking Requirements  
417 and Article 3 of the Land Development and Subdivision Control Ordinance.

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

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

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

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

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

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

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

444 19. Eating establishment:

445 a. In the C-1 district, any such freestanding use shall be limited to not more than 15  
446 percent of the total floor area of a unified, mixed-use development plan on a lot of no  
447 less than two acres. The division of the site into lots of less than two acres may be  
448 permitted after approval of a unified, mixed-use development plan.

449 20. Equestrian facility, commercial:

450 a. Any building for the keeping of animals shall be located at least 100 feet from any side  
451 or rear lot line.

452 21. Equestrian facility, residential:

453 a. Any building for the keeping of animals shall be located at least 100 feet from any side  
454 or rear lot line.

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

456 22. Farm and community market:

457 a. See Chapter 18, Article 4 of the Town Code for additional regulations.

458 b. In the AC district, the regulations of Article 4, Section 15.9: Additional Standards for  
459 Certain Uses, shall apply.

460 23. Farm equipment and supply sales and service:

- 461 a. May include storage of fertilizer in bags or in tanks (dry only) or in a completely  
462 enclosed building.
- 463 b. In the C-4 district, such use may only be located north of the former W&OD railroad  
464 right-of-way, as shown on Map 9.1 in Article 4, Section 9: C-4 Central Commercial  
465 District.

466 24. Fuel pump, accessory:

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

470 25. Fueling station:

- 471 a. Fueling stations shall be limited to not more than eight fuel pumps for the sale and  
472 dispensing of fuel.
- 473 b. Bulk storage of flammable liquids must be underground.
- 474 c. No lighting fixture may extend to a height greater than 15 feet.
- 475 d. Temporary storage of wrecked or inoperative vehicles or storage or rental of luggage  
476 trailers, campers, vans, or similar equipment is not permitted.

477 26. Home occupation:

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

479 27. Kennel:

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

482 28. Laboratory:

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

484 29. Lighted sports field:

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

487 30. Machine shop:

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

489 31. Office:

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

493 32. Outdoor storage lot:

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

497 33. Personal services establishment:

498 a. In the C-1 district, any such freestanding use shall be limited to not more than 15  
499 percent of the total floor area of a unified, mixed-use development plan.

500 34. Retail sales, general:

501 a. In the C-1 district, any such freestanding use shall be limited to not more than 15  
502 percent of the total floor area of a unified, mixed-use development plan.

503 35. School, private:

504 a. In addition to complying with the minimum lot size requirements of the zoning district  
505 in which it is located, the minimum lot area for a private school of general education  
506 shall be of such size that:

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

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

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

514 2. That area outside the limits of the required front yard.

515 3. That area which is developable for active outdoor recreation purposes.

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

518 b. All other regulations relative to bulk shall be complied with.

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

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

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

- 532 e. All such uses shall be located so as to permit the pick-up and discharge of all persons  
533 on the site.
- 534 f. No such use shall be permitted unless it is determined by the Loudoun County  
535 Department of Environmental Health that the location and design does not pose any  
536 hazard to the health, safety and welfare of the children.
- 537 g. All applications to establish a private school use shall be accompanied by two copies of  
538 a plan drawn to scale containing the following information:
  - 539 i. The dimensions, boundary lines and area of the lot or parcel.
  - 540 ii. The location, dimensions and height of any building, structure, or addition,  
541 whether existing or proposed.
  - 542 iii. The distance from all property lines to the existing or proposed building, structure  
543 or addition, shown to the nearest foot.
  - 544 iv. The dimensions and size of all outdoor recreation space and the location of such  
545 space in relation to all lot lines.
- 546 h. In the C-4 district, such use may only be located north of the former W&OD railroad  
547 right-of-way, as shown on Map 9.1 in Article 4, Section 9: C-4 Central Commercial  
548 District.

549 36. School, special instruction:

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

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

- 559
- 560 b. All such uses shall be located so as to permit the pick-up and discharge of all persons  
561 on the site.
- 562 c. All applications to establish a special instruction school use shall be accompanied by  
563 two copies of a plan drawn to scale containing the following information:
  - 564 i. The dimensions, boundary lines and area of the lot or parcel.
  - 565 ii. The location, dimensions and height of any building, structure, or addition,  
566 whether existing or proposed.

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

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

571 37. School, technical:

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

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

581  
582 b. All such uses shall be located so as to permit the pick-up and discharge of all persons  
583 on the site.

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

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

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

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

591 38. Sign shop:

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

594 39. Studio:

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

598 40. Vehicle sales and service:

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

601 b. The parking of vehicles for sale by individual owners at strategic locations in shopping  
602 centers to maximize exposure to major thoroughfares and the traveling public is

603 prohibited. The owners of the retail and service commercial shopping center shall be  
604 responsible for the posting of the property to prohibit such activity. Owners of the  
605 shopping center are responsible for enforcement of these provisions, but, if posting has  
606 occurred, the owners of the vehicles for sale will bear the burden of the violation unless  
607 it is proven the shopping center owners have not actively enforced their restrictions  
608 on the parking of vehicles for sale.

609 41. Veterinary clinic:

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

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

614 *2.1 Purpose of the district.*

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

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

625 *2.2 ~~Permissible Permitted~~ uses.*

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

- 628 ~~1.— Detached single family dwellings. Accessory dwelling units are permitted as a special~~  
629 ~~exception by the board of zoning appeals under article 9.~~
- 630 ~~2.— Facilities and structures necessary for rendering public utility service, including poles,~~  
631 ~~wires, transformers, telephone booths and the like for electrical power distribution or~~  
632 ~~communication service, and underground pipelines or conduits for electrical, gas, sewer, or~~  
633 ~~water service.~~
- 634 ~~3.— Stable, private, or keeping of horses, ponies or other livestock for personal enjoyment and~~  
635 ~~not as a business, provided that any building for keeping of animals shall be located at least~~  
636 ~~100 feet from any side or rear lot line and provided that no more than one such animal shall~~  
637 ~~be kept for each acre of land on the premises, as a special exception.~~
- 638 ~~4.— Yard sale or garage sale for disposal of used household items, provided such sales are not~~  
639 ~~conducted for more than three days per year, and include items assembled only from~~  
640 ~~households in the immediate neighborhood. Signs associated with the sale shall comply~~  
641 ~~with the district regulations and shall not be attached to trees or utility poles, and shall be~~  
642 ~~removed within 24 hours.~~
- 643 ~~5.— Accessory buildings and uses.~~

- 644 ~~6.—Home occupations as defined in article 3, section 8.~~  
645 ~~7.—Residential day or home child care for five or fewer children subject to article 6, section 7.1.~~  
646 ~~(Adopted 1/12/93)~~

647 ~~2.3 Reserved. Uses permitted by special use permit.~~

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

- 651 ~~1.—Convalescent homes, rest homes, nursing homes or homes for the aged.~~  
652 ~~2.—Family care homes or foster homes.~~  
653 ~~3.—Radio or television transmission or receiving tower not more than 50 feet in height.~~  
654 ~~4.—Bed and breakfast.~~

655 ~~2.4 Permitted signs, on residential lots and commercial lots in residential districts.~~

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

657 ~~2.5 Lot size standards.~~

658 1. Single-family detached dwelling:

659 Minimum lot area:

- 660 a. With both public water service and public sewer service: 15,000 square feet.  
661 b. With public water service but not public sewer service: 17,500 square feet.  
662 c. Without public sewer service or public water service: 20,000 square feet.

663 Minimum lot width:

- 664 a. With both public water service and public sewer service: 100 feet.  
665 b. With public water service but not public sewer service: 100 feet.  
666 c. Without public sewer service or public water service: 100 feet.

667 Minimum lot depth:

- 668 a. With both public water service and public sewer service: 100 feet.  
669 b. With public water service but not public sewer service: 125 feet.  
670 c. Without public sewer service or public water service: 150 feet.

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

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

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

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

677 Averaging lot area and cluster subdivisions are permitted in [Article 6, Section 5: Cluster](#)  
678 [Subdivisions](#)~~article 6~~.

679 *2.6 Yard and setback standards.*

680 1. Single-family [detached](#) dwelling:

681 Minimum front yard: 25 feet.

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

683 Minimum rear yard: 25 feet.

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

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

688 2. Other principal structures same as single-family [detached](#) dwelling or as required in the  
689 district regulations.

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

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

694 *2.7 ~~Reserved. Special provisions for corner lots.~~*

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

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

700 *2.8 Height standards.*

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

702 a. The height limit for dwellings may be increased up to 45 feet and up to three stories  
703 provided there are two side yards for each permitted use each of which is at least 15  
704 feet plus one foot or more for each side yard for each additional foot of building height  
705 over 35 feet upon granting of a special exception by the board of zoning appeals under  
706 [Article 9: Board of Zoning Appeals](#)~~article 9~~.

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

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

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

717 *2.9 Off-street parking and loading standards.*

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

721 *2.10 Landscaping, screening and open space.*

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

724 **Section 3. -- R-3 ~~[Duplex]~~ R Single-family residential district.**

725 *3.1 Purpose of the district.*

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

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

739 *3.2 ~~Permissible~~ Permitted uses.*

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

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

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

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

751 ~~4. Yard sale or garage sale for disposal of used household items, provided such sales are not~~  
752 ~~conducted for more than three days per year, and include items assembled only from~~  
753 ~~households in the immediate neighborhood. Signs associated with the sale shall comply~~

754 ~~with the district regulations and shall not be attached to trees or utility poles, and shall be~~  
755 ~~removed within 24 hours.~~

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

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

760 ~~7.—Residential day care or home child care for six or fewer children subject to article 6, section~~  
761 ~~7.1. (Adopted 1/12/93)~~

762 ~~3.3 Reserved. Uses permitted by special use permit or commission permit.~~

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

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

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

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

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

770 ~~5.—Nursery schools, kindergartens, child care centers, day nursery, or day care centers subject~~  
771 ~~to article 6, section 7.2, special regulations for residential day care or home child care,~~  
772 ~~nursery schools, kindergartens, child care centers, day nursery or day care centers. (Revised~~  
773 ~~1/12/93)~~

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

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

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

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

785 ~~9a. Veterinary clinic or hospital for small animals.~~

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

791 ~~When considering a request for a special use permit for a church and any accessory uses,~~  
792 ~~the planning commission and council may consider the following and impose those~~  
793 ~~conditions necessary to mitigate impacts: traffic; parking; hours of operation; impact on~~  
794 ~~adjacent neighborhoods; types of special events; time limitations for accessory uses such as~~

795 for shelters; number of students in church schools and daycare; number of inhabitants for  
796 shelters. (Revised 4/14/92)

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

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

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

805 3.4 Permitted signs.

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

807 3.5 Lot size standards.

808 1. Single-family detached dwelling:

809 Minimum lot area:

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

813 Minimum lot width:

- 814 a. With both public water service and public sewer service: 75 feet.
- 815 b. With public water service but not public sewer service: 85 feet.
- 816 c. Without public sewer service or public water service: 100 feet.

817 Minimum lot depth:

- 818 a. With both public water service and public sewer service: 100 feet.
- 819 b. With public water service but not public sewer service: 125 feet.

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

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

823 ~~Minimum lot area: 8,500 square feet.~~

824 ~~Minimum lot width: 75 feet.~~

825 ~~Minimum lot depth: 100 feet.~~

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

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

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

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

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

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

836 *3.6 Yard and setback standards.*

837 1. Single-family ~~and duplex detached~~ dwellings:

838 Minimum front yard: 25 feet.

839 Minimum side yard: ~~Single family dwelling:~~ Ten feet. Total width of both side yards shall be  
840 at least 25 feet.

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

843 Minimum rear yard: 25 feet.

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

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

848 *3.7 Reserved.*

849 *3.8 Height standards.*

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

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

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

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

863 d. Except as provided in Article 6, Section 4.7: Accessory Buildings and Structures ~~article 6,~~  
864 ~~section 4~~, no accessory structure which is at least five feet but less than ten feet from

865 any lot line shall be more than 20 feet in height. Accessory Structures at least ten feet  
866 from any lot line may be up to 28 feet in height.

867 3.9 *Off-street parking and loading standards.*

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

871 3.10 *Landscaping, screening and open space.*

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

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

875 3A.1 *Purpose.*

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

884 3A.2 ~~Permissible Permitted~~ *uses.*

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

887 ~~a. Single family dwelling.~~

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

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

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

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

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

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

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

902 3A.3 ~~Reserved. Uses permitted by special use permit.~~

- 903 ~~a. Bed and breakfast facility.~~
- 904 ~~b. Nursing home.~~
- 905 ~~c. School of special instruction.~~
- 906 ~~d. School - technical, trade or business.~~

907 3A.4 Use limitations.

- 908 ~~a1.~~ Non-residential uses shall not exceed 50 percent of the above ground (i.e., non-basement)  
909 floor area of all principal structures on the property, provided however that the town  
910 council, after the recommendation of the planning commission, may as a part of a zoning  
911 map amendment permit non-residential use of up to 60 percent of the above ground floor  
912 area of a principal structure. A floor plan, which indicates the mix of residential and non-  
913 residential uses in each structure on the property, shall be submitted with a zoning map  
914 amendment application. Once a zoning map amendment has been approved, the Zoning  
915 Administrator may approve a revised floor plan as a part of a zoning permit application,  
916 provided that the approved ratio of residential to non-residential uses on the property does  
917 not change.
- 918 ~~b2.~~ Notwithstanding ~~a~~Article 6, ~~s~~Section 4.3.2, principal uses may be permitted in accessory  
919 structures.
- 920 ~~e3.~~ The residential and historic appearance and character shall be maintained in the case of  
921 existing structure(s).
- 922 ~~d4.~~ In the event new structures are proposed, such structures shall maintain the residential and  
923 historic character of the area and be architecturally compatible with the other principal  
924 structures on the property.
- 925 ~~e5.~~ Off-street parking shall be located to the rear or side of the structure located closest to the  
926 street and large parking areas shall not be conspicuous from the street. If located to the side,  
927 ~~the parking area screening~~ shall be ~~screened from the street and structures on neighboring~~  
928 ~~lots provided at the lot line~~ by landscaping or decorative walls or fences to a minimum  
929 height of six feet.
- 930 ~~f6.~~ For the purposes of this ordinance, the commercial area of a bed and breakfast shall be  
931 determined as any area used exclusively for the bed and breakfast (including, but not  
932 limited to, guest bedrooms, bathrooms, and separate living areas). Areas which are shared  
933 (including, but not limited to, dining areas and shared living areas) shall be considered  
934 residential.

935 3A.5 Permitted signs.

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

940 3A.6 Lot size standards.

- 941 ~~a1.~~ Minimum Lot width: 70 feet.

942 ~~b2.~~ Minimum Lot depth: 100 feet.

943 ~~c3.~~ Minimum Lot area: 8,000 square feet.

944 *3A.7 Yard and setback standards.*

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

947 ~~a1. Principal structures: FMinimum front yard: Ten feet or such other greater distance~~  
948 ~~established in the zoning map amendment.~~

949 ~~b2. Principal structures: SMinimum side yard: Ten feet.~~

950 ~~c3. Principal structures: RMinimum rear yard: 25 feet.~~

951 ~~d4.~~ Accessory structures attached to a principal structure shall be considered part of the  
952 principal structure for the purpose of determining setbacks. Detached accessory structures  
953 shall be setback by at least half of the distances specified in paragraphs a. through c. above.

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

957 *3A.8 Reserved. Special provisions for corner lots.*

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

959 *3A.9 Height standards.*

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

962 ~~a1.~~ Principal structures: 35 feet.

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

967 *3A.10 Off-street parking and loading standards.*

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

973 *3A.11 Landscaping, screening and open space.*

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

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

976 *4.1 Purpose of the district.*

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

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

989 *4.2 ~~Permissible Permitted~~ uses.*

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

- 992 ~~1.— Detached single family dwellings and accessory dwelling units subject to the regulations of~~  
993 ~~the R-3 duplex residential district.~~
- 994 ~~2.— Duplex dwellings, detached or semi-detached, subject to the regulations of the R-2 [R-3]~~  
995 ~~duplex residential district.~~
- 996 ~~3.— Attached single family dwellings (townhouses) subject to the special regulations of section~~  
997 ~~4.11 below.~~
- 998 ~~[4.— Reserved.]~~
- 999 ~~5.— Facilities and structures necessary for rendering public utility service, including poles,~~  
1000 ~~wires, transformers, telephone booths and the like for electrical power distribution or~~  
1001 ~~communication service, and underground pipelines or conduits for electrical, gas, sewer, or~~  
1002 ~~water service.~~
- 1003 ~~6.— Yard sale or garage sale for disposal of used household items, provided such sales are not~~  
1004 ~~conducted for more than three days per year, and include items assembled only from~~  
1005 ~~households in the immediate neighborhood. Signs associated with the sale shall comply~~  
1006 ~~with the district regulations and shall not be attached to trees or utility poles, and shall be~~  
1007 ~~removed within 24 hours.~~
- 1008 ~~7.— Accessory buildings and uses, including but not limited to accessory private garages,~~  
1009 ~~swimming pools, home occupations, accessory storage, accessory off-street parking and~~  
1010 ~~loading spaces, and accessory signs as herein regulated. (Amended 4/14/92)~~
- 1011 ~~8.— Home occupations as defined in article 3, section 8.~~
- 1012 ~~9.— Residential day care or home child care for five or fewer children subject to article 6, section~~  
1013 ~~7.1. (Adopted 1/12/93)~~

1014 4.3 ~~Reserved. Uses permitted by special use permit.~~

1015 ~~The following uses may be permitted by special use permit approved by the town council~~  
1016 ~~following report by the planning commission in accordance with the procedures, guides and~~  
1017 ~~standards of article 8:~~

- 1018 ~~1.—Convalescent homes, rest homes, nursing homes or homes for the aged.~~
- 1019 ~~2.—Family care homes or foster homes.~~
- 1020 ~~3.—Radio or television transmission or receiving tower not more than 50 feet in height.~~

1021 4.4 Permitted signs.

1022 Subject to ~~Article 6, Section 3: General Sign Regulation~~the general sign regulations of article 6.

1023 4.5 Lot size standards.

- 1024 1. Single-family ~~detached~~ dwelling ~~and duplex dwelling~~:

1025 For minimum lot area, minimum lot width and minimum depth see R-3 regulations.

- 1026 ~~2. Duplex dwelling: Duplex dwellings are permitted only on lots with both public sewer and~~  
1027 ~~water service. All requirements below are per dwelling unit.~~

1028 ~~Minimum lot area: 8,500 square feet.~~

1029 ~~Minimum lot width: 75 feet.~~

1030 ~~Minimum lot depth: 100 feet.~~

- 1031 ~~23. Attached-s~~Single-family ~~attached~~ dwellings (townhouses) public water and sewer required.

1032 Minimum lot area: 2,000 square feet, not to exceed eight units per acre.

1033 Minimum lot width: 20 feet.\*

1034 Minimum lot depth: 100 feet.

1035 \*See ~~Article 4, sSection 1.24.11: Use Standards below~~ for special regulations for ~~townhouses~~  
1036 ~~single-family attached dwellings.~~

1037 Lot width is measured at the front building setback line.

1038 Minimum lot width shall be 30 feet for end and corner lots. All townhouse dwellings except  
1039 end dwellings and corner lots shall occupy the full width of the lot.

1040 Other uses same as for single-family ~~detached~~ or ~~two-family duplex~~ dwellings or as  
1041 specified in the district regulations.

1042 Minimum street frontage is 25 feet for ~~detached~~ single-family ~~detached~~ and duplex  
1043 dwellings.

1044 Minimum lot area for individual or on-site sewage disposal systems is subject to health  
1045 department requirements.

1046 Cluster subdivisions are permitted in Article 6, Section 5: Cluster Subdivisions~~article 6.~~  
1047 Special provisions for single-family attached dwellings~~townhouse projects~~ are found in  
1048 Article 4, Section 1.2: Use Standards~~section 4.11 [of this article].~~

1049 *4.6 Yard and setback standards.*

1050 1. Single-family detached dwellings and duplex: (See R-3 district regulations).

1051 2. Duplex dwellings: Minimum front yard: 25 feet.

1052 Minimum side yard: No requirement for interior lot line for dwelling units with common  
1053 vertical wall and separate lots; minimum side yard on lot line without common wall shall  
1054 be 12.5 feet.

1055 Minimum rear yard: 25 feet.

1056 2.3. Attached-sSingle-family attached dwellings (townhouses):

1057 Minimum front yard: 15 feet.

1058 Minimum side yard: Ten feet.\*

1059 Minimum rear yard: 25 feet.

1060 \*Minimum side yards for end lots only.

1061 Minimum front yard shall be 40 feet from the street centerline if street right-of-way is less  
1062 than 50 feet in width.

1063 The minimum front yard shall be measured from the front lot line to the front building  
1064 setback line.

1065 Other principal structures same as single-family detached dwelling or as required in the  
1066 district regulations.

1067 Accessory structures attached to the main building shall be considered part of the main  
1068 building and comply with front, side and rear yard requirements. (For decks see Article 6,  
1069 Section 4.7: Accessory Buildings and Structures~~article 6, section 4.~~)

1070 Detached accessory structures shall not be closer than five feet to any property line.

1071 See Article 4, Section 1.2: Use Standards ~~section 4.11 below~~ for special regulations for single-  
1072 family attached dwellings ~~townhouses~~ and accessory structures.

1073 *4.7 Reserved.*

1074 *4.8 Height standards.*

1075 1. Buildings may be erected up to 2½ stories and 35 feet in height except that:

1076 a. Townhouses may include three stories but may not exceed 35 feet in height.

1077 b. The height limit for dwellings other than townhouses may be increased up to 45 feet  
1078 and up to three stories provided there are two side yards for each permitted use each  
1079 of which is at least 15 feet plus one foot or more for each side yard for each additional  
1080 foot of building height over 35 feet.

- 1081 c. A public or semi-public building, such as a school, church, library, or general hospital,  
1082 may be erected to a height of 60 feet provided that required front, side and rear yards  
1083 shall be increased one foot for each foot in height over 35 feet.
- 1084 d. Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, and flag  
1085 poles of any height, and television antennas up to 50 feet in height, are exempt from  
1086 height regulations. Parapet walls may be up to four feet above the height of the building  
1087 on which the walls rest.
- 1088 e. No accessory structure which is within ten feet of any party lot line shall be more than  
1089 one story in height. All accessory structures shall be of less height than the main  
1090 buildings on the lot.

1091 *4.9 Off-street parking and loading standards.*

1092 ~~Subject to Article 6, Section 1: Off-street Parking Requirements and Article 6, Section 2: Off-street~~  
1093 ~~Loading Requirements. Off-street parking and loading design standards and space requirements~~  
1094 ~~for particular uses are contained in article 6.~~

1095 *4.10 Landscaping, screening and open space.*

1096 Regulations for landscaping, screening and open space are contained in Article 7: Landscaping,  
1097 Buffering, and Open Space Regulations ~~article 7.~~

1098 *4.11 Reserved. Special regulations for townhouses.*

- 1099 ~~1.—The minimum project area shall be 2.0 acres. The overall project design shall be prepared~~  
1100 ~~to preserve natural topography and vegetation and to minimize the adverse impact of~~  
1101 ~~moving and parked vehicles within the development and its surroundings by means of~~  
1102 ~~town-scale grid and curved streets, clustered building groups, careful distribution of open~~  
1103 ~~space, interior screened parking, interrupted parking bays or courts, landscape screening,~~  
1104 ~~and other design features.~~
- 1105 ~~2.—A maximum density of eight units per gross acre, excluding floodplain and slopes exceeding~~  
1106 ~~25 percent, shall be permitted.~~
- 1107 ~~3.—Minimum lot and yard requirements for townhouses shall comply with the requirements of~~  
1108 ~~sections 4.5 and 4.6 above. Lots may be delineated by dashed lines and need not be sold~~  
1109 ~~separately in qualified condominium projects.~~
- 1110 ~~4.—Every dwelling unit shall have a minimum gross floor area of 1,200 square feet with a~~  
1111 ~~minimum of 600 square feet per floor, exclusive of attic and exclusive of basements which~~  
1112 ~~are more than 50 percent underground.~~
- 1113 ~~5.—Maximum building height for townhouses shall comply with the requirements of section 4.8~~  
1114 ~~above.~~
- 1115 ~~6.—The maximum lot coverage shall be 40 percent.~~
- 1116 ~~7.—A minimum of six dwellings are required for each development.~~
- 1117 ~~8.—Rear access may be required for emergency vehicles as determined by the fire marshal.~~
- 1118 ~~9.—A common green area may be provided in lieu of a part of the minimum lot area, subject to~~  
1119 ~~the following provisions:~~

- 1120 a. ~~When a common green area is provided, the minimum lot area may be reduced below~~  
1121 ~~2,000 square feet where the planning commission and town council find that such~~  
1122 ~~reduction results in usable, common open space and the provision of active~~  
1123 ~~recreational facilities such as swimming pools, tot lots, multipurpose courts or playing~~  
1124 ~~fields. In no event, however, shall the minimum lot area be reduced below 1,500 square~~  
1125 ~~feet or maximum density be increased above eight units per gross acre.~~
- 1126 b. ~~When a common green area is provided, the maximum lot coverage specified may be~~  
1127 ~~increased in proportion to the reduction in the minimum lot area, but in no event may~~  
1128 ~~the lot coverage including dwelling and accessory buildings exceed 50 percent.~~
- 1129 c. ~~The common green area may be utilized only for lawns, trees, planting area,~~  
1130 ~~ornamental pools, similar landscaping uses, and swimming pools. No part of the~~  
1131 ~~common green area may be utilized for automobile driveways or parking areas, for~~  
1132 ~~sidewalks or paved play areas, or for other similar paved areas.~~
- 1133 d. ~~In connection with townhouse developments, provisions satisfactory to the town~~  
1134 ~~council shall be met by the developer to assure that nonpublic common green areas for~~  
1135 ~~use and enjoyment of occupants, shall be properly maintained without expense to the~~  
1136 ~~Town of Purcellville in accordance with the Condominium Act, Code of Virginia, as~~  
1137 ~~amended.~~
- 1138 10. ~~No motor vehicle shall be parked on any lot upon which a townhouse has been or is to be~~  
1139 ~~erected unless a garage is provided as part of the unit. No townhouse shall have a garage or~~  
1140 ~~carport attached to its exterior facade. No garage shall be converted to living area.~~
- 1141 11. ~~Townhouse dwellings abutting each other shall have complementary but not identical~~  
1142 ~~facades.~~
- 1143 12. ~~There shall be at least three but no more than eight townhouse dwellings continuously~~  
1144 ~~connected; provided that the average number of units continuously connected shall not~~  
1145 ~~exceed six. There shall be an open space of at least 20 feet between any two such groups of~~  
1146 ~~continuously connected buildings.~~
- 1147 13. ~~No more than two abutting townhouse dwellings shall have the same front yard setbacks.~~  
1148 ~~Building setback variations as required shall be at least three feet. No more than two~~  
1149 ~~abutting townhouses shall have a common roof line.~~
- 1150 14. ~~Soundproof and fireproof walls shall be provided between adjoining dwellings at least up~~  
1151 ~~to and including the underside of the roof.~~
- 1152 15. ~~Each lot containing a townhouse shall provide a private rear yard at least 300 square feet~~  
1153 ~~in area and at least 15 feet in depth enclosed visually by uniform fences or walls.~~
- 1154 16. ~~Each dwelling shall be self-contained as to heating, air conditioning and utilities.~~
- 1155 17. ~~The developer shall provide front yard areas and common areas with lawn and appropriate~~  
1156 ~~shrubbery planting except on areas designated for walks and driveways. The lawn and~~  
1157 ~~shrubbery planting shall be subject to review and approval by the zoning administrator.~~
- 1158 18. ~~Common refuse bins shall be completely screened from view by means of a fence or wall,~~  
1159 ~~and an appropriately designed gate which can be latched open and closed.~~
- 1160 19. ~~Each development site shall have a publicly dedicated or approved private street~~  
1161 ~~throughout the development so as to adjoin all private parking lots and access courts.~~

~~Townhouse lots which abut a private street and/or parking lot or access court shall meet the following criteria:~~

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

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

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

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

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

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

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

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

*4.12 Repealed.*

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

### *5.1 Purpose of the district.*

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

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

1204 5.2 ~~Permissible Permitted~~ uses.

1205 A building or land in this district shall be used only in accordance with Article 4, Section 1: Use  
1206 Regulations. ~~for the following purposes:~~

- 1207 1. ~~Detached single-family dwellings and accessory dwelling units subject to the regulations of~~  
1208 ~~the R-3 duplex residential district. An accessory unit in an accessory building is permitted~~  
1209 ~~as a special exception by the board of zoning appeals. (Revised 5/12/92)~~
- 1210 2. ~~Two-family or duplex dwellings, detached or semi-detached, subject to the regulations of~~  
1211 ~~the R-3 duplex residential district.~~
- 1212 3. ~~Attached single-family dwellings (townhouses) subject to the regulations of section 5.12~~  
1213 ~~below.~~
- 1214 4. ~~Multiple-family dwellings subject to the special regulations of section 5.13 below.~~
- 1215 5. ~~Facilities and structures necessary for rendering public utility service, including poles,~~  
1216 ~~wires, transformers, telephone booths and the like for electrical power distribution or~~  
1217 ~~communication service, and underground pipelines or conduits for electrical, gas, sewer, or~~  
1218 ~~water service.~~
- 1219 6. ~~Yard sale or garage sale for disposal of used household items, provided such sales are not~~  
1220 ~~conducted for more than three days per year, and include items assembled only from~~  
1221 ~~households in the immediate neighborhood. Signs associated with the sale shall comply~~  
1222 ~~with the district regulations and shall not be attached to trees or utility poles, and shall be~~  
1223 ~~removed within 24 hours.~~
- 1224 7. ~~Accessory buildings and uses, including but not limited to accessory private garages,~~  
1225 ~~swimming pools, home occupations, accessory storage, accessory off-street parking and~~  
1226 ~~loading spaces, and accessory signs as herein regulated. (Revised 4/14/92)~~
- 1227 8. ~~Home occupations as defined in article 3, section 8.~~
- 1228 9. ~~Residential day care or home child care for five or fewer children subject to article 6, section~~  
1229 ~~7.1. (Revised 1/12/93)~~

1230 5.3 Reserved. ~~Uses permitted by special use permit.~~

1231 ~~The following uses may be permitted by special use permit approved by the town council~~  
1232 ~~following report by the planning commission in accordance with the procedures, guides and~~  
1233 ~~standards of article 8:~~

- 1234 1. ~~Bed and breakfast facility.~~
- 1235 2. ~~Convalescent homes, rest homes, nursing homes or homes for the aged.~~
- 1236 3. ~~Family care homes and foster homes.~~
- 1237 4. ~~Radio or television transmission or receiving tower not more than 50 feet in height.~~

1238 5.4 Permitted signs.

1239 Subject to Article 6, Section 3: General Sign Regulations~~the general sign regulations of article 6.~~

1240 5.5 Lot size standards.

- 1241 1. Single-family dwelling: ~~{See R-3 district regulations}.~~

- 1242 2. Duplex dwellings: ~~{See R-38 district regulations}~~.
- 1243 3. ~~Attached s~~Single-family attached dwellings (townhouses) public water and public sewer  
1244 required:
- 1245 *Minimum lot area:* 2,000 square feet, not to exceed eight units per acre.
- 1246 *Minimum lot width:* 20 feet.
- 1247 *Minimum lot depth:* 100 feet.
- 1248 See Article 4, Section 1.2: Use Standards ~~section 5.12 below~~ for special regulations for single-  
1249 family attached dwelling~~townhouses~~.
- 1250 4. Multiple-family dwellings ~~Three families or more,~~ public water and public sewerage  
1251 required:
- 1252 *Minimum lot area:* Two acres.
- 1253 *Minimum lot width:* 100 feet.
- 1254 *Minimum lot depth:* 125 feet.
- 1255 ~~Dwellings for the elderly and handicapped same as for other multiple-family dwellings~~  
1256 ~~except that above three units density shall not exceed 30 units per acre.~~
- 1257 Other uses same as for single-family detached dwelling or as specified in the district  
1258 regulations.
- 1259 Minimum lot area for individual or on-site sewage disposal systems is subject to health  
1260 department requirements.
- 1261 Lot width is measured at the front building setback line.
- 1262 Minimum street frontage is 25 feet for detached dwellings and duplexes.
- 1263 Cluster subdivisions are permitted in Article 6, Section 5: Cluster Subdivisions~~article 6~~.
- 1264 See Article 4, Section 1.2: Use Standards ~~sections below~~ for special regulations for single-  
1265 family attached dwelling~~townhouses~~, and multiple-family dwellings.

1266 *5.6 Yard and setback standards.*

- 1267 Single-family detached dwellings~~and duplex~~: ~~{See R-3 district regulations}~~.
- 1268 Duplex dwellings: See R-8 district regulations.
- 1269 See Article 4, Section 1.2: Use Standards ~~sections below~~ for special regulations for single-family  
1270 attached dwelling~~townhouses~~ and multiple-family dwellings.
- 1271 The minimum front yard shall be measured from the front lot line to the front building setback  
1272 line.
- 1273 Other principal structures same as single-family detached dwelling or as required in the district  
1274 regulations.

1275 Accessory structures attached to the main building shall be considered part of the main building  
1276 and comply with front, side and rear yard requirements. (For decks see Article 6, Section 4.7:  
1277 Accessory Buildings and Structures~~article 6, section 4.~~)

1278 Detached accessory structures shall not be closer than five feet to any property line.

1279 *5.7 Reserved.*

1280 *5.8 Height standards.*

1281 1. Buildings may be erected up to 2½ stories and 35 feet in height except that:

1282 a. The height limit for dwellings other than townhouses may be increased up to 45 feet  
1283 and up to three stories provided there are two side yards for each permitted use each  
1284 of which is at least 15 feet plus one foot or more for each side yard for each additional  
1285 foot of building height over 35 feet, upon granting of a special exception by the board  
1286 of zoning appeals under Article 9: Board of Zoning Appeals~~article 9~~

1287 b. A public or semi-public building, such as a school, church, library, or general hospital,  
1288 may be erected to a height of 60 feet provided that required front, side and rear yards  
1289 shall be increased one foot for each foot in height over 35 feet.

1290 c. Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, and flag  
1291 poles of any height, and television antennas up to 50 feet in height, are exempt from  
1292 height regulations. Parapet walls may be up to four feet above the height of the building  
1293 on which the walls rest.

1294 d. No accessory structure which is within ten feet of any party lot line shall be more than  
1295 one story in height. All accessory structures shall be of less height than the main  
1296 buildings on the lot.

1297 *5.9 Off-street parking and loading standards.*

1298 Subject to Article 6, Section 1: Off-street Parking Requirements and Article 6, Section 2: Off-street  
1299 Loading Requirements. ~~Off-street parking and loading design standards and space requirements~~  
1300 ~~for particular uses are contained in article 6.~~

1301 *5.10 Landscaping, screening and open space.*

1302 Regulations for landscaping, screening and open space are contained in Article 7: Landscaping,  
1303 Buffering, and Open Space Regulations~~article 7.~~

1304 *5.11 Reserved.*

1305 *5.12- Reserved. Special regulations for townhouses.*

1306 ~~1. The minimum project area shall be 2.0 acres. The overall project design shall be prepared~~  
1307 ~~to preserve natural topography and vegetation and to minimize adverse impact of moving~~  
1308 ~~and parked vehicles within the development and its surroundings by means of town-scale~~  
1309 ~~grid and curved streets, clustered building groups, careful distribution of open space,~~  
1310 ~~interior screened parking, interrupted parking bays or courts, landscape screening, and~~  
1311 ~~other design features.~~

1312 ~~2. A maximum density of eight units per gross acre, excluding floodplain and slopes exceeding~~  
1313 ~~25 percent, shall be permitted upon approval of a special use permit. (Revised 4/9/91)~~

- 1314 ~~3.—The minimum lot area per dwelling unit shall be 2,000 square feet. The minimum lot width~~  
1315 ~~shall be 20 feet for interior lots and 30 feet for end and corner lots. Lots may be delineated~~  
1316 ~~by dashed lines and need not be sold separately in qualified condominium projects.~~  
1317 ~~(Revised 4/9/91)~~
- 1318 ~~4.—The minimum front yard per dwelling unit shall be ten feet. The minimum rear yard shall~~  
1319 ~~be 25 feet. The minimum side yard for end and corner lots shall be ten feet.~~
- 1320 ~~5.—Every dwelling unit shall have a minimum gross floor area of 1,200 square feet with a~~  
1321 ~~minimum of 600 square feet per floor, exclusive of attic and exclusive of basements which~~  
1322 ~~are more than 50 percent underground. (Revised 4/9/91)~~
- 1323 ~~6.—Maximum building height for townhouses shall comply with the requirements of section 5.8~~  
1324 ~~above.~~
- 1325 ~~7.—Maximum lot coverage shall be 40 percent.~~
- 1326 ~~8.—All townhouse dwellings except end dwellings and corner lots shall occupy the full width of~~  
1327 ~~the lot.~~
- 1328 ~~9.—A minimum of six dwellings is required for each development.~~
- 1329 ~~10.—Rear access may be required for emergency vehicles as determined by the fire marshal.~~
- 1330 ~~11.—A common green area may be provided in lieu of a part of the minimum lot area or to meet~~  
1331 ~~maximum project density requirements, subject to the following provisions:~~
- 1332 ~~a.—When a common green area is provided, the minimum lot area may be reduced below~~  
1333 ~~2,000 square feet where the planning commission and town council find that such~~  
1334 ~~reduction results in usable, common open space and the provision of active~~  
1335 ~~recreational facilities such as swimming pools, tot lots, multipurpose courts or playing~~  
1336 ~~fields. In no event, however, shall the minimum lot area be reduced below 1,500 square~~  
1337 ~~feet or maximum density be increased above eight units per gross acre or lot coverage~~  
1338 ~~including dwelling and accessory buildings exceed 50 percent.~~
- 1339 ~~b.—The common green area may be utilized only for lawns, trees, planting area,~~  
1340 ~~ornamental pools, similar landscaping uses, and swimming pools. No part of the~~  
1341 ~~common green area may be utilized for automobile driveways or parking areas, for~~  
1342 ~~sidewalks or paved play areas, or for other similar paved areas.~~
- 1343 ~~c.—In connection with townhouse developments, provisions satisfactory to the town~~  
1344 ~~council shall be met by the developer to assure that nonpublic common green areas for~~  
1345 ~~use and enjoyment of occupants, shall be properly maintained without expense to the~~  
1346 ~~Town of Purcellville in accordance with the Condominium Act, Code of Virginia, as~~  
1347 ~~amended.~~
- 1348 ~~12.—No motor vehicle shall be parked on any lot upon which a townhouse has been or is to be~~  
1349 ~~erected unless a garage is provided as part of the unit. No townhouse shall have a garage or~~  
1350 ~~earport attached to its exterior facade. Only one car garages shall be permitted and no~~  
1351 ~~garage shall be converted to living area.~~
- 1352 ~~13.—Townhouse dwellings abutting each other shall have complementary but not identical~~  
1353 ~~facades.~~
- 1354 ~~14.—There shall be at least three but no more than eight townhouse dwellings continuously~~  
1355 ~~connected; provided that the average number of units continuously connected shall not~~

- 1356            ~~exceed eight. There shall be an open space of at least 15 feet between any two such groups~~  
1357            ~~of continuously connected buildings.~~
- 1358            ~~15. No more than two abutting townhouse dwellings shall have the same front yard setbacks.~~  
1359            ~~Building setback variations as required shall be at least two feet. No more than two abutting~~  
1360            ~~townhouses shall have a common roof line.~~
- 1361            ~~16. Soundproof and fireproof walls shall be provided between adjoining dwellings at least up~~  
1362            ~~to and including the underside of the roof.~~
- 1363            ~~17. Service areas and rear yards visible from a street shall be appropriately screened as~~  
1364            ~~approved by the town council.~~
- 1365            ~~18. Each lot containing a townhouse shall provide a private rear yard at least 200 square feet~~  
1366            ~~in area and at least 15 feet in depth.~~
- 1367            ~~19. Each dwelling shall be self-contained as to heating, air conditioning and utilities.~~
- 1368            ~~20. The developer shall provide front yard areas and common areas with lawn and appropriate~~  
1369            ~~shrubbery planting except on areas designated for walks and driveways. The lawn and~~  
1370            ~~shrubbery planting shall be subject to review and approval by the zoning administrator.~~
- 1371            ~~21. Common refuse bins shall be completely screened from view by means of a fence or wall,~~  
1372            ~~and an appropriately designed gate which can be latched open and closed.~~
- 1373            ~~22. Each development site shall have a publicly dedicated or approved private street~~  
1374            ~~throughout the development so as to adjoin all private parking lots and access courts.~~  
1375            ~~Townhouse lots which abut a private street and/or parking lot or access court shall meet~~  
1376            ~~the following criteria:~~
- 1377            ~~a. Private streets, parking lots and access courts shall be constructed in conformance with~~  
1378            ~~the standards set forth in article 6 of this ordinance.~~
- 1379            ~~b. A homeowner's association shall be formed to ensure maintenance of private streets,~~  
1380            ~~parking lots and access courts.~~
- 1381            ~~c. No more than 25 lots shall abut a parking lot or access court. For the purpose of this~~  
1382            ~~regulation, an access court is a series of parking spaces served directly by a private~~  
1383            ~~accessway which has only an access connection to a public or private street and which~~  
1384            ~~is connected to no more than one other access court so that the two together have two~~  
1385            ~~access connections to public or private streets and together serve no more than 50 lots.~~
- 1386            ~~d. All private streets, parking lots and access courts shall provide permanent pedestrian~~  
1387            ~~and vehicular access between the lots created and a public street.~~
- 1388            ~~e. Parking lots and access courts shall be landscaped according to article 7 of this~~  
1389            ~~ordinance.~~
- 1390            ~~f. Private streets, parking lots and access courts shall be clearly identified as private. A~~  
1391            ~~single sign, not to exceed two square feet in area, shall be posted at the entrance of each~~  
1392            ~~such street or parking court, displaying only the words "Private Drive" and the~~  
1393            ~~addresses of any residences utilizing the private street or parking court.~~
- 1394            ~~g. All private streets shall be at least 30 feet in width, shall be of a paved surface and~~  
1395            ~~constructed in accordance with then applicable Virginia Department of Transportation~~  
1396            ~~pavement design standards and in accordance with the subdivision ordinance. All~~  
1397            ~~private streets abutting dwellings shall also provide a sidewalk between the private~~

1398 ~~street and such dwellings. All private cul-de-sacs shall conform to the~~  
1399 ~~recommendations of the fire marshal.~~

1400 ~~23. Accessory structures shall not exceed ten feet in height and shall be located only to the rear~~  
1401 ~~of the main structure and shall be no closer than one foot from the side or rear property line~~  
1402 ~~or ten feet from the outside line of end and corner lots, unless it constitutes part of a fence~~  
1403 ~~or wall.~~

1404 ~~5.13- Reserved. Special regulations for multiple-family dwellings.~~

1405 ~~1. The minimum area requirement for a multiple-family dwelling shall be two acres. (Adopted~~  
1406 ~~10/12/93)~~

1407 ~~2. Overall project density shall not exceed 15 dwelling units per acre, exclusive of public~~  
1408 ~~rights of way.~~

1409 ~~3. The development or project shall be designed to promote harmonious relationships with~~  
1410 ~~surrounding adjacent and nearby developed properties, particularly in larger~~  
1411 ~~developments or projects where more than one building is involved, and to this end may~~  
1412 ~~employ such design techniques as may be appropriate to a particular case, including use of~~  
1413 ~~building types, orientation, spacing and setback of buildings, careful use of topography,~~  
1414 ~~maintenance of natural vegetation, location of access points, recreation areas, open spaces,~~  
1415 ~~and parking areas, grading, landscaping, and screening.~~

1416 ~~4. The principal means of access to an apartment development or project containing more~~  
1417 ~~than 24 dwelling units shall be from an arterial or collector thoroughfare of adequate~~  
1418 ~~physical and functional design to handle anticipated traffic needs. Secondary access to a~~  
1419 ~~local street will be permitted only in cases where there are overriding factors of health or~~  
1420 ~~safety for future residents of the project or where the arrangement and conditions of the~~  
1421 ~~minor streets are such that the projected increase in traffic will not substantially affect the~~  
1422 ~~use and enjoyment of the street by present or future residents.~~

1423 ~~5. No apartment building shall contain more than 12 dwelling units and no more than three~~  
1424 ~~apartment buildings shall be contiguous. This standard does not apply to housing for the~~  
1425 ~~elderly and handicapped.~~

1426 ~~6. No apartment building shall be located closer than 35 feet from any public right-of-way or~~  
1427 ~~closer than 15 feet from a private drive, access road or open common parking area whether~~  
1428 ~~oriented to the front, sides or rear of the buildings, except that parking areas may be located~~  
1429 ~~within five feet and private drives may be located within ten feet of any blank or windowless~~  
1430 ~~wall.~~

1431 ~~7. No apartment building shall be located closer than 25 feet from a side or rear property line.~~  
1432 ~~This regulation does not apply to existing buildings which are converted to apartment use.~~

1433 ~~8. A minimum distance of 25 feet shall separate any two buildings or groups of apartment~~  
1434 ~~buildings from any other abutting use or building type.~~

1435 ~~9. The maximum lot coverage shall be 40 percent.~~

1436 ~~10. At least 400 square feet of commonly useable open space shall be provided for each dwelling~~  
1437 ~~unit; at least 200 square feet for each dwelling unit for the elderly and handicapped.~~

1438 ~~11. Where community refuse containers are provided as accessory uses to apartment~~  
1439 ~~developments, such containers shall be conveniently located for pick-up vehicle access and~~

1440 completely screened from view by means of a fence or wall and an appropriately designed  
1441 gate which can be latched open and closed.

1442 ~~12. Each apartment dwelling unit shall contain at least 600 square feet of livable floor area,~~  
1443 ~~exclusive of garages, carports, cellars, basements, attics, open porches, patios, or~~  
1444 ~~breezeways, except that up to ten percent of the units may be constructed with less floor~~  
1445 ~~area than this minimum. This standard does not apply to dwelling units for the elderly and~~  
1446 ~~handicapped.~~

1447 ~~5.14-Reserved.~~

1448 ~~5.15-Reserved.~~

1449 **Section 6. - C-1 Office commercial district.**

1450 *6.1 Purpose of the district.*

1451 The purpose of this district is to provide for planned office parks or for offices and similar  
1452 business buildings and limited office support uses, in attractive surroundings with types of uses,  
1453 structures, plantings, and signs so controlled as to be generally compatible with medium density  
1454 or low density residential surroundings. ~~The district can be applied to large or small areas if~~  
1455 ~~development standards are complied with. (Revised 4/9/91 and 8-12-08)~~

1456 *6.2 ~~Permissible Permitted~~ uses.*

1457 A building or land in this district shall be used only in accordance with Article 4, Section 1: Use  
1458 Regulations. ~~for the following purposes:~~

1459 ~~1.—Accessory uses, as follows:~~

1460 ~~a.—Coin-operated and vending machines for food, tobacco, ice, soft drinks, and sundries~~  
1461 ~~inside a building and for the use of occupants thereof.~~

1462 ~~b.—Cafeteria, lunchroom or snack bar for the use of employees who work in the building~~  
1463 ~~where such facility is located, provided such facility has no exterior entrances or exits~~  
1464 ~~or signs.~~

1465 ~~c.—Storage of office supplies or merchandise normally carried in stock or used in~~  
1466 ~~connection with a permitted use, subject to applicable district regulations and provided~~  
1467 ~~such storage area does not exceed 25 percent of the total floor area of the building.~~

1468 ~~2.—Adult care center.~~

1469 ~~3.—Child care center, subject to the provisions of article 6, 7.2.~~

1470 ~~4.—Clinics, medical or dental.~~

1471 ~~5.—Commercial recreation facilities, indoor and/or outdoor, of not more than 10,000 square~~  
1472 ~~feet.~~

1473 ~~6.—Eating establishment, provided that any such freestanding use be limited to not more than~~  
1474 ~~15 percent of the total floor area of a unified, mixed-use development plan on a lot of no less~~  
1475 ~~than two acres. Nothing here shall prohibit the division of the site into lots of less than two~~  
1476 ~~acres after approval of the unified, mixed-use development plan.~~

1477 ~~7.—Financial institutions, without drive-through or drive-in facilities.~~

- 1478 ~~8.—Fitness centers of not more than 10,000 square feet.~~
- 1479 ~~9.—Funeral home or undertaking establishment.~~
- 1480 ~~10.—Hotel, motel or suites hotel.~~
- 1481 ~~11.—Offices and office buildings, business, professional, or administrative.~~
- 1482 ~~12.—Parks, and other public facilities as identified in the comprehensive plan.~~
- 1483 ~~13.—Personal service establishments, provided that any such freestanding use be limited to not~~
- 1484 ~~more than 15 percent of the total floor area of a unified, mixed-use development plan.~~
- 1485 ~~14.—Pharmacies, without drive-through facilities.~~
- 1486 ~~15.—Printing, publishing and engraving establishment, blueprinting, photocopying and similar~~
- 1487 ~~uses provided that no use permitted in this item shall occupy more than 5,000 square feet~~
- 1488 ~~of floor area.~~
- 1489 ~~16.—Radio or television broadcasting studios or offices or telephone, or radio or television~~
- 1490 ~~communications center.~~
- 1491 ~~17.—School, special instruction.~~
- 1492 ~~18.—School, technical, trade or business.~~
- 1493 ~~19.—Veterinary hospital.~~
- 1494 ~~20.—Brewery, winery or distillery provided all such facilities are open to the public on a regular~~
- 1495 ~~basis for tastings, tours or retail sales.~~

1496 *6.3 Reserved. Uses permitted by special use permit or commission permit.*

1497 The following uses may be permitted by special use permit approved by the town council  
1498 following report by the planning commission in accordance with the procedures, guides and  
1499 standards of article 8:

- 1500 ~~1.—Car wash.~~
- 1501 ~~2.—Churches and other places of worship and their accessory uses associated therewith.~~
- 1502 ~~Accessory uses may include daycare, "soup kitchens," temporary shelters, special camps~~
- 1503 ~~and other services provided by the congregation but which are considered by this ordinance~~
- 1504 ~~to be secondary to the primary function of the church for religious services.~~
- 1505 ~~3.—Commercial recreation facilities, indoor and/or outdoor of greater than 10,000 square feet.~~
- 1506 ~~4.—Drive in or drive-through facilities for financial institutions, pharmacies or eating~~
- 1507 ~~establishments, subject to the standards of Section 4.6.10.~~
- 1508 ~~5.—Fitness centers of greater than 10,000 square feet.~~
- 1509 ~~6.—Hospital for humans.~~
- 1510 ~~7.—Medical offices.~~
- 1511 ~~8.—Radio or television transmission or receiving tower more than 60 feet in height, measured~~
- 1512 ~~from grade, provided that for portions of the structure greater than 35 feet in height,~~
- 1513 ~~required front, side and rear yards shall be increased one foot for each foot in height over~~
- 1514 ~~35 feet.~~
- 1515 ~~9.—Manufacture of stairs and similar wood products.~~

1516 6.4 Permitted signs.

1517 Subject to Article 6, Section 3: General Sign Regulations~~the general sign regulations of article 6.~~

1518 6.5 Lot size standards.

- 1519 1. For permitted uses the minimum lot size shall be 20,000 square feet.
- 1520 2. Minimum street frontage is 50 feet.

1521 6.6 Yard and setback standards.

- 1522 1. Minimum front yard: 35 feet.
- 1523 2. Minimum side yard: none, except 15 feet when a lot abuts a residential district.
- 1524 3. Minimum rear yard: 20 feet; 40 feet if adjacent to a residential district.
- 1525 4. Minimum setback and buffer from streams: a planted buffer strip of at least 100 feet in
- 1526 width must be provided between any existing stream that drains a watershed area of 100
- 1527 or more acres, and all proposed buildings and paved parking areas. However, the developer
- 1528 may submit a plan for approval by the zoning administrator to reduce the buffer to not less
- 1529 than 50 feet, provided that the plan includes alternative measures that would achieve the
- 1530 same level of protection for water quality and wildlife habitat as would a 100-foot wide
- 1531 buffer.
- 1532 5. Building coverage shall be limited to a maximum of 40 percent of lot area.
- 1533 6. Maximum total lot coverage of building and parking is 60 percent.
- 1534 7. The zoning administrator may grant an administrative modification of these setback
- 1535 requirements upon recommendation of the board or architectural review, which shall
- 1536 include a written explanation of how any such modification will better accomplish the
- 1537 purpose and intent of the district.

1538 6.7 Special regulations for offices and other business buildings.

- 1539 1. Site plan required. Site development plan approval is required. An office park or office
- 1540 buildings or other buildings shall be designed to promote harmonious relationships with
- 1541 surrounding adjacent and nearby properties, developed and undeveloped, including
- 1542 providing a coordinated appearance when viewed from adjacent highways, and to this end
- 1543 may employ such design techniques as may be appropriate to a particular area~~ease~~,
- 1544 including location of permitted uses, orientation, spacing and setback of buildings,
- 1545 maintenance of natural vegetation, location of access points, size and location of signs, open
- 1546 spaces, and parking areas, grading, landscaping and servicing.

1547 6.8 Height standards.

1548 Buildings may be erected up to 45 feet in height provided that:

- 1549 1. Any building or part of a building which is located within 50 feet of an R-2 or R-3 residential
- 1550 district shall not exceed two stories and 35 feet in height.
- 1551 2. Principal structures may be erected to a height of 60 feet from grade provided that for
- 1552 portions of the building greater than 45 feet in height, required front, side and rear yards
- 1553 shall be increased one foot for each foot in height over 45 feet.

- 1554 3. Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, and flag poles  
1555 of any height, and television antennas up to 60 feet in height, are exempt from height  
1556 regulations. Parapet walls may be up to four feet above the height of the building on which  
1557 the walls rest.
- 1558 4. No accessory structure which is within ten feet of any adjoining owner lot line shall be more  
1559 than one story or 15 feet high. All accessory structures shall be of less height than the main  
1560 buildings on the lot.

1561 *6.9 Additional design standards for all uses.*

- 1562 1. New commercial developments incorporating multiple buildings shall be designed to  
1563 provide a cohesive appearance, using materials, detailing and colors to provide overall  
1564 similarity and compatibility among structures. Design features of individual buildings,  
1565 structures or storefronts shall be subordinate to the overall design of the development as a  
1566 whole.
- 1567 2. Projects containing many buildings or a variety of functions shall provide variety in building  
1568 size and massing. A general transition from small or low buildings along street frontages to  
1569 larger and taller buildings on the interior of the site shall be achieved.
- 1570 3. On large commercial sites of greater than two acres, development of several smaller  
1571 buildings to create visual interest, human scale and variety, shall be achieved, rather than a  
1572 single large building. The use of smaller buildings, appropriately positioned and sited as a  
1573 means of breaking up large parking expanses shall be achieved.
- 1574 4. Solid walls, dull or minimal facades shall be avoided along public streets or pedestrian ways.
- 1575 5. Parking shall be designed to the rear of the lot when possible. Shared entrances shall be  
1576 used wherever possible and, when parking lots are adjacent, the lots shall be connected to  
1577 parking areas on adjacent sites and integrated with each other whenever possible.
- 1578 6. Vehicular entrances/exits shall be consolidated and shared among adjacent properties to  
1579 minimize traffic conflicts. Individual points of access along major roadways shall be  
1580 avoided. Access shall be provided by secondary roads and common driveways wherever  
1581 possible.
- 1582 7. Parking lots shall be screened from view through the use of such elements as landscaping  
1583 and/or street trees.
- 1584 8. Mechanical equipment, including rooftop equipment, such as generators and air  
1585 conditioning units, shall be screened from public view in a manner compatible with the site  
1586 and using material similar to the buildings and harmonious with the overall design.
- 1587 9. Loading and service areas shall be oriented away from public views.

1588 *6.10 Additional standards and requirements for special permit uses.*

1589 In addition to the general standards set forth in Article 8, Section 1: Special Use Permit~~article 8,~~  
1590 ~~section 2,~~ all developments requiring a special use permits shall be reviewed for compliance with ~~the~~  
1591 ~~additional design standards of section 7.9.~~ Section 6.9: Additional Design Standards for All Uses above,  
1592 the Town of Purcellville Design Guidelines and Article 4, Section 1.2: Use Standards. ~~the following~~  
1593 ~~additional requirements:~~

- 1594 ~~1.—Drive in financial institutions, drive through pharmacies, drive in or drive through eating~~  
1595 ~~establishments, and other permissible drive-in uses requiring a special use permit shall~~  
1596 ~~meet the following additional standards:~~
- 1597 ~~a.—Such a use shall have on all sides the same architectural treatment or shall be~~  
1598 ~~architecturally compatible with the building group or neighborhood with which it is~~  
1599 ~~associated.~~
  - 1600 ~~b.—Such a use shall be designed so that pedestrian and vehicular circulation is coordinated~~  
1601 ~~with that on adjacent properties.~~
  - 1602 ~~c.—The site shall be designed to minimize the potential for turning movement conflicts and~~  
1603 ~~to facilitate safe and efficient on-site circulation. Parking and stacking spaces shall be~~  
1604 ~~provided and located in such a manner as to facilitate safe and convenient vehicle and~~  
1605 ~~pedestrian access to all uses on the site.~~
  - 1606 ~~d.—In reviewing such a use or combination of uses, it shall be determined that the lot is of~~  
1607 ~~sufficient area and width to accommodate the use and that any such use will not~~  
1608 ~~adversely affect any nearby existing or planned residential areas as a result of the hours~~  
1609 ~~of operation, noise generation, parking, glare or other operational factors.~~
  - 1610 ~~e.—For a drive through pharmacy, signs shall be required to be posted in the vicinity of the~~  
1611 ~~stacking area stating the limitations on the use of the window service and/or drive-~~  
1612 ~~through lane. Such signs shall not exceed two square feet in area or be located closer~~  
1613 ~~than five feet to any lot line.~~
  - 1614 ~~f.—Drive through stacking lanes shall be a minimum 100 feet from any residential lot. The~~  
1615 ~~planning commission may modify or waive this requirement if it determines that the~~  
1616 ~~impacts to nearby residences will be minimal.~~
  - 1617 ~~g.—Speakers in drive through areas shall not be audible from adjacent residential uses.~~  
1618 ~~Sound attenuation walls, landscaping or other mitigation measures may be required as~~  
1619 ~~necessary.~~
  - 1620 ~~h.—Pedestrian walkways should not intersect the drive through aisles, but where there is~~  
1621 ~~no alternative, they shall have clear visibility.~~
  - 1622 ~~i.—Drive through aisles shall have a minimum 12 foot width on curves and a minimum~~  
1623 ~~11 foot width on straight sections.~~
  - 1624 ~~j.—Drive through aisles shall provide sufficient stacking area behind the menu board for~~  
1625 ~~drive through restaurants and behind the service window for other drive through uses~~  
1626 ~~to accommodate a minimum of six cars (approximately 114 feet).~~
  - 1627 ~~k.—No drive through aisles shall exit directly into a public right of way. Aisles shall be~~  
1628 ~~integrated with the on-site circulation and shall merge with the driveway.~~
  - 1629 ~~l.—Drive aisles shall be separated from landscaping areas by a six-inch high, poured in~~  
1630 ~~place, concrete curb or other suitable protective device meeting town approval.~~
  - 1631 ~~m.—Landscaping shall screen drive through aisles from the public right of way and shall~~  
1632 ~~be used to minimize the visual impacts of menu board signs and directional signs.~~
- 1633 ~~2.—A traffic impact analysis shall be required as part of any special use permit application,~~  
1634 ~~including but not limited to proposed traffic flow, sight visibility for emerging vehicles,~~  
1635 ~~roadway capacity for turning movements, and other public safety factors, as well as~~  
1636 ~~proposed actions necessary to mitigate adverse impacts. The requirement for a traffic~~

1637 ~~impact analysis may be waived or reduced in scope by the town public works director if he~~  
1638 ~~or she determines in writing that the level of impact does not warrant such study.~~

1639 6.11 *Off-street parking and loading standards.*

1640 ~~Subject to Article 6, Section 1: Off-street Parking Requirements and Article 6, Section 2: Off-street~~  
1641 ~~Loading Requirements. Off-street parking and loading standards and space requirements for~~  
1642 ~~particular uses are contained in article 6.~~

1643 6.12 *Landscaping, screening and open space.*

1644 Regulations for landscaping, screening and open space are contained in Article 7: Landscaping,  
1645 Buffering, and Open Space Regulations ~~article 7.~~

1646 **Section 7. - MC Mixed commercial district.**

1647 7.1 *Purpose of the district.*

1648 The purpose of this district is to provide sufficient space in appropriate locations for a variety of  
1649 retail shopping, office uses and miscellaneous recreational and service activities, generally  
1650 serving the town, its neighborhoods and the surrounding area of the county and to implement  
1651 the town's comprehensive plan. These uses should be developed as compact centers in or near  
1652 developed areas where retail and service activities now exist or are planned. Since these areas  
1653 are generally located along major thoroughfares and at the major gateways to the town, the  
1654 district includes ~~side-site~~ design standards to minimize traffic congestion and conflict and  
1655 landscaping and sign standards to minimize distracting visual clutter and to enhance the  
1656 appearance of the district. To enhance the general character of the district, its function of local  
1657 and neighborhood service, and its compatibility with surrounding uses, the size of certain by-  
1658 right uses is limited and special standards are included to address automobile intensive uses. ~~In~~  
1659 ~~accord with the provisions of article 5, section 4, non-conforming uses may be re-established~~  
1660 ~~within two years after discontinuing operation, and may appeal to be re-established after~~  
1661 ~~ceasing operation for up to three years.~~

1662 7.2 Permissible Permitted ~~uses.~~

1663 ~~A building or land in this district shall be used only in accordance with Article 4, Section 1: Use~~  
1664 ~~Regulations.~~

1665 ~~1.— Bakeries, retail.~~

1666 ~~2.— Financial institutions without drive-in facilities, or with drive-in facilities subject to the~~  
1667 ~~provisions of article 4, section 7.13, Use limitations.~~

1668 ~~3.— Personal service establishment.~~

1669 ~~4.— Bed and breakfast facility.~~

1670 ~~5.— Repair service establishment (excluding motor vehicle repair).~~

1671 ~~6.— Catering.~~

1672 ~~7.— Offices, medical or dental.~~

1673 ~~8.— Offices, professional, business or administrative.~~

1674 ~~9.— Funeral home or undertaking establishment.~~

- 1675 ~~10. Veterinary clinic or hospital for small animals.~~
- 1676 ~~11. Laundries, laundromats or dry-cleaning establishments of not more than 2,500 square feet.~~
- 1677 ~~12. Printing, publishing, and engraving establishments, photographic processing or~~
- 1678 ~~blueprinting of not more than 5,000 square feet.~~
- 1679 ~~13. Radio and television stations and studios or recording studios, but not towers.~~
- 1680 ~~14. Rental of household items, tools, and appliances, subject to the provisions of article 4,~~
- 1681 ~~section 7.13.~~
- 1682 ~~15. Eating establishments, without drive-through or drive-in service, not to exceed 4,000~~
- 1683 ~~square feet.~~
- 1684 ~~16. Retail sales establishment of not more than 10,000 square feet.~~
- 1685 ~~17. Studios or shops for artists, photographers, writers, teachers, jewelers, weavers or other~~
- 1686 ~~crafts, sculptors or musicians.~~
- 1687 ~~18. Temporary stands, or outdoor areas for sale of produce, Christmas trees, wreaths, holly, and~~
- 1688 ~~the like.~~
- 1689 ~~19. Accessory uses.~~
- 1690 ~~20. Churches and other places of worship.~~
- 1691 ~~21. Public or government buildings and uses, including governmental offices, libraries, schools,~~
- 1692 ~~fire stations (volunteer or otherwise), parks, parkways and playgrounds, subject to the~~
- 1693 ~~provisions of article 8 regarding commission permits, as applicable.~~
- 1694 ~~22. Public utility, minor.~~
- 1695 ~~23. Farm and community market.~~
- 1696 ~~24. Brewery, winery or distillery provided all such facilities are open to the public on a regular~~
- 1697 ~~basis for tastings, tours or retail sales.~~
- 1698 ~~25. Indoor commercial recreation facilities.~~
- 1699 ~~26. Health club or fitness center.~~
- 1700 *7.3 Reserved. Uses permitted by special use permit.*
- 1701 ~~1. Automobile service station, subject to the provisions of article 4, section 7.13.~~
- 1702 ~~2. Automobile or truck sales, service, and repair, including body or fender repair, but not auto~~
- 1703 ~~salvage or junk, subject to the provisions of article 4, section 7.13.~~
- 1704 ~~3. Automobile or truck parts sales, wholesale, but not junk.~~
- 1705 ~~4. Automobile storage lot, new or used cars, but not storage or sale of junk.~~
- 1706 ~~5. Automobile used car lot, or used truck sales, subject to the provisions of article 4, section~~
- 1707 ~~7.13.~~
- 1708 ~~6. Boat and boat trailer sales and storage.~~
- 1709 ~~7. Car wash or automobile laundry, automatic, or attended, or self-service. Such uses are~~
- 1710 ~~required to have a water recycling system operating to minimize the water usage of such a~~
- 1711 ~~use.~~

- 1712 ~~8.—Eating establishment exceeding 4,000 square feet.~~
- 1713 ~~9.—Eating establishments, with drive-through or drive-in service, subject to the limitations of~~  
1714 ~~section 7.14 below.~~
- 1715 ~~10.—Farm supply and service establishments, implement sales, rental and service, feed and seed~~  
1716 ~~store, including custom milling of grain and feed.~~
- 1717 ~~11.—Hotel, motel, motor lodge, or tourist home.~~
- 1718 ~~12.—Institutions, educational or philanthropic, including museums and art galleries.~~
- 1719 ~~13.—Monument sales establishments with incidental processing to order, but not including the~~  
1720 ~~shaping of headstones.~~
- 1721 ~~14.—Motorcycle or off-road vehicle sales and service.~~
- 1722 ~~15.—Nursery schools, kindergartens, child care centers, day nurseries, or day care centers,~~  
1723 ~~subject to article 6, section 7.2.~~
- 1724 ~~16.—Private club, lodge, meeting or assembly hall, or fraternal organization or sorority.~~
- 1725 ~~17.—Plumbing and electrical supply sales, subject to the provisions of article 4, section 7.13.~~
- 1726 ~~18.—Printing, publishing, and engraving establishments, photocopying, photographic processing~~  
1727 ~~or blueprinting, over 5,000 square feet.~~
- 1728 ~~19.—Private schools, business or technical schools, colleges or universities subject to the~~  
1729 ~~standards contained in article 6, section 7.3.~~
- 1730 ~~20.—Recreational uses or facilities for a private membership, such as clubs and lodges, golf~~  
1731 ~~courses, game courts, swimming pools, archery range, fishing or boating lakes, picnic~~  
1732 ~~grounds, or similar activities, and accessory facilities, including sale of food, and beverages,~~  
1733 ~~bait, incidentals, supplies and equipment.~~
- 1734 ~~21.—Rental or sale of luggage trailers and pick-up truck caps but not including truck trailer~~  
1735 ~~bodies except campers and travel trailers.~~
- 1736 ~~22.—Taxidermists.~~
- 1737 ~~23.—Outdoor commercial recreation facilities.~~
- 1738 ~~24.—Lawn mower, yard and garden equipment, rental, sales and service.~~
- 1739 ~~25.—Lumber and building supply subject to the provisions of article 4, section 7.13, Use~~  
1740 ~~limitations.~~
- 1741 ~~26.—Nurseries for growing plants, trees, and shrubs.~~
- 1742 ~~27.—Green houses, commercial, wholesale, or retail.~~
- 1743 ~~28.—Laundries, laundromats or dry-cleaning establishments over 5,000 square feet.~~
- 1744 ~~29.—Drive-in facilities not listed or addressed above, including but not limited to drive-through~~  
1745 ~~pharmacies, photo processing, dry-cleaning, video, free standing unmanned teller machines~~  
1746 ~~and uses not otherwise addressed in this district.~~
- 1747 ~~30.—Any other permitted or permissible freestanding, commercial used listed in section 7.2 of~~  
1748 ~~10,000 square feet or greater.~~

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

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

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

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

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

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

~~2. Public utility, major.~~

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

*7.5 Lot size standards.*

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

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

3. Minimum lot depth: 150 feet.

4. Minimum street frontage: 50 feet.

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

*7.6 Yard and setback standards.*

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

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

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

1787 4. Refer to ~~Article 6: Supplementary Regulations~~~~article 7~~ for additional provisions that may  
1788 qualify the minimum yard requirements set forth above.

1789 *7.7 Reserved.*

1790 *7.8 Height and bulk regulations.*

1791 1. Maximum building height: 45 feet and not in excess of three stories except that:

1792 a. For office buildings and financial institutions, any building or part of a building which  
1793 is located within 200 feet of an R-2 or R-3 residential district shall not exceed two  
1794 stories or 30 feet in height.

1795 b. A public or semi-public building, such as a school, church, or library, may be erected to  
1796 a height of 60 feet from grade provided that the setback from the property line for that  
1797 portion of the building exceeding 45 feet shall be increased one foot for each foot in  
1798 height over 35 feet.

1799 c. Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, and  
1800 flagpoles of any height, and television and radio antennas up to 50 feet in height, are  
1801 exempt from height regulations. Parapet walls may be up to four feet above the height  
1802 of the building on which the walls rest.

1803 d. No accessory structure which is within ten feet of any adjoining property line shall be  
1804 more than one story high. All accessory structures shall be of less height ~~of~~ than the  
1805 main buildings on the lot.

1806 2. Maximum lot coverage: 40 percent of the lot area.

1807 3. a. Minimum landscaped open space for parcels of two acres or less: 15 percent.

1808 b. Minimum landscaped open space for parcels greater than two acres and less than six  
1809 acres: 20 percent.

1810 c. Minimum landscaped open space for parcels six acres or greater: 25 percent.

1811 4. Maximum floor area ratio: 0.6.

1812 *7.9 Additional design standards for all uses.*

1813 1. Site plan. Where approval of a site plan is required, the plan shall be designed to promote  
1814 sensitive use of topography and to promote harmonious relationships with adjacent and  
1815 nearby residential properties, developed or undeveloped, and to this end shall provide  
1816 effective screening along side and rear properties lines by means of fences, walls, hedges,  
1817 planting screen or natural vegetation in accordance with the requirements of this  
1818 ordinance.

1819 2. Refuse. Refuse containers and refuse storage shall be located in a paved area and hidden  
1820 from general public view, either from within or outside the premises, by means of fences,  
1821 walls, or landscape planting.

1822 3. Drainage. Provision shall be made for proper stormwater drainage from parking and  
1823 loading areas. Water shall not be permitted to drain from such areas onto adjacent property  
1824 except into a natural watercourse or a drainage easement. Provision shall be made for  
1825 protection against erosion and sedimentation in accordance with applicable town  
1826 ordinances.

- 1827 4. New commercial developments incorporating multiple buildings shall be designed to  
 1828 provide a cohesive appearance, using materials, detailing and colors to provide overall  
 1829 similarity and compatibility among structures. Design features of individual buildings,  
 1830 structures or storefronts shall be subordinate to the overall design of the development as a  
 1831 whole.
- 1832 5. Projects containing many buildings or a variety of functions shall provide variety in building  
 1833 size and massing. A general transition from small or low buildings along street frontages to  
 1834 larger and taller buildings on the interior of the site shall be achieved.
- 1835 6. On large commercial sites, development of several smaller buildings to create visual  
 1836 interest, human scale and variety, shall be achieved, rather than a single large building. The  
 1837 use of smaller buildings, appropriately positioned and sited as a means of breaking up large  
 1838 parking expanses shall be achieved.
- 1839 7. Solid walls, dull or minimal facades shall be avoided along public streets or pedestrian ways.
- 1840 8. Parking shall be designed to the rear of the lot when possible. Shared entrances shall be  
 1841 used wherever possible and, when parking lots are adjacent, the lots shall be connected to  
 1842 parking areas on adjacent sites and integrated with each other whenever possible.
- 1843 9. Vehicular entrances/exits shall be consolidated and shared among adjacent properties to  
 1844 minimize traffic conflicts. Individual points of access along major roadways shall be  
 1845 avoided. Access shall be provided by secondary roads and common driveways wherever  
 1846 possible.
- 1847 10. Parking lots shall be screened from view through the use of such elements as earthen berms,  
 1848 landscaping and/or street trees.
- 1849 11. Mechanical equipment, including rooftop equipment, such as generators and air  
 1850 conditioning units, shall be screened from public view in a manner compatible with the site  
 1851 and using material similar to the buildings and harmonious with the overall design.
- 1852 12. Loading and service areas shall be oriented away from public views.

1853 *7.10 Off-street parking and loading standards.*

1854 ~~Subject to Article 6, Section 1: Off-street Parking Requirements and Article 6, Section 2: Off-street~~  
 1855 ~~Loading Requirements. Off-street parking and loading design standards and space requirements~~  
 1856 ~~for particular uses are contained in article 6.~~

1857 *7.11 Landscaping, screening and open space.*

1858 Regulations for landscaping, screening and open space are contained in ~~Article 7: Landscaping,~~  
 1859 ~~Buffering, and Open Space Regulations~~ *article 7.*

1860 *7.12 Permitted signs.*

1861 Subject to ~~Article 6, Section 3: General Sign Regulation~~ *the general sign regulations of article 6.*

1862 *7.13 Reserved. Use limitations for specific permitted and permissible uses.*

1863 ~~1.—Automotive service stations:~~

- 1864 a.—Automotive service stations shall be limited to an office and a retail sales area not to  
1865 exceed a total of 1,500 square feet, and not more than eight fuel pumps for the sale and  
1866 dispensing of fuel.
- 1867 b.—Bulk storage of flammable liquids must be underground.
- 1868 c.—No lighting fixture may extend to a height greater than 15 feet.
- 1869 d.—Temporary storage of wrecked or inoperative vehicles or storage or rental of luggage  
1870 trailers, campers, vans, or similar equipment will not be permitted.
- 1871 2.—Automobile sales (new or used), service and repair:
- 1872 a.—Storage of equipment or materials or damaged vehicles shall be inside a fully enclosed  
1873 building and all major repairs shall be conducted within a fully enclosed building.
- 1874 b.—The parking of vehicles for sale by individual owners at strategic locations in shopping  
1875 centers to maximize exposure to major thoroughfares and the traveling public is  
1876 prohibited. The owners of the retail and service commercial shopping center shall be  
1877 responsible for the posting of the property to prohibit such activity. Responsibility for  
1878 the enforcement of these provisions will bear upon the owners of the shopping center,  
1879 but if posting has occurred the owners of the vehicles for sale will bear the burden of  
1880 the violation unless it is proven the shopping center owners have not actively enforced  
1881 their restrictions on the parking of vehicles for sale.
- 1882 3.—Drive in financial institutions shall be permitted by right in accordance with the following:
- 1883 a.—Drive in financial institutions shall be permitted by right when such use is located  
1884 within a building of a shopping center with a building footprint of at least 25,000  
1885 square feet which contains at least six other uses which are not drive in or drive-  
1886 through eating establishments, drive in financial institutions or vehicle light service  
1887 establishments and when all uses within that building are connected by party walls or  
1888 partitions to form one continuous structure; and
- 1889 b.—Vehicular access to all such uses shall be provided only via the internal circulation  
1890 system of the shopping center; and
- 1891 c.—The shopping center and the building in which such drive in financial institution is  
1892 located shall be subject to an approved unified site plan; and
- 1893 d.—No more than two such drive in or drive through uses shall be permitted per shopping  
1894 center.
- 1895 4.—Drive in financial institutions which do not meet the limitations of article 4, section 7.13.3  
1896 above may be allowed by special use permit in accordance with the provisions of article 8  
1897 and the zoning district requirements.
- 1898 5.—Farm supply and service establishments, implement sales, rental and service and feed and  
1899 seed stores may include storage of fertilizer in bags or in tanks (dry only) or in a completely  
1900 enclosed building.
- 1901 6.—Lumber and building supply, plumbing supply and electrical supply uses shall be required  
1902 to store all inventory and materials under cover, within an enclosed area, screened from  
1903 view of public streets or within a fully enclosed building.
- 1904 7.—Rental of household items, tools and appliances shall be conducted in an enclosed structure  
1905 and all storage of inventory and supplies shall be within an enclosed structure.

1906 7.14 Additional standards and requirements for special permit uses.

1907 In addition to the general standards set forth in ~~Article 8, Section 1: Special Use Permit~~~~article 8,~~  
1908 ~~section 2,~~ all developments requiring a special use permits shall be reviewed for compliance  
1909 with Section 7.9: Additional Design Standards for All Uses ~~the additional design standards of~~  
1910 ~~section 7.9~~ above, the Town of Purcellville Design Guidelines and Article 4, Section 1.2: Use  
1911 Standards. ~~the following additional requirements:~~

1912 ~~1. Drive-in financial institutions, drive-through pharmacies, drive-in or drive-through eating~~  
1913 ~~establishments, and other permissible drive-in uses requiring a special use permit shall~~  
1914 ~~meet the following additional standards:~~

1915 ~~a. Such a use shall have on all sides the same architectural treatment or shall be~~  
1916 ~~architecturally compatible with the building group or neighborhood with which it is~~  
1917 ~~associated.~~

1918 ~~b. Such a use shall be designed so that pedestrian and vehicular circulation is coordinated~~  
1919 ~~with that on adjacent properties.~~

1920 ~~c. The site shall be designed to minimize the potential for turning movement conflicts and~~  
1921 ~~to facilitate safe and efficient on-site circulation. Parking and stacking spaces shall be~~  
1922 ~~provided and located in such a manner as to facilitate safe and convenient vehicle and~~  
1923 ~~pedestrian access to all uses on the site.~~

1924 ~~d. In reviewing such a use or combination of uses, it shall be determined that the lot is of~~  
1925 ~~sufficient area and width to accommodate the use and that any such use will not~~  
1926 ~~adversely affect any nearby existing or planned residential areas as a result of the hours~~  
1927 ~~of operation, noise generation, parking, glare or other operational factors.~~

1928 ~~e. For a drive-through pharmacy, signs shall be required to be posted in the vicinity of the~~  
1929 ~~stacking area stating the limitations on the use of the window service and/or drive-~~  
1930 ~~through lane. Such signs shall not exceed two square feet in area or be located closer~~  
1931 ~~than five feet to any lot line.~~

1932 ~~f. Drive-through stacking lanes shall be a minimum 100 feet from any residential lot. The~~  
1933 ~~planning commission may modify or waive this requirement if it determines that the~~  
1934 ~~impacts to nearby residences will be minimal.~~

1935 ~~g. Speakers in drive-through areas shall not be audible from adjacent residential uses.~~  
1936 ~~Sound attenuation walls, landscaping or other mitigation measures may be required as~~  
1937 ~~necessary.~~

1938 ~~h. Pedestrian walkways should not intersect the drive-through aisles, but where there is~~  
1939 ~~no alternative, they shall have clear visibility.~~

1940 ~~i. Drive-through aisles shall have a minimum 12-foot width on curves and a minimum~~  
1941 ~~11-foot width on straight sections.~~

1942 ~~j. Drive-through aisles shall provide sufficient stacking area behind the menu board for~~  
1943 ~~drive-through restaurants and behind the service window for other drive-through uses~~  
1944 ~~to accommodate a minimum of six cars (approximately 114 feet).~~

1945 ~~k. No drive-through aisles shall exit directly into a public right-of-way. Aisles shall be~~  
1946 ~~integrated with the on-site circulation and shall merge with the driveway.~~

- 1947 ~~l.— Drive aisles shall be separated from landscaping areas by a six inch high, poured in~~  
1948 ~~place, concrete curb or other suitable protective device meeting town approval.~~
- 1949 ~~m.— Landscaping shall screen drive through aisles from the public right of way and shall~~  
1950 ~~be used to minimize the visual impacts of menu board signs and directional signs.~~
- 1951 ~~2.— A traffic impact analysis shall be required as part of any special use permit application,~~  
1952 ~~including but not limited to proposed traffic flow, sight visibility for emerging vehicles,~~  
1953 ~~roadway capacity for turning movements, and other public safety factors, as well as~~  
1954 ~~proposed actions necessary to mitigate adverse impacts.~~

1955 **Section 8. - Reserved.**

1956 **Section 9. - C-4 Central commercial district.**

1957 *9.1 Purpose of the district.*

1958 The purpose of this district is to provide for an appropriate variety of uses in the historic center  
1959 for commercial, financial, professional, governmental, recreation, entertainment, and cultural  
1960 activities, in accordance with the purposes and goals of the comprehensive plan. It is intended  
1961 to promote a convenient and relatively compact arrangement of uses and buildings that enhance  
1962 the sense of place and pedestrian orientation of the downtown area, and to this end required  
1963 yards are minimal and permitted building bulk and coverage is relatively high. Medium density  
1964 residential development is permitted to encourage housing convenient to places of shopping and  
1965 work. Signing and outdoor storage are restricted in order to promote an attractive and stable  
1966 urban environment.

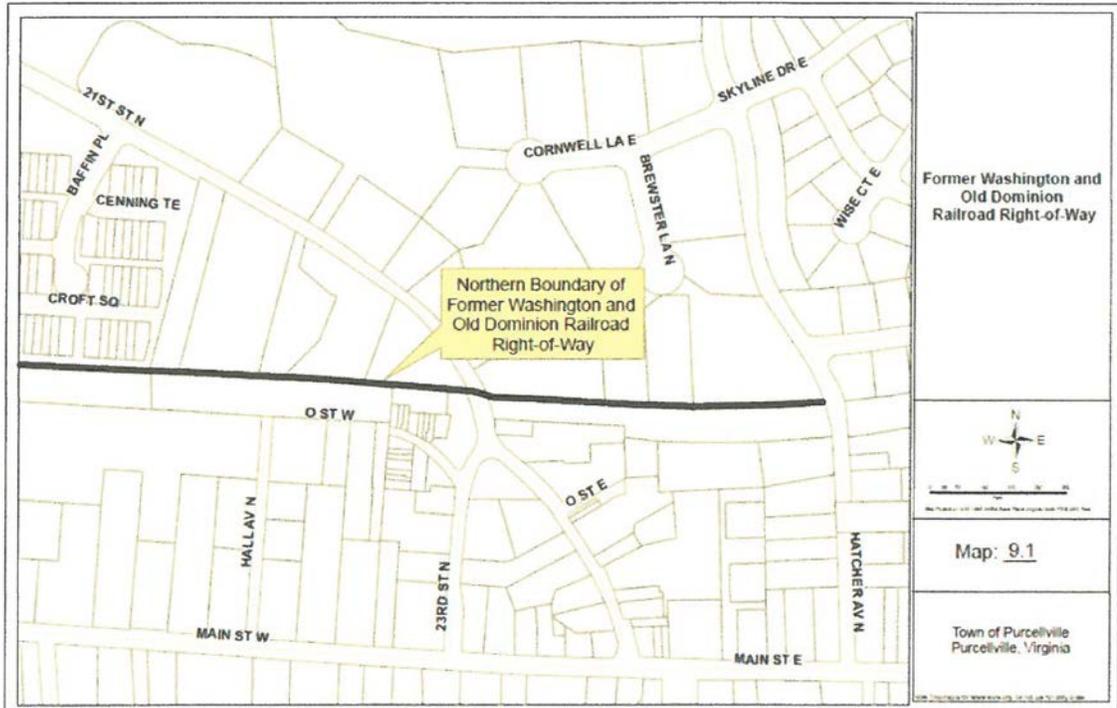
1967 *9.2 ~~Permissible~~ Permitted uses.*

1968 A building or land in this district shall be used only in accordance with Article 4, Section 1: Use  
1969 Regulations. ~~for the following purposes:~~

- 1970 ~~1.— Accessory buildings and uses.~~
- 1971 ~~2.— Adult care center.~~
- 1972 ~~3.— Apartments within the upper stories of a building or group of buildings containing offices,~~  
1973 ~~retail or other commercial uses. Apartment units may be served by ground floor entrances~~  
1974 ~~or lobbies, but no greater than 50 percent of the gross floor area of the ground floor may be~~  
1975 ~~used for residential living space, provided that such residential living space is at the rear of~~  
1976 ~~the building and the front half of the ground floor is habitable space used for other, non-~~  
1977 ~~residential permitted uses.~~
- 1978 ~~4.— Bakeries, retail.~~
- 1979 ~~5.— Child care center, subject to the provisions of article 6, [section] 7.2.~~
- 1980 ~~6.— Commercial recreation facilities, indoor and outdoor.~~
- 1981 ~~7.— Eating establishments without drive-in or drive-through facilities.~~
- 1982 ~~8.— Feed, seed and garden stores, with accessory outdoor storage and display.~~
- 1983 ~~9.— Financial institutions without drive-in or drive-through facilities.~~
- 1984 ~~10.— Fitness center.~~

- 1985 ~~11. Funeral home or undertaking establishment.~~
- 1986 ~~12. Garage, parking, but not auto or truck repair.~~
- 1987 ~~13. Hotel, inn, or bed and breakfast facility.~~
- 1988 ~~14. Indoor theater.~~
- 1989 ~~15. Institutions, educational or philanthropic, including museums, libraries and art galleries.~~
- 1990 ~~16. Laundries, laundromats or dry-cleaning establishments.~~
- 1991 ~~17. Medical or dental clinics.~~
- 1992 ~~18. Offices, general business or professional.~~
- 1993 ~~19. Parking lots.~~
- 1994 ~~20. Personal service establishments.~~
- 1995 ~~21. Printing, publishing, and engraving establishments, photocopying, photographic processing~~
- 1996 ~~or blueprinting.~~
- 1997 ~~22. Radio and television stations and studios or recording studios, but not towers.~~
- 1998 ~~23. Retail sales establishments.~~
- 1999 ~~24. School, special instruction.~~
- 2000 ~~25. School, technical, trade, or business.~~
- 2001 ~~26. Single family detached dwellings. (Revised 4/14/92)~~
- 2002 ~~27. Structured parking garage.~~
- 2003 ~~28. Temporary stands, or outdoor areas for sale of produce, Christmas trees, wreaths, holly, and~~
- 2004 ~~the like.~~
- 2005 ~~29. Veterinary hospital.~~
- 2006 ~~30. Farm and community market.~~
- 2007 ~~31. Brewery, winery or distillery provided all such facilities are open to the public on a regular~~
- 2008 ~~basis for tastings, tours or retail sales.~~
- 2009 *9.3 Reserved. Uses permitted by special use permit.*
- 2010 ~~The following uses may be permitted by special use permit approved by the town council~~
- 2011 ~~following report by the planning commission in accordance with the procedures, guides and~~
- 2012 ~~standards of article 8:~~
- 2013 ~~1. Concrete plants.~~
- 2014 ~~2. Contractor's office with accessory warehouse and outdoor storage yard.~~
- 2015 ~~3. Drive in or drive through facility accessory to a financial institution.~~
- 2016 ~~4. Private clubs, lodge, meeting or assembly hall, fraternal organization or sorority. (Adopted~~
- 2017 ~~4/9/02)~~
- 2018 ~~5. Rental of household items, tools and appliances subject to the provisions of article 4, section~~
- 2019 ~~7.13.~~
- 2020 ~~6. Sand, gravel and landscaping materials sales and storage.~~

- 2021 ~~7. Wholesale sales with accessory warehouse storage.~~
- 2022 9.4 Permitted signs.
- 2023 Subject to Article 6, Section 3: General Sign Regulations~~the general sign regulations of article 6.~~
- 2024 9.5 Lot size standards.
- 2025 There are no minimum lot size standards for dwellings or business uses in the C-4 central  
2026 commercial district.
- 2027 9.6 Yard and setback standards for all structures and on-site parking.
- 2028 1. Minimum front yard: None.
- 2029 2. Maximum front yard: No greater than 15 feet, with the following exceptions:
- 2030 a. That permitted outdoor public use spaces such as outdoor cafe seating are exempt from  
2031 this requirement, and
- 2032 b. For expansions to existing principal structures, the setback may be greater than 15 feet  
2033 as long as it is bringing the existing setback into equal or greater conformity with the  
2034 regulations than the existing structure.
- 2035 c. All lots zoned C-4 and located north of the former W&OD railroad right-of-way, as  
2036 shown on Map 9.1, are excepted from this provision.
- 2037 3. Minimum side yard: None, except that for the side of a lot abutting a residential district there  
2038 shall be a side yard of at least ten feet.
- 2039 4. Minimum rear yard: None, except that for business and mixed use buildings, no rear yard is  
2040 required at the first floor level except on the rear of a lot abutting a residential district there  
2041 shall be a rear yard of 20 feet. For dwellings there shall be a rear yard of at least 20 feet and  
2042 for all buildings there shall be a rear yard of at least 20 feet at and above the second floor  
2043 level.
- 2044 5. New on-site surface parking lots may not be located closer to the front lot line than the front  
2045 facade of any new principal structure, with the following exceptions:
- 2046 a. That not more than one row of parallel or angled parking is permitted in the front yard  
2047 if the sidewalk is between such parking and any new principal structure and such  
2048 parking directly abuts an approved public street without any intervening open space  
2049 or physical improvements, and
- 2050 b. Existing areas of existing parking lots are exempt from this provision.
- 2051 c. One expansion of not more than nine new parking spaces to an existing parking lot is  
2052 exempt from these provisions.
- 2053 d. All lots zoned C-4 and located north of the former W&OD railroad right-of-way, as  
2054 shown on Map 9.1. are excepted from this provision.
- 2055 Map 9.1



2056

2057 6. The front facade of the principal structure must extend across at least 50 percent of the lot  
 2058 width at the front setback, unless less frontage is required due to required driveway access  
 2059 or to preserve existing vegetation. The front facade must enclose a full height, habitable  
 2060 interior space. However, existing parcels with existing principal structures and front lot  
 2061 widths of more than 80 feet at the time of adoption of these standards, need only have front  
 2062 facades across 35 percent of the front lot width. Properties to the north of the W&OD trail  
 2063 shall be exempt from either of these requirements.

2064 7. The zoning administrator may grant an administrative modification of these setback  
 2065 requirements upon recommendation of the board of architectural review, which shall  
 2066 include a written explanation of how any such modification will better accomplish the  
 2067 purpose and intent of the district.

2068 *9.7 Special regulations for business and commercial buildings.*

2069 1. Similar uses permitted. Other commercial, financial, professional, governmental, recreation,  
 2070 entertainment, cultural and service uses which, in the opinion of the zoning administrator,  
 2071 are of the same general character as those ~~permitted~~ permitted in the district listed  
 2072 above, shall be permitted, provided that these ~~and the above specified~~ uses shall be  
 2073 permitted only in accordance with the development standards of this ordinance.

2074 2. Enclosed buildings. Except as provided in the regulations for this district, all uses shall be  
 2075 conducted within completely enclosed buildings of permanent and durable construction,  
 2076 with no open storage of raw, in process, or finished products or material and supplies or  
 2077 waste material, except products on temporary display for sale. This provision does not  
 2078 preclude outdoor eating areas accessory to a permitted use.

2079 9.8 Height standards.

2080 Buildings may be erected up to 45 feet in height as measured to the top eave of the façade  
2081 provided that:

- 2082 1. Any business building or part of such building which is located within 50 feet of any  
2083 residential district shall not exceed 35 feet in height as measured to the top eave of the  
2084 façade.
- 2085 2. Any building may be erected to a height of 60 feet as measured to the top eave of the façade.
- 2086 3. Notwithstanding the provisions of ~~{section}~~ Section 9.8.2., for properties in common  
2087 ownership that exceed an aggregate of two contiguous acres in size and that abut North 21<sup>st</sup>  
2088 Street, the building height at the front façade or the front property line, whichever is the  
2089 greater distance from the public street, may be up to 35 feet in height; and up to 50 percent  
2090 of the width of the front façade may be up to 65 feet in height.

2091 For adjacent properties in common ownership that exceed an aggregate of two contiguous acres  
2092 in size located in the C-4 district that abut East "O" Street, the maximum building height is 65  
2093 feet.

- 2094 4. The maximum roof pitch shall be no steeper than 12/12 and the maximum top gable peak  
2095 shall not exceed 75 feet in height.
- 2096 5. Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, and flag poles  
2097 of any height, and television antennas up to 125 feet in height, are exempt from height  
2098 regulations. Parapet walls may be up to four feet above the height of the building on which  
2099 the walls rest.

2100 9.9 Off-street parking and loading standards.

2101 Subject to Article 6, Section 1: Off-street Parking Requirements and Article 6, Section 2: Off-street  
2102 Loading Requirements. Off-street parking and loading design standards and space requirements  
2103 for particular uses are contained in article 6.

2104 9.10 Landscaping, screening and open space.

2105 Regulations for landscaping, screening and open space are contained in Article 7: Landscaping,  
2106 Buffering, and Open Space Regulations~~article 7.~~

2107 **Section 10. - CM-1 Local service industrial district.**

2108 10.1 Purpose of the district.

2109 The purpose of this district is to provide for a wide variety of local and farm service industrial  
2110 operations, including repair services, building supplies, and open or enclosed storage of  
2111 products, supplies and equipment, but to restrict or prohibit those service industries which have  
2112 characteristics likely to produce serious adverse effects within or beyond the limits of the  
2113 district, in accordance with the purposes and goals of the comprehensive plan. Limited  
2114 manufacturing is also permitted, including open storage of products and materials. In order to  
2115 preserve the land for industry, to reduce extraneous traffic, and avoid future conflicts between  
2116 industry and other uses, retail and business service uses are limited primarily to those which  
2117 will be useful to employees in the district and future residential uses are restricted.

2118 10.2 ~~Permissible Permitted~~ uses.

2119 A building or land in this district shall be used only in accordance with Article 4, Section 1: Use  
2120 Regulations. ~~for the following purposes:~~

2121 1.—~~Accessory buildings and uses, including but not limited to the following:~~

2122 a.—~~Any accessory use permitted in the R-2 residential district.~~

2123 b.—~~Coin-operated vending machines for food, tobacco, ice, soft drinks, and sundries inside~~  
2124 ~~a building and primarily for the use of occupants thereof.~~

2125 c.—~~Storage of supplies, merchandise, equipment, or goods normally carried in stock, used~~  
2126 ~~or produced in connection with a permitted office, business, commercial or industrial~~  
2127 ~~use subject to applicable district regulations.~~

2128 2.—~~Automobile, motorcycle, off-road vehicle, bus or truck sales, service or repair, assembly,~~  
2129 ~~painting, upholstering, or body or fender work or rebuilding, but not a salvage or wrecking~~  
2130 ~~yard.~~

2131 3.—~~Business service establishments.~~

2132 4.—~~Farm implement and tractor sales, service and repair.~~

2133 5.—~~Feed and seed sales and storage, blending or packaging.~~

2134 6.—~~Living quarters for resident watchmen and caretakers employed on the premises.~~

2135 7.—~~Monuments and architectural stone.~~

2136 8.—~~Nursery or landscaping service.~~

2137 9.—~~Offices and office buildings, studios and the like, business, professional or administrative.~~

2138 10.—~~Plumbing and electrical supplies, manufacture, sale or storage.~~

2139 11.—~~Printing, publishing and engraving establishment, photographic processing, blueprinting,~~  
2140 ~~photocopying and similar uses. (Adopted 1/13/98)~~

2141 12.—~~Retail or wholesale sales and service incidental to a permitted manufacturing, processing,~~  
2142 ~~storing or distributing use, not exceeding 30 percent of the area of the principal use.~~

2143 13.—~~Rug, carpet and flooring sales, cleaning and storage.~~

2144 14.—~~Sign fabricating and painting.~~

2145 15.—~~Self-service storage compartments commonly known as mini-warehouses including the~~  
2146 ~~storage of recreational trailers/vehicles, campers, luggage trailers, boats and boat trailers~~  
2147 ~~and similar recreational equipment. (Amended 2/9/99)~~

2148 16.—~~Temporary stands, or outdoor areas or temporary truck parking, for sale of produce,~~  
2149 ~~Christmas trees, wreaths, holly, and the like.~~

2150 17.—~~Trade or business school.~~

2151 18.—~~Veterinary hospital or clinic for small animals, dogs, cats, birds, and the like, provided that~~  
2152 ~~such hospital or clinic and any treatment rooms, cages, pens, or kennels, be maintained~~  
2153 ~~within a completely enclosed, soundproof building, and that such hospital or clinic be~~  
2154 ~~operated in such a way as to produce no objectionable noise or odors outside its walls.~~  
2155 ~~(Revised 10/8/96)~~

- 2156 ~~19. Wholesale merchandising or storage warehouse or distribution center but not a truck or~~  
2157 ~~freight terminal.~~
- 2158 ~~20. Brewery, winery or distillery provided all such facilities are open to the public on a regular~~  
2159 ~~basis for tastings, tours or retail sales.~~
- 2160 ~~21. Indoor commercial recreation facilities.~~
- 2161 ~~22. The above ground and below ground storage, distribution, but not refining, of petroleum,~~  
2162 ~~propane and other flammable liquids; the parking and storage of vehicles designed to~~  
2163 ~~distribute such liquids off site; the fueling of propane fueled vehicles; and, the outside or~~  
2164 ~~inside storage of propane tanks.~~
- 2165 *10.3 Reserved. Uses permitted by special use permit.*
- 2166 ~~The following uses may be permitted by special use permit approved by the town council~~  
2167 ~~following report by the planning commission in accordance with the procedures, guides and~~  
2168 ~~standards of article 8:~~
- 2169 ~~1. Automobile service station.~~
- 2170 ~~2. Building materials (cement, lime in bags or container, sand, gravel, stone, lumber, hardware,~~  
2171 ~~structural or reinforcing steel, pipe and the like) storage and sales, open or enclosed, but~~  
2172 ~~not manufacture or steel fabricating or junk storage.~~
- 2173 ~~3. Child care center, subject to the provisions of article 6, [section] 7.2.~~
- 2174 ~~4. Clinics, medical or dental.~~
- 2175 ~~5. Outdoor commercial recreational facility. (Adopted 5/10/05; Amended 7/19/12)~~
- 2176 ~~6. Contractor's equipment storage yard or plant or rental of equipment commonly used by~~  
2177 ~~contractors.~~
- 2178 ~~7. Eating establishment, drive-in or otherwise.~~
- 2179 ~~8. Fitness center. (Adopted 5/10/05)~~
- 2180 ~~9. Financial institutions.~~
- 2181 ~~10. Radio, television or other communications tower more than 125 feet in height.~~
- 2182 ~~11. Facilities and structures necessary for rendering utility service, including poles, wires,~~  
2183 ~~transformers, telephone booths and the like for normal electrical power distribution or~~  
2184 ~~communication service, and pipelines or conduits for electrical, gas, sewer, or water service.~~
- 2185 ~~12. Lumber yard.~~
- 2186 ~~13. Private schools, colleges or universities subject to the standards contained in article 6,~~  
2187 ~~section 7.3.~~
- 2188 ~~14. Retail establishments~~
- 2189 ~~15. School, special instruction.~~
- 2190 ~~16. Well drilling establishment, water, gas or oil, offices, storage or service of supplies and~~  
2191 ~~equipment.~~
- 2192 ~~17. Welding and soldering shops; machine shop.~~

2193 10.4 Permitted signs.

2194 Subject to Article 6, Section 3: General Sign Regulations~~the general sign regulations of article 6.~~

2195 10.5 Lot size standards.

2196 There are no minimum lot size standards in the CM-1 district.

2197 10.6 Yard and setback standards.

2198 All structures:

- 2199 1. Minimum front yard: 20 feet<sup>(a)</sup>
- 2200 2. Minimum side yard: Ten feet<sup>(b)</sup>
- 2201 3. Minimum rear yard: 20 feet<sup>(b)</sup>

2202 <sup>(a)</sup>See Article 6: Supplementary Regulations for exceptions for signs and certain other  
2203 structures.

2204 <sup>(b)</sup>No structure shall be located closer than 50 feet to the boundary of a residential district.

- 2205 4. The zoning administrator may grant an administrative modification of these setback  
2206 requirements upon recommendation of the board of ~~of~~ architectural review, which shall  
2207 include a written explanation of how any such modification will better accomplish the  
2208 purpose and intent of the district.

2209 10.7 Special regulations for commercial and industrial buildings.

2210 1. *Site plan.* Where approval of a site plan is required, the plan shall be designed to promote  
2211 harmonious relationships with adjacent and nearby residential and business properties,  
2212 developed or undeveloped, and to this end may provide effective screening along side and  
2213 rear property lines by means of fences, walls, hedges, planting screen or natural vegetation  
2214 in accordance with the requirements of this ordinance.

2215 2. *Fencing.* All fencing shall have a uniform and durable character and shall be properly  
2216 maintained.

2217 3. *Hazardous materials and chemicals.* A list of hazardous materials and chemicals shall be  
2218 provided at the time an occupancy permit is applied for. The list will be referred to the office  
2219 of the fire marshal who shall determine special storage and handling requirements and any  
2220 other requirements as may be required by SARA Title III and applicable state regulations.  
2221 (Adopted 3/12/96)

2222 4. Enclosed buildings. All uses shall be conducted within a completely enclosed building of  
2223 permanent and durable construction, with no open storage of waste material. Products or  
2224 equipment used, manufactured or maintained on the premises may be stored in the open if  
2225 screened from the street or from a residential district by landscaping, fences or walls.

2226 5. Landscaping. Any part of the front yard not used for parking or accessways shall be  
2227 landscaped with grass, trees, shrubs or pedestrian walks.

2228 6. Refuse. Refuse containers or refuse storage shall be located in a paved area and hidden from  
2229 general public view, either from within or outside the premises, by means of fences, walls,  
2230 or landscaping planting.

2231 7. Drainage. Provision shall be made for proper stormwater drainage from parking and  
2232 loading areas. Water shall not be permitted to drain from such areas onto adjacent property  
2233 except into a natural watercourse or a drainage easement. Provision shall be made for  
2234 protection against erosion and sedimentation in accordance with applicable town  
2235 ordinances.

2236 *10.8 Height standards.*

2237 Buildings may be erected up to 60 feet in height provided that:

- 2238 a. A building or part thereof may be erected to a height of 75 feet provided that the portions  
2239 of the building higher than 35 feet are set back from any lot line at least one foot for each  
2240 additional foot of height above 35 feet.
- 2241 b. Cupolas, monuments, water towers, chimneys flues, and flag poles of any height, and  
2242 television antennas up to 125 feet in height, are exempt from height regulations. Parapet  
2243 walls may be up to four feet above the height of the building on which the walls rest.
- 2244 c. The board of zoning appeals may grant exceptions to height limits under Article 9: Board of  
2245 Zoning Appeals~~article 9.~~

2246 *10.9 Off-street parking and loading standards.*

2247 Subject to Article 6, Section 1: Off-street Parking Requirements and Article 6, Section 2: Off-street  
2248 Loading Requirements. Off-street parking and loading design standards and space requirements  
2249 for particular uses are contained in article 6.

2250 *10.10 Landscaping, screening and open space.*

2251 Regulations for landscaping, screening and open space are contained in Article 7: Landscaping,  
2252 Buffering, and Open Space Regulations~~article 7.~~

2253 **Section 11. - M-1 Limited industrial district.**

2254 *11.1 Purpose of the district.*

2255 The purpose of this district is to provide for a variety of light manufacturing, fabricating,  
2256 processing, wholesale distributing and warehousing uses appropriately located for access by  
2257 highways and providing a controlled environment within which signing is limited, uses are to be  
2258 conducted generally within completely enclosed buildings or within screened areas, and a  
2259 moderate amount of landscaping is required, in accordance with the purposes and goals of the  
2260 comprehensive plan. In order to preserve the land for industry, to reduce extraneous traffic, and  
2261 avoid future conflicts between industry and other uses, business and service uses are limited  
2262 primarily to those which will be useful to employees in the district and future residential uses  
2263 are restricted.

2264 *11.2 Permissible Permitted uses. (Amended 3/14/00)*

2265 ~~In cases of doubt regarding the nature of a process or use, the administrator may require an~~  
2266 ~~engineering report describing the process or use and the probable impact thereof at property~~  
2267 ~~lines in terms of the factors listed above or other significant factors as may be associated with a~~  
2268 ~~particular process or use.~~

2269 A building or land in this district shall be used only in accordance with Article 4, Section 1: Use  
2270 Regulations. for the following purposes:

- 2271 ~~1.—Accessory buildings and uses, including but not limited to the following:~~
- 2272     ~~a.—Any accessory use permitted in the R-2 residential district.~~
- 2273     ~~b.—Coin-operated vending machines for food, tobacco, ice, soft drinks, and sundries inside~~  
2274     ~~a building and primarily for the use of occupants thereof.~~
- 2275     ~~c.—Storage of supplies, merchandise, equipment, or goods normally carried in stock, used~~  
2276     ~~or produced in connection with a permitted office, business, commercial or industrial~~  
2277     ~~use subject to applicable district regulations.~~
- 2278 ~~2.—General agriculture, farming and forestry, including tilling the soil, raising of crops, truck~~  
2279     ~~gardens, field crops, orchards or nurseries for growing or propagation and harvesting of~~  
2280     ~~plants, turf, trees and shrubs and in general uses commonly classified as general agriculture;~~  
2281     ~~provided that temporary open air stands not exceeding 200 square feet in area for seasonal~~  
2282     ~~sales of products raised on the premises, and the raising of large animals, such as pigs, cows,~~  
2283     ~~horses, sheep, or goats, on a farm of ten acres or more, or the raising for sale of birds, bees,~~  
2284     ~~fish, rabbits, or other small animals on a lot of two acres or more shall be permitted only as~~  
2285     ~~a special exception; and provided no retail or wholesale business office or store is~~  
2286     ~~permanently maintained on the premises, and not including commercial slaughtering or~~  
2287     ~~processing of animals or poultry.~~
- 2288 ~~3.—Automobile painting, upholstering, repairing, rebuilding, reconditioning, body and fender~~  
2289     ~~work, truck repairing or overhauling, and automobile service station provided all storage~~  
2290     ~~tanks are underground.~~
- 2291 ~~4.—Building materials sales yards.~~
- 2292 ~~5.—Bus depot and associated maintenance facilities.~~
- 2293 ~~6.—Contractor's equipment storage yards, plants or rental of equipment commonly used by~~  
2294     ~~contractors.~~
- 2295 ~~7.—Facilities and structures necessary for rendering utility service, including poles, wires,~~  
2296     ~~transformers, telephone booths and the like for normal electrical power distribution or~~  
2297     ~~communication service, and pipelines or conduits for electrical, gas, sewer, or water service.~~
- 2298 ~~8.—Farm implement and tractor sales, service and repair.~~
- 2299 ~~9.—Feed and seed stores.~~
- 2300 ~~10.—Greenhouse or nursery, commercial, wholesale or retail.~~
- 2301 ~~11.—Laboratories, research, experimental or testing, but not testing explosives.~~
- 2302 ~~12.—Living quarters for resident watchmen and caretakers employed on the premises.~~
- 2303 ~~13.—Manufacturing—any use permitted by right in the CM-1 local service industrial district, and~~  
2304     ~~manufacturing of a generally light nature, such as sheet metal products, bottling, medical~~  
2305     ~~equipment, fabrics, furniture, pharmaceutical and ceramics and similar uses which do not~~  
2306     ~~create any more danger to health and safety in surrounding areas and which do not create~~  
2307     ~~any more offensive noise, vibration, smoke, dust, lint, odor, heat, glare, or electrical impulse~~  
2308     ~~than that which is generally associated with such light industries.~~
- 2309 ~~14.—Monumental stone works.~~

- ~~2310 15. Radio or television broadcasting studios and offices, and transmission and receiving towers~~
- ~~2311 ~~of height not greater than 125 feet.~~~~
- ~~2312 16. Retail or wholesale sales and service incidental to a permitted manufacturing, processing,~~
- ~~2313 ~~storing or distributing use on the same site.~~~~
- ~~2314 17. Rug and carpet cleaning and storage with incidental sales of rugs and carpets.~~
- ~~2315 18. Self service storage.~~
- ~~2316 19. Sheet metal shop.~~
- ~~2317 20. Sign fabricating and painting.~~
- ~~2318 21. School, special instruction.~~
- ~~2319 22. School, technical, trade or business, but not including instruction in heavy trucks or heavy~~
- ~~2320 ~~construction or materials handling equipment or similar vehicles and equipment.~~~~
- ~~2321 23. Temporary stands, or outdoor areas or temporary truck parking, for sale of produce,~~
- ~~2322 ~~Christmas trees, wreaths, holly, and the like.~~~~
- ~~2323 24. Welding or machine shop excluding punch presses exceeding 40-ton rated capacity and~~
- ~~2324 ~~drop hammers.~~~~
- ~~2325 25. Wholesale merchandising or storage warehouse or distribution center but not a truck or~~
- ~~2326 ~~freight terminal or package distribution center.~~~~
- ~~2327 26. Indoor commercial recreation facilities.~~
- ~~2328 27. Brewery, winery or distillery provided all such facilities are open to the public on a regular~~
- ~~2329 ~~basis for tastings, tours or retail sales.~~~~

2330 *11.3 Reserved. Uses permitted by special use permit.*

2331 The following uses may be permitted by special use permit approved by the town council  
 2332 following report by the planning commission in accordance with the procedures, guides and  
 2333 standards of article 8:

- ~~2334 1. Outdoor commercial recreational facility. (Adopted 5/10/05; Amended 7/19/12)~~
- ~~2335 2. Eating establishments, without drive in.~~
- ~~2336 3. Fitness center. (Adopted 5/10/05)~~
- ~~2337 4. Private club, lodge, meeting hall, labor union or fraternal organization or sorority.~~
- ~~2338 5. Radio, television or other communications tower more than 125 feet in height.~~
- ~~2339 6. Retail establishments.~~

2340 *11.4 Permitted signs.*

2341 Subject to ~~Article 6, Section 3: General Sign Regulations~~the general sign regulations of article 6.

2342 *11.5 Lot size standards.*

- 2343 1. For permitted uses the minimum lot size shall be 20,000 square feet with a minimum lot
- 2344 width of 100 feet and minimum lot depth of 150 feet.
- 2345 2. Building coverage shall be limited to 50 percent of lot area.

2346 Lot width is measured at the building line.

2347 Minimum street frontage is 50 feet.

2348 *11.6 Yard and setback standards.*

2349 All structures:

2350 Minimum front yard: 25 feet<sup>(a)</sup>

2351 Minimum side yard: 15 feet<sup>(b)</sup>

2352 Minimum rear yard: 40 feet<sup>(b)</sup>

2353 <sup>(a)</sup>See Article 6: Supplementary Regulations~~article 6~~ for exceptions for signs and certain other  
2354 structures.

2355 <sup>(b)</sup>No structure shall be located closer than 50 feet to the boundary of a residential district.

2356 *11.7 Special regulations for manufacturing and commercial buildings.*

2357 1. *Similar uses permitted.* Other manufacturing uses which, in the opinion of the zoning  
2358 administrator, are of the same general character as those ~~permitted~~ uses permitted in the  
2359 district listed above shall be permitted. All uses shall be conducted so as not to produce  
2360 hazardous, objectionable or offensive conditions at property line boundaries by reason of  
2361 odor, dust, smoke, cinders, fumes, noise, vibration, heat, glare, wastes, fire or explosion.

2362 2. *Enclosed buildings.* All uses shall be conducted within a completely enclosed building of  
2363 permanent and durable construction, with no open storage of waste material. Products or  
2364 equipment used, manufactured or maintained on the premises may be stored in the open if  
2365 screened from the street or from a residential district by landscaping, fences or walls.

2366 3. *Landscaping.* Any part of the front yard not used for parking or accessways shall be  
2367 landscaped with grass, trees, shrubs or pedestrian walks.

2368 4. Site plan. Where approval of a site plan is required, the plan shall be designed to promote  
2369 careful use of topography and to promote harmonious relationships with adjacent and  
2370 nearby residential and business properties, developed or undeveloped, and to this end may  
2371 provide effective screening along side and rear property lines by means of fences, walls,  
2372 hedges, planting screen or natural vegetation in accordance with the requirements of this  
2373 ordinance.

2374 5. Refuse. Refuse containers or refuse storage shall be located in a paved area and hidden from  
2375 general public view, either from within or outside the premises, by means of fences, walls,  
2376 or landscaping planting.

2377 6. Drainage. Provision shall be made for proper stormwater drainage from parking and  
2378 loading areas. Water shall not be permitted to drain from such areas onto adjacent property  
2379 except into a natural watercourse or a drainage easement. Provision shall be made for  
2380 protection against erosion and sedimentation in accordance with applicable town  
2381 ordinances.

2382 7. Fencing. All fencing shall have a uniform and durable character and shall be properly  
2383 maintained.

2384 8. Hazardous materials and chemicals. A list of all hazardous materials and chemicals shall be  
2385 provided at the time an occupancy permit is applied for. The list will be referred to the office  
2386 of the fire marshal who shall determine special storage and handling requirements and any  
2387 other requirements as may be required by SARA Title III and applicable state regulations.

2388 *11.8 Height standards.*

- 2389 1. Buildings may be erected up to 45 feet in height provided that:
- 2390 a. A building or part thereof may be erected to a height of 60 feet provided that it is
- 2391 located at least 100 feet from any lot line.
- 2392 b. Cupolas, monuments, water towers, chimneys, flues, and flag poles of any height, and
- 2393 television antennas up to 125 feet in height, are exempt from height regulations.
- 2394 Parapet walls may be up to four feet above the height of the building on which the walls
- 2395 rest.
- 2396 c. The board of zoning appeals may grant exceptions to height limits under *Article 9:*
- 2397 *Board of Zoning Appeals* ~~article 9.~~

2398 *11.9 Off-street parking and loading standards.*

2399 Subject to Article 6, Section 1: Off-street Parking Requirements and Article 6, Section 2: Off-street  
2400 Loading Requirements. Off-street parking and loading design standards and space requirements  
2401 for particular uses are contained in article 6.

2402 *11.10 Landscaping, screening and open space.*

2403 Regulations for landscaping, screening and open space are contained in *Article 7: Landscaping,*

2404 *Buffering, and Open Space Regulations* ~~article 7.~~

2405 **Section 12. - PDH Planned development housing district. (Adopted 2/13/96)**

2406 *12.1 Purpose of the district.*

2407 The purpose of the PDH district is to encourage innovative and creative design and to facilitate

2408 use of the most advantageous construction techniques in the development of land for residential

2409 and other selected secondary uses. The district regulations are designed to ensure ample

2410 provision and efficient use of open space to promote high standards in the layout, design and

2411 construction of residential development; to promote balanced developments of mixed housing

2412 types; to encourage the provision of affordable housing and otherwise implement the stated

2413 purpose and intent of this ordinance.

2414 To these ends, rezoning to and development under this district will be permitted only in

2415 accordance with a development plan prepared and approved in accordance with the provisions

2416 of *Article 11: Administration and Enforcement* ~~article 11.~~

2417 *12.2 ~~Permissible Principal-permitted~~ uses.*

2418 A building or land in this district shall be used only in accordance with Article 4, Section 1: Use  
2419 Regulations. The following principal uses shall be permitted subject to the approval of a final  
2420 development plan prepared in accordance with the provisions of article 11, and subject to the  
2421 use limitations as prescribed by section 12.6 below:

- 2422 ~~1.—Dwellings, single-family detached.~~
- 2423 ~~2.—Dwellings, single-family attached.~~
- 2424 ~~3.—Dwellings, multiple-family.~~
- 2425 ~~4.—Dwellings, mixture of types listed above.~~
- 2426 ~~5.—Affordable dwelling units.~~
- 2427 ~~6.—Public uses.~~

2428 ~~12.3 *Reserved. Secondary permitted uses.*~~

2429 ~~The following secondary uses shall be permitted only in a PDH district which contains one or~~  
2430 ~~more principal uses; only when such uses are designated on an approved final development plan~~  
2431 ~~prepared in accordance with the provisions of article 11; and subject to the use limitations as set~~  
2432 ~~forth in section 12.5 below:~~

- 2433 ~~1.—Accessory uses, accessory service uses and home occupations as permitted by article 3.~~
- 2434 ~~2.—Bank teller machines, unmanned, located within a multiple-family dwelling.~~
- 2435 ~~3.—Commercial uses of special impact limited to:~~
  - 2436 ~~a.—Drive-in banks.~~
  - 2437 ~~b.—Quick service food stores.~~
- 2438 ~~4.—Community uses including community recreation centers.~~
- 2439 ~~5.—Eating establishments, restaurants.~~
- 2440 ~~6.—Financial institutions.~~
- 2441 ~~7.—Institutional use.~~
- 2442 ~~8.—Light public utility uses including electric substations.~~
- 2443 ~~9.—Offices.~~
- 2444 ~~10.—Outdoor recreation uses limited to:~~
  - 2445 ~~a.—Golf courses, commercial.~~
  - 2446 ~~b.—Riding and boarding stables.~~
  - 2447 ~~c.—Veterinary hospitals, but only ancillary to riding and boarding stables.~~
- 2448 ~~11.—Personal service establishments.~~
- 2449 ~~12.—Quasi-public uses limited to:~~
  - 2450 ~~a.—Alternate use of public facilities (adaptive reuse).~~
  - 2451 ~~b.—Child care centers and nursery schools.~~
  - 2452 ~~c.—Churches, chapels, temples, synagogues and other such places of worship which may~~  
2453 ~~contain a child care center or nursery.~~
  - 2454 ~~d.—Colleges, universities or technical schools.~~
  - 2455 ~~e.—Cultural center, museums and similar facilities.~~
  - 2456 ~~f.—Housing for the elderly.~~

2457 g.— Private clubs and public benefit associations.

2458 h.— Private schools of general education.

2459 i.— Private schools of special education.

2460 ~~13.— Retail sales establishment.~~

2461 12.4 ~~Reserved. Special exception uses.~~

2462 ~~1.— Accessory dwelling units.~~

2463 ~~2.— Temporary uses as defined by article 9, section 5.1.~~

2464 ~~3.— Garages and accessory buildings in a front yard except when shown on an approved~~  
2465 ~~development plan.~~

2466 12.5 Use limitations.

2467 1. All secondary uses shall be in conformance as to location and size, with the adopted  
2468 comprehensive plan for the area in which the property is located.

2469 2. All uses shall conform to the standards ~~as~~ set forth in Article 4, Section 1: Use  
2470 Regulations~~article 11, section 5.~~

2471 3. All uses shall comply with the ~~performance-additional~~ standards ~~as~~ set forth in Article 6,  
2472 Section 8: Performance Standards and Article 11, Section 7: Development Plans, Standards for  
2473 All PDH Districts~~article 11, section 7.~~

2474 4. All uses submitted as secondary uses individually or as a group shall comply with the  
2475 standards ~~as~~ prescribed by Article 8, Section 1: Special Use Permit~~article 8 (special use~~  
2476 ~~permits)~~ and Article 9, Section 5: Special Exceptions~~article 9 (special exceptions)~~. If these uses  
2477 are not designated on an approved development plan, an amendment to the development  
2478 plan will be required.

2479 5. All uses permitted pursuant to the approval of a final development plan shall be in  
2480 substantial conformance with the final development plan as provided for in Article 11,  
2481 Section 6: Procedures for Review and Approval of All PDH Districts~~article 11.~~

2482 6. Secondary uses of a commercial and office nature ~~and outdoor recreation (commercial)~~  
2483 shall require a minimum district size of five acres.

2484 7. Secondary uses of a commercial nature except ~~outdoor recreation (commercial) and~~ office  
2485 uses shall be designed to serve primarily the needs of the residents of the planned  
2486 development in which they are located, and such uses, including offices, shall be designed  
2487 so as to maintain and protect the residential character of the planned development and  
2488 adjacent residential neighborhoods as well. In order to accomplish these purposes:

2489 a. Commercial and office uses shall be conducted within a completely enclosed building  
2490 with no outside display except those uses which by their nature must be conducted  
2491 outside a building.

2492 b. When located within the same building as residential uses, commercial and office uses  
2493 shall be limited to the lowest two floors.

2494 c. The maximum total land area, including all at grade off-street parking and loading areas  
2495 in connection therewith, devoted to commercial and office uses, ~~except commercial~~  
2496 ~~recreation uses~~, shall be as follows:

2497 For each district PDH-1 through PDH-3, PDH-5, PDH-8 and PDH-15: 50 square feet of  
2498 commercial space per dwelling unit but not to exceed a total area of 10,000 square feet.

2499 8. Signs shall be permitted only in accordance with the provisions of Article 6, Section 3:  
2500 General Sign Regulations~~article 6~~. Parking and off-street loading facilities shall be provided  
2501 in accordance with Article 6, Section 1: Off-street Parking Requirements and Article 6, Section  
2502 2: Off-street Loading Requirements~~article 6~~.

2503 9. Veterinary ~~clinics~~ hospitals shall be within a completely enclosed building, such building  
2504 being adequately soundproofed and constructed so there will be no emission of odor or  
2505 noise detrimental to other property in the area.

2506 *12.6 Lot size requirements.*

2507 1. *Minimum district size:* Five acres and only when the purpose and intent and all the standards  
2508 and requirements of the PDH district can be satisfied.

2509 2. *Minimum lot area:* No requirement for each use or building provided that a privacy yard  
2510 having a minimum area of 200 square feet, shall be provided on each single-family dwelling  
2511 unit lot unless waived by the town council in conjunction with the approval of a  
2512 development plan.

2513 3. *Minimum lot width:* No requirement for each use or building.

2514 *12.7 Bulk regulations.*

2515 The maximum building height, minimum yard requirements and maximum floor area ratio shall  
2516 be controlled by the standards set forth in Article 11, Section 7: Development Plans, Standards for  
2517 All PDH Districts~~article 11, section 5~~.

2518 *12.8 Maximum density.*

2519 1. For purposes of computing density, the PDH district is divided into subdistricts in which the  
2520 residential density is limited as set forth below:

Subdistrict	Density
PDH-1	1 dwelling unit per acre
PDH-2	2 dwelling units per acre
PDH-3	3 dwelling units per acre
PDH-5	5 dwelling units per acre
PDH-8	8 dwelling units per acre
PDH-15	15 dwelling units per acre

2521 -

- 2522 2. The town council, may at its discretion, increase the maximum number of units in a PDH  
 2523 district in accordance with and when the conceptual and final development plan includes  
 2524 one or more of the following, but in no event shall such an increase be permitted when such  
 2525 features were used to meet the development criteria in the adopted comprehensive plan  
 2526 and the minimum requirements for the applicable district and in no event shall the total  
 2527 number of dwellings exceed 125 percent of the district maximum density:
- 2528 a. Design features, amenities, open space and/or recreational facilities in the planned  
 2529 development which in the opinion of the town council are features which achieve an  
 2530 exceptional and high quality development—As determined by the town council but not  
 2531 to exceed five percent.
  - 2532 b. Preservation and restoration of buildings, structures, or premises which have historic  
 2533 or architectural significance—As determined by the town council but not to exceed five  
 2534 percent.
  - 2535 c. Development of the subject property in conformance with the comprehensive plan  
 2536 with a less intense use or density than permitted by the current zoning district—As  
 2537 determined by the town council but not to exceed five percent.

2538 *12.9 Open space.*

- 2539 1. The following minimum open space shall be provided in each PDH district:

Subdistrict	Open Space
PDH-1	25 percent of the gross area
PDH-2	20 percent of the gross area
PDH-3	20 percent of the gross area
PDH-5	35 percent of the gross area
PDH-8	25 percent of the gross area
PDH-15	35 percent of the gross area

- 2540 2. As part of the open space to be provided in accordance with the provisions of ~~{subsection}~~  
 2541 1. above, there shall be a requirement to provide developed recreational facilities in all PDH  
 2542 districts. Such requirements shall be based on a minimum expenditure of \$300.00 per  
 2543 dwelling unit for such facilities, and either the facilities shall be provided by the developer  
 2544 in conformance with the approved final development plan, or the cash shall be provided for  
 2545 such facilities in conformance with a duly executed public improvements agreement.  
 2546 ~~Notwithstanding the above, the requirement for \$300.00 per dwelling unit shall not apply~~  
 2547 ~~to affordable dwelling units.~~  
 2548

2549 12.10 Additional regulations.

- 2550 1. Refer to ~~Article 11: Administration and Enforcement~~ ~~article 11~~ for standards and
- 2551 development plan regulations.
- 2552 2. Refer to ~~Article 3: General Provisions~~ ~~article 3, general regulations~~, for provisions which may
- 2553 qualify or supplement the regulations presented above.

2554 **Section 13. - X Transitional zoning district. (Adopted 10/8/91)**

2555 13.1 Purpose of the district.

2556 The purpose of this district is to provide for the reasonable and orderly interim regulation of use  
2557 and development of land ~~annexed or brought into the town via a boundary line~~  
2558 ~~adjustment within the said annexation area which was previously zoned county AR1, JLMA2,~~  
2559 ~~JLMA3, PD-GI, RC, PDH6.~~

2560 13.2 ~~Permissible Permitted~~ uses.

2561 A building or land ~~in this district~~ shall be used only ~~in accordance with Article 4, Section 1: Use~~  
2562 ~~Regulations.~~

2563 ~~for the following purposes:~~

2564 ~~1. Uses permitted below shall be modified by the existing county zoning as it applies to the PDH-~~  
2565 ~~6 and PD-GI. Those parcels zoned PD-GI shall be permitted the uses designated for the town~~  
2566 ~~zoning classification of CM-1. Those parcels zoned PDH-6 shall be permitted the uses designated~~  
2567 ~~for the town PDH-8 zoning classification subject to proffers and/or executed agreements that~~  
2568 ~~run with the land. (Adopted 8/28/96)~~

2569 ~~2. Agriculture, forestry, and fisheries, provided however, that no such use shall be permitted~~  
2570 ~~which, because of the nature, location, or manner of operation, is noxious, offensive, or~~  
2571 ~~dangerous because of noise, odor, fumes, gas, glare, vibration, smoke, emission or~~  
2572 ~~particulate matter or effluent, or for other reasons.~~

2573 ~~2[a]. Detached, single family dwellings.~~

2574 ~~3. Private schools for not over 15 pupils.~~

2575 ~~4. Circuses, carnivals, or similar temporary activities when organized or sponsored by~~  
2576 ~~nonprofit organizations.~~

2577 ~~5. Noncommercial fairgrounds.~~

2578 ~~6. Game preserves, wildlife sanctuaries and the like.~~

2579 ~~7. Dwelling or lodging units for persons employed on the premises, provided that if in a~~  
2580 ~~separate structure not more than one such dwelling or lodging unit shall be permitted for~~  
2581 ~~each three acres in the principal use.~~

2582 ~~8. Wayside stands for display and sale of products produced on the premises.~~

2583 ~~9. Guest house (not to exceed 90 days).~~

2584 ~~10. Home occupations.~~

2585 ~~11. Bed and breakfast home stay establishments.~~

- 2586 ~~12.— Church, parish house, convent, monastery.~~
- 2587 13.3 ~~*Reserved. Uses permitted by special use permit or commission permit.*~~
- 2588 ~~The following uses may be permitted by special use permit approved by the town council~~  
2589 ~~following report by the planning commission in accordance with the procedures, guides and~~  
2590 ~~standards of article 8:~~
- 2591 ~~1.— Commercial stable.~~
- 2592 ~~2.— Kennel.~~
- 2593 ~~3.— Veterinary service; animal hospital.~~
- 2594 ~~4.— Guest farms or ranches.~~
- 2595 ~~5.— Cemetery.~~
- 2596 ~~6.— Wayside bus shelters.~~
- 2597 ~~7.— Structures for exhibits and/or demonstrations operated by nonprofit organizations.~~
- 2598 ~~8a.— Manufactured home for use as a tenant house for an agricultural, forestal, or fisheries~~  
2599 ~~operation.~~
- 2600 ~~8b.— Manufactured home for use during the construction of permanent dwelling.~~
- 2601 ~~9.— Private airport, heliport, flight strip.~~
- 2602 ~~10.— Day camp, boarding camp.~~
- 2603 ~~11.— Private club or lodge.~~
- 2604 ~~12.— Private school for over 15 pupils.~~
- 2605 ~~13.— Recreational structures or uses related to outdoors recreation, commercial or~~  
2606 ~~noncommercial.~~
- 2607 ~~14.— Rest home, nursing home, convalescent home, orphanage, or similar institution.~~
- 2608 ~~15.— Community centers.~~
- 2609 ~~16.— Volunteer fire and/or rescue squad structures or uses.~~
- 2610 ~~17.— Greenhouse or nursery, commercial, wholesale or retail.~~
- 2611 ~~18.— Hospitals.~~
- 2612 ~~19.— Country inns.~~
- 2613 ~~20.— Farm machinery sales and service. (The following specific guides and standards shall be~~  
2614 ~~applied.)~~
- 2615 ~~a.— The establishment shall be located on a paved, state maintained road not more than~~  
2616 ~~1,000 feet from a primary state road.~~
- 2617 ~~b.— The structures and parking areas and/or the perimeter of the property shall have a~~  
2618 ~~landscaped screen sufficient to protect adjacent residential properties.~~
- 2619 ~~c.— Buildings shall be setback a minimum of 75 feet from all property lines.~~

- 2620 ~~d. — Parking, driveways (other than entrance) and storage yards shall be setback a~~  
2621 ~~minimum 75 feet from the property line along the state road entrance frontage, and a~~  
2622 ~~minimum of 50 feet from all other property lines.~~
- 2623 ~~e. — Sites for such establishments shall not be less than five nor more than ten acres.~~
- 2624 ~~f. — Accessory retail sales shall be strictly limited to farm and garden equipment parts and~~  
2625 ~~related tools and accessories. In no case shall the floor area devoted to the display and~~  
2626 ~~sale of such related tools and accessories be more than 15 percent of the floor area of~~  
2627 ~~the building site. No other nonfarm equipment sales shall be permitted, including, but~~  
2628 ~~not limited to lumber, hardware, building materials, or like items.~~
- 2629 ~~g. — No structure shall be located within 500 feet of an existing residential structure.~~
- 2630 ~~h. — The town will encourage the structures to be designed and sited so as to emulate a~~  
2631 ~~typical traditional complex of buildings on a farmstead.~~
- 2632 ~~21. — Public or governmental buildings and uses, including governmental offices, libraries,~~  
2633 ~~schools, fire stations (volunteer or otherwise), parks, parkways and playgrounds, except~~  
2634 ~~those which have been approved as part of a subdivision or site plan.~~
- 2635 ~~22. — Public utility or public service or transportation uses, treatment plants, water storage tanks,~~  
2636 ~~pumping stations or regulator stations, utility storage yards, substations and major~~  
2637 ~~transmission lines.~~

2638 *13.4 Permitted signs.*

2639 Subject to ~~Article 6, Section 3: General Sign Regulations~~the general sign regulations of article 6.

2640 *13.5 Lot size standards.*

2641 *Minimum lot area:* Three acres.

2642 *Minimum lot width:* 200 feet.

2643 *Length/width ratio:* For lots hereafter created, length shall not exceed 3.5 times width.

2644 Other uses same as for single-family detached dwelling or as specified in the district regulations.

2645 Minimum lot area for individual or on-site sewage disposal systems is subject to health  
2646 department requirements.

2647 Lot width is measured at the front building setback line.

2648 *13.6 Yard and setback standards.*

2649 *Minimum front yard:* 35 feet.

2650 *Minimum side yard:* 12 feet.

2651 *Minimum rear yard:* 25 feet.

2652 The minimum front yard shall be measured from the front lot line to the front building setback  
2653 line.

2654 Minimum front yard shall be 55 feet measured from the street centerline if street right-of-way  
2655 is less than 50 feet in width.

2656 Other principal structures same as single-family detached dwelling or as required in the district  
2657 regulations.

2658 Accessory structures attached to the main building shall be considered part of the main building  
2659 and comply with front, side, and rear yard requirements.

2660 Detached accessory structures shall not be closer than five feet to any property line.

2661 *13.7 Height standards.*

2662 1. Buildings may be erected up to 2½ stories and 35 feet in height except that:

2663 a. There are no restrictions for buildings used exclusively for agricultural purposes.

2664 b. The height limit for dwellings may be increased up to 45 feet and up to three stories  
2665 provided there are two side yards for each permitted use each of which is at least 15  
2666 feet plus one foot or more for each side yard for each additional foot of building height  
2667 over 35 feet upon granting of a special exception by the board of zoning appeals under  
2668 Article 9: Board of Zoning Appeals ~~article 9.~~

2669 c. A public or semi-public building such as a school, church, or library, may be erected to  
2670 a height of 60 feet from grade provided that required front, side and rear yards shall be  
2671 increased one foot for each foot in height over 35 feet.

2672 d. Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, and flag  
2673 poles of any height, and television antennas up to 50 feet in height, are exempt from  
2674 height regulations. Parapet walls may be up to four feet above the height of the building  
2675 on which the walls rest.

2676 e. No accessory structure which is within ten feet of any party lot line shall be more than  
2677 one story in height. All accessory structures shall be of less height than the main  
2678 buildings on the lot.

2679 *13.8 Off-street parking and loading standards.*

2680 Subject to Article 6, Section 1: Off-street Parking Requirements and Article 6, Section 2: Off-street  
2681 Loading Requirements. Off-street parking and loading standards and space requirements for  
2682 particular uses are contained in article 6.

2683 *13.9 Landscaping, screening and open space.*

2684 Regulations for landscaping, screening and open space are contained in Article 7: Landscaping,  
2685 Buffering, and Open Space Regulations ~~article 7.~~

2686 **Section 14. - Institutional and public use district.**

2687 *14.1 Purpose of the district.*

2688 This district is intended to permit the location and growth of public and private educational,  
2689 institutional, public, and semi-public uses in areas appropriate for such uses. The district is  
2690 intended to encourage the retention or adaptive reuse of larger public and institutional uses on

2691 sites identified for such uses in the adopted comprehensive plan. The regulations within this  
2692 district are intended to achieve the following specific purposes:

- 2693           •1. Recognize the unique needs of institutional and public uses and their relationship with  
2694           neighboring land uses;
- 2695           •2. Minimize the potential for adverse impacts of institutional and public uses on adjacent  
2696           land uses, including traffic congestion, adequate parking, and pedestrian linkages;
- 2697           •3. Facilitate the creation of a convenient and harmonious development of buildings,  
2698           parking, and open spaces for individual institutional and public uses; and
- 2699           •4. ~~Facilitate~~ ~~Ensure~~ the proper functioning of such institutional and public uses.

2700 14.2 ~~Permissible~~ ~~Permitted~~ uses.

2701 A building or land in this district shall be used only in accordance with Article 4, Section 1: Use  
2702 Regulations. ~~for the following purposes:~~

- 2703           ~~1.—Church or place of worship.~~
- 2704           ~~2.—Government offices and assembly rooms.~~
- 2705           ~~3.—Accessory buildings, uses and structures.~~
- 2706           ~~4.—Community center and senior center.~~
- 2707           ~~5.—Community garden.~~
- 2708           ~~6.—Fire, rescue or police station.~~
- 2709           ~~7.—Library.~~
- 2710           ~~8.—Museum and art gallery.~~
- 2711           ~~9.—Park, playground and playfields, unlighted.~~
- 2712           ~~10.—Public and private schools, K-12.~~
- 2713           ~~11.—Public utility, minor.~~
- 2714           ~~12.—Indoor performing arts center or theater.~~
- 2715           ~~13.—Farm and community market.~~
- 2716           ~~14.—Colleges and universities subject to article 6, section 7.4.~~

2717 14.3: ~~Reserved.~~ ~~Public, private or semi-public uses permitted by special use permit.~~

2718 The following specific uses may be permitted in this district by special use permit approved by  
2719 the town council following report by the planning commission in accordance with the  
2720 procedures, guides and standards of article 8:

- 2721           ~~1.—Transmitting and receiving facilities for cellular communications systems and similar~~  
2722           ~~facilities.~~
- 2723           ~~2.—Lighted playing fields.~~
- 2724           ~~3.—Outdoor performing arts center or amphitheater.~~
- 2725           ~~4.—Commuter parking lot.—Parking lots or structures designed for short term parking of~~  
2726           ~~vehicles, the occupants of which transfer to public transit to continue their trips.~~

2727 14.4 Reserved.

2728 14.5 Lot size standards.

- 2729 1. Lot area. Ten thousand square feet for any parcel with a structure for human occupancy,
- 2730 such as offices, meeting rooms, places of assembly, but not including storage buildings,
- 2731 restrooms, or gazebos. No minimum lot area for parcels without a substantial structure,
- 2732 such as well sites, park sites, and public streets.

2733 14.6 Yard and setback standards.

- 2734 1. Front yards. ~~There shall be n~~No setbacks are required, except yards adjacent to a residential
- 2735 district shall have a setback equal to the setback of the adjoining residential district or, in
- 2736 built-up areas, may match the average setback of adjacent structures.

- 2737 2. Side and rear yards. No side or rear yard are shall be required, except where such use abuts
- 2738 a residential district there shall be a minimum ten-foot side and/or rear yard.

- 2739 3. Notwithstanding the above, for additions to an existing building, the yard requirement for
- 2740 the addition may match the existing yard for the existing building.

2741 14.7 ~~Reserved. Special provisions for corner lots.~~

2742 ~~Where a front yard is provided, fences, signs, landscaping, shrubbery, evergreens and trees in~~  
2743 ~~excess of three feet in height are prohibited within 15 feet from the corner of a lot at~~  
2744 ~~intersections streets.~~

2745 14.8 Height standards.

- 2746 1. Within 50 feet of any residential district, the maximum height of the nearest residential
- 2747 district shall apply.

- 2748 2. A public or semi-public building, such as a school, church, or library, may be erected to a
- 2749 height of 60 feet provided that required front, side and rear yards shall be increased one
- 2750 foot for each foot in height over 50 feet.

- 2751 3. Church spires, belfries, cupolas, monuments, water towers, chimneys, and flues are exempt
- 2752 from height regulations.

2753 14.9 Additional design standards for all uses.

2754 In addition to the above standards, all projects shall be reviewed for compliance with the Town  
2755 of Purcellville Design Guidelines and the following general building and site design principles:

2756 1. *Site design.*

- 2757 (a) Where approval of a site plan is required, the plan shall be designed to promote
- 2758 sensitive use of topography and to promote harmonious relationships with adjacent
- 2759 and nearby properties, developed or undeveloped, and to this end shall provide
- 2760 effective screening along side and rear property lines by means of fences, walls, hedges,
- 2761 planting screen or natural vegetation in accordance with the requirements of this
- 2762 ordinance.

2763 2. *Building design.*

- 2764 (a) Projects incorporating multiple buildings shall be designed to provide a cohesive
- 2765 appearance, using materials, detailing and colors to provide overall similarity and

2766 compatibility among structures. Design features of individual buildings and structures  
2767 shall be subordinate to the overall design of the development.

2768 (b) Projects containing many buildings or a variety of functions shall provide variety in  
2769 building size and massing. A general transition from small or low buildings along street  
2770 frontages to larger and taller buildings on the interior of the site shall be achieved.

2771 (c) On large sites, development of several smaller buildings to create visual interest,  
2772 human scale and variety, shall be achieved, rather than a single large building. The use  
2773 of smaller buildings, appropriately positioned and sited as a means of breaking up large  
2774 parking expanses shall be achieved.

2775 (d) Buildings shall be finished and have on all sides the same architectural features or shall  
2776 be architecturally compatible with the building group or neighborhood with which  
2777 ~~they are it is~~ associated.

2778 3. *Parking and access.*

2779 (a) Shared entrances shall be used wherever possible and, when parking lots for uses  
2780 permitted in this district are adjacent, the lots shall be connected to parking areas on  
2781 adjacent sites and integrated with each other whenever possible.

2782 (b) Parking lots shall be screened from view through the use of such elements as earthen  
2783 berms, landscaping and/or street trees.

2784 (c) Access shall be provided by secondary roads and common driveways where ~~ever ever~~  
2785 possible.

2786 (d) Pedestrian and vehicular circulation shall be coordinated with that on adjacent  
2787 properties. The site shall be designed to minimize the potential for turning movement  
2788 conflicts and to facilitate safe and efficient on-site circulation. Parking and stacking  
2789 spaces shall be provided and located in such a manner as to facilitate safe and  
2790 convenient vehicle and pedestrian access to all uses on the site.

2791 4. *Utilities and HVAC equipment.*

2792 (a) All utility lines, electric, telephone, cable television lines, etc., and shall be placed  
2793 underground.

2794 (b) Mechanical equipment, including rooftop equipment, such as generators and air  
2795 conditioning units, shall be screened from public view in a manner compatible with the  
2796 site and using material similar to the buildings and harmonious with the overall design.

2797 5. *Refuse and loading.*

2798 (a) Refuse containers or refuse storage shall be located in a paved area and hidden from  
2799 general public view, either from within or outside the premises, by means of fences,  
2800 walls, or landscape planting.

2801 (b) Loading and service areas shall be oriented away from public views.

2802 14.11 *Off-street parking and loading standards.*

2803 ~~Subject to Article 6, Section 1: Off-street Parking Requirements and Article 6, Section 2: Off-street~~  
2804 ~~Loading Requirements. Off-street parking and loading areas for permitted uses in accordance~~  
2805 ~~with sections 6.1 and 6.2 [article 6, sections 1 and 2] of this ordinance.~~

2806 14.12 Landscaping, screening and open space.

2807 ~~All projects must comply with the r~~Regulations for landscaping, screening and open space are  
2808 contained in Article 7: Landscaping, Buffering, and Open Space Regulations~~article 7.~~

2809 14.13 Permitted signs.

2810 Signs are permitted in accordance with Article 6, Section 3: General Sign Regulations~~the general~~  
2811 ~~sign regulations of article 6.~~

2812 **Section 15. -- AC Agricultural conservancy/commercial zoning district (A-C District).**

2813 15.1 Purpose of the district.

2814 This district is designed to accommodate and encourage the continuation of agricultural uses  
2815 within the town, to permit clustered single-family residential development, to permit certain  
2816 low-intensity non-residential uses that would maintain the majority of open space in these areas,  
2817 and to accommodate uses that would complement and enhance the historic character of the  
2818 town. It is intended that uses in this district will be designed in a manner that:

- 2819 1. Conserves open land around the town's periphery, including those areas containing historic  
2820 resources or sensitive natural features such as woodlands, prime farmland, steep slopes,  
2821 streams, floodplains and wetlands, by setting them aside from development;
- 2822 2. Promotes agricultural and equestrian uses; Protects productive agricultural soils for  
2823 continued or future agricultural use and conserves blocks of land large enough to allow for  
2824 efficient farm operations;
- 2825 3. Reduces erosion and sedimentation by the retention of existing vegetation;
- 2826 4. Provides for the maintenance of open land within the town which can help to provide  
2827 opportunities for recreation, protect scenic and historic views, minimize the visual impact  
2828 of new development from existing roads, and preserve the historic rural setting  
2829 surrounding the town;
- 2830 5. Promotes a traditional development pattern that is compatible with the existing historic  
2831 character of the town and which is connected to the existing fabric of the town; and
- 2832 6. Provides greater design flexibility and efficiency in the siting of infrastructure, including the  
2833 opportunity to reduce street lengths, utility runs, and the amount of paving.
- 2834 7. Provides for commercial development compatible with agricultural and horticultural uses  
2835 to serve as a transition toward more dense commercial development within the town.

2836 15.2. ~~Permissible~~ Permitted uses.

2837 A building or land in this district shall be used only in accordance with Article 4, Section 1: Use  
2838 Regulations. The following uses are permitted in this district:

- 2839 1. ~~Agriculture, including crop farms, horse farms, livestock farms, but excluding hog and~~  
2840 ~~poultry farms, commercial stockyards and feed lots;~~
- 2841 2. ~~Horticulture and plant nurseries, including the growing of fruits, vegetables, flowers, or~~  
2842 ~~ornamental plants; vineyards, and commercial greenhouses with on-site wholesale and/or~~  
2843 ~~retail sales.~~

- 2844 ~~3.—Farm co-op.~~
- 2845 ~~4.—Farm market, subject to the use limitations of section 15.9.~~
- 2846 ~~5.—Conservancy subdivision.~~
- 2847 ~~6.—Equestrian facilities, indoor or unlighted outdoor, non-spectator.~~
- 2848 ~~7.—Art gallery, craft gallery or similar.~~
- 2849 ~~8.—Bakery.~~
- 2850 ~~9.—Bed and breakfast facility.~~
- 2851 ~~10.—Catering.~~
- 2852 ~~11.—Churches and other places of worship.~~
- 2853 ~~12.—Country inn.~~
- 2854 ~~13.—Eating establishment, sit-down or carry out, 4,000 square feet or less of gross floor area.~~
- 2855 ~~14.—Ice cream shop.~~
- 2856 ~~15.—Library, public or private.~~
- 2857 ~~16.—Nature preserve, such as wildlife sanctuary or conservation area, arboretum, or botanical~~
- 2858 ~~garden, but not a petting zoo.~~
- 2859 ~~17.—Nursery.~~
- 2860 ~~18.—Offices, professional, business or administrative.~~
- 2861 ~~19.—Studio space—Artist, crafts person, writer, etc.~~
- 2862 ~~20.—Winery, with related retail sales.~~
- 2863 ~~21.—Public or parks, without lighted playing fields; community gardens.~~
- 2864 ~~22.—Single family detached farmhouse with no more than one tenant house located on a parcel~~
- 2865 ~~of at least one acre with an active, permitted agricultural, horticultural or vineyard use.~~
- 2866 ~~23.—Public parks and public recreational facilities, unlighted.~~

2867 *15.3: Reserved. Accessory uses and structures.*

2868 ~~The following accessory uses and structures are permitted in this district:~~

- 2869 ~~1.—Home occupations.~~
- 2870 ~~2.—Accessory uses and structures customarily appurtenant to a permitted or approved special~~
- 2871 ~~exception use, including barns and bona fide farm buildings, private and farm garages, and~~
- 2872 ~~greenhouses without on-site sales. Except for wayside stands, accessory structures shall~~
- 2873 ~~only be located in the side or rear yards.~~

2874 *15.4: Reserved. Special use permit uses.*

2875 ~~The following uses are permitted in this district subject to securing a special use permit as~~

2876 ~~provided in articles 8 and 11 and subject to the additional standards of sections 15.7—15.9:~~

- 2877 ~~1.—Animal hospital.~~
- 2878 ~~2.—Cemetery.~~

- 2879 ~~3.—Community utility facility, provided any such facility is located on public property.~~
- 2880 ~~4.—Conference center.~~
- 2881 ~~5.—Corporate retreat.~~
- 2882 ~~6.—Cultural center, including only museums and botanical gardens of historic, cultural,~~
- 2883 ~~scientific or educational interest.~~
- 2884 ~~7.—Equestrian facilities, lighted outdoor and/or spectator.~~
- 2885 ~~8.—Farm machinery sales and service.~~
- 2886 ~~9.—Commercial recreation facility, outdoor.~~
- 2887 ~~10.—Commercial recreation facility, indoor.~~
- 2888 ~~11.—Eating establishment, sit-down or carry out, greater than 4,000 square feet of gross floor~~
- 2889 ~~area.~~
- 2890 ~~12.—Farm supply and service establishments, implement sales, rental and service, feed and seed~~
- 2891 ~~store, including custom milling of grain and feed.~~
- 2892 ~~13.—Lawn mower, yard and garden equipment, rental, sales and service.~~
- 2893 ~~14.—Health club or fitness center.~~
- 2894 ~~15.—Pet farm.~~
- 2895 ~~16.—Private club, lodge, meeting or assembly hall.~~
- 2896 ~~17.—Winery, with related retail sales and special events.~~
- 2897 ~~18.—Public parks, with lighted playing fields.~~

2898 15.5. Lot, bulk, and open space requirements.

2899 15.5.1: Height requirements. All uses.

- 2900 1. *Building height:*
- 2901 a. *Principal building:*
- 2902 i. Residential: 35 feet.
- 2903 ii. Non-residential: 45 feet, except no restriction for buildings used exclusively for
- 2904 agriculture or horticulture.
- 2905 b. *Accessory structures:* Residential: 15 feet; Non-residential: 25 feet.

2906 15.5.2: Conservancy subdivision: Lot, bulk and open space requirements.

- 2907 1. *Purpose and intent.* The intent of this section is to ensure that a conservancy subdivision is
- 2908 consistent with the town's historical development style, does not contribute to land
- 2909 consumptive sprawl, and creates significant open space of benefit to residents of both the
- 2910 new subdivision and the town.
- 2911 2. ~~*Reserved. Conservancy subdivision defined. A conservancy subdivision is a single-family*~~
- 2912 ~~*residential development in which the residential lots are clustered together on a portion of*~~
- 2913 ~~*the tract, leaving the largest portion of the tract in permanent open space. A conservancy*~~
- 2914 ~~*subdivision may include the following categories of land:*~~

- 2915 ~~a. — *Single-family lots:* Smaller residential lots located in a contiguous grouping oriented~~  
2916 ~~along a street or a green.~~
- 2917 ~~b. — *Conservancy lots:* Larger residential lots containing a designated building area with the~~  
2918 ~~remainder designated as permanent open space.~~
- 2919 ~~c. — *Open space:* Land permanently preserved through an open space easement designated~~  
2920 ~~as greenbelt open space, conservancy open space and usable open space, as defined in~~  
2921 ~~this ordinance. (Refer to the Town of Purcellville Design Guidelines).~~
- 2922 3. *Minimum parcel size.* The minimum parcel size for a conservancy subdivision shall be ten  
2923 acres.
- 2924 4. *Maximum density.* The maximum residential density within a conservancy subdivision shall  
2925 not exceed one dwelling unit per one gross acre, including dwelling units on conservancy  
2926 lots.
- 2927 5. *Uses permitted.* Land within a conservancy subdivision may be used for any of the following  
2928 principal uses: single-family detached dwellings, conservancy lots, or permitted greenbelt  
2929 or usable open space uses as provided below.
- 2930 6. *Single-family detached dwellings (other than conservancy lots):*
- 2931 a. *Lot sizes:*
- 2932 i. Minimum lot size: 15,000 square feet.
- 2933 ii. Maximum lot size: 40,000 square feet.
- 2934 b. *Minimum lot width:*
- 2935 i. Lots up to 20,000 square feet: 60 feet at the minimum front yard and at the  
2936 property line;
- 2937 ii. Lots over 20,000 square feet: 75 feet at the minimum front yard.
- 2938 c. *Yard depth requirements:*
- 2939 Front: 20 feet minimum and 35 feet maximum for lots up to 20,000 square feet; 30 feet  
2940 minimum for lots over 20,000 square feet.
- 2941 Side: Ten feet minimum; 25 feet when adjacent to a street and for lots greater than  
2942 20,000 square feet.
- 2943 Rear: 30 feet minimum for lots up to 20,000 square feet; 50 feet minimum for lots  
2944 greater than 20,000 square feet.
- 2945 Exceptions: Accessory buildings may be located within five feet of any side or rear lot  
2946 line.
- 2947 d. *Lot Coverage:* 35 percent maximum.
- 2948 7. *Conservancy lots.*
- 2949 a. *Minimum lot size:* One acre. Not more than one single-family detached dwelling ~~unit~~  
2950 shall be located on any conservancy lot.
- 2951 b. *Minimum lot width:* 200 feet.
- 2952 d. *Lot coverage:* Maximum 35 percent of building area.

- 2953 e. *Open space easement required.* Any land area above the 12,500 square-foot maximum  
2954 building area shall be subject to a permanent open space easement. Such easement  
2955 shall be in a form approved by the town and shall provide, inter alia, notwithstanding  
2956 such easement, that the easement portion of such conservancy lot shall be maintained  
2957 by the property owner and that the town shall bear no responsibility or liability for  
2958 such maintenance.
- 2959 f. *Yards.* No building shall be located within 25 feet of any property line; provided,  
2960 however, that if such building is located as a logical extension of the clustered dwelling  
2961 pattern on smaller lots within the subdivision, the minimum yard requirements of  
2962 ~~s~~Section 15.5.2.6 shall be permitted.
- 2963 8. *Required open space.* All land area within a conservancy subdivision not devoted to single-  
2964 family detached lots, the maximum building area of conservancy lots and street rights-of-  
2965 way shall be permanently preserved as open space and shall be designated as Conservancy  
2966 Open Space, as defined herein, Greenbelt Open Space, ~~as defined by this ordinance,~~ or  
2967 Usable Open Space, as defined herein. Such open space shall constitute in the aggregate not  
2968 less than 70 percent of the total land area within the conservancy subdivision and shall be  
2969 provided in accordance with this subsection (8) and the following subsection (9):
- 2970 a. Conservancy open space shall be the easement portion of any conservancy lots within  
2971 the conservancy subdivision. Not more than 45 percent of the required open space  
2972 shall be conservancy open space. Uses permitted in the conservancy open space shall  
2973 be as specified in the open space easement required in ~~subsection (7)(e)(g)(5)~~ above  
2974 and may include agriculture, horticulture or ~~private, noncommercial residential~~  
2975 equestrian facilities.
- 2976 b. Greenbelt open space ~~as defined by this ordinance~~ equal to or exceeding 45 percent of  
2977 the required open space shall be provided. No portion of any conservancy lot shall be  
2978 deemed to be greenbelt open space. Every greenbelt open space parcel shall not be less  
2979 than 100 feet deep. Uses permitted within greenbelt open space areas shall only  
2980 include agriculture, horticulture, equestrian facilities, public parks, and associated  
2981 accessory uses (but not including residential uses accessory to agricultural or  
2982 horticultural uses), as permitted ~~above~~ in ~~Section 15.2: Permissible Uses, sections 15.2~~  
2983 ~~and 15.3. Nature preserves and privately owned recreational facilities are also~~  
2984 ~~permissible as provided in section 15.4.~~
- 2985 c. Usable open space equal to not less than ten percent of the required open space shall  
2986 be provided in accordance with the provisions of ~~Article 7, Section 7: Open Space~~  
2987 ~~Regulations article 7, section 6~~ and the following additional provisions:
- 2988 (i) Neighborhood green. Usable open space shall be located to create at least one focal  
2989 neighborhood green that is specifically designed to benefit both existing adjacent  
2990 developed areas and the proposed new subdivision. The minimum size of the  
2991 green shall be 20,000 square feet, with a length to width ratio not exceeding six to  
2992 one (6:1). The green shall adjoin residential lots or streets on at least three sides  
2993 and shall be centrally located to be within 1,500 feet of all dwellings in the  
2994 subdivision other than dwellings on conservancy lots. The green shall be  
2995 connected to both the conservancy open space and existing town street right-of-  
2996 way by open space links of at least 15 feet in width that include a sidewalk or trail.
- 2997 (ii) Unlighted playing fields, walking trails, a neighborhood park or any combination  
2998 of the above may be included as part of the usable open space.

- 2999 9. *Additional standards for open space.*
- 3000 a. All open space shall be subjected to a permanent open space easement in a form
- 3001 approved by the town.
- 3002 b. Open space shall be located and designed to add to the visual amenities of the
- 3003 neighborhood and surrounding area by maximizing the visibility of both internal and
- 3004 external open space. Open space shall be located to provide terminal vistas (the
- 3005 landscape seen at the end of a street, or along the outside edges of street curves) and
- 3006 perimeter greenbelt land (the undeveloped and permanently protected acreage
- 3007 around the town).
- 3008 c. Conservancy and greenbelt open space shall incorporate historic resources, prime
- 3009 agricultural soils, floodplain areas, wetlands, steep slopes, existing tree cover, and
- 3010 other environmentally sensitive resources to the greatest extent possible.

3011 *15.5.3: Uses other than conservancy subdivision: Lot, bulk and open space requirements.*

- 3012 1. *Purpose and intent.* The intent of this section is that the development of uses other than
- 3013 single-family residential within this district to allow for residential and commercial uses
- 3014 where existing settlement patterns provide a unique opportunity for a variety of permitted
- 3015 and special exception uses. Uses in this district shall be compatible with existing village and
- 3016 neighborhood scale and character and allow local, neighborhood related commercial uses
- 3017 to be developed.
- 3018 2. *Minimum lot size:*
- 3019 a. Agriculture: Ten acres.
- 3020 b. All other uses, other than conservancy subdivision: One acre, unless otherwise
- 3021 specified below under *Section 15.9: Additional Standards for Certain Uses.* ~~individual use~~
- 3022 ~~standards in section 15.7.2.~~
- 3023 3. *Minimum lot width:* 100 feet (interior); 125 feet (corner).
- 3024 4. *Minimum yard depth requirements* (Unless otherwise specified below under *Section 15.9:*
- 3025 *Additional Standards for Certain Uses.* ~~individual use standards in section 15.7.2~~):
- 3026 Front: 35 feet.
- 3027 Side: 20 feet.
- 3028 Rear: 40 feet.
- 3029 Exceptions:
- 3030 (i) Barns or structures used for the housing or shelter of animals and equestrian rings
- 3031 (indoor or outdoor) shall not be located within 100 feet of any side or rear lot
- 3032 line.
- 3033 (ii) Accessory buildings or uses may be located within five feet of any side or rear lot
- 3034 line, except as provided in subsection (i) above.
- 3035 5. *Maximum lot coverage by structures:* Agricultural, horticultural and winery uses: 30 percent;
- 3036 all other non-residential uses: Ten percent, except as otherwise specified in this ordinance.

3037 6. *Minimum open space:* 25 percent, except for agricultural, horticultural, winery, recreational,  
3038 and equestrian uses conducted outside of structures, and residential uses in conservancy  
3039 subdivisions, the latter of which are governed by sSection 15.5.2: *Conservancy Subdivision:*  
3040 *Lot, Bulk and Open Space Requirements.*

3041 15.6. *Off-street parking, all uses.*

3042 Off-street parking shall be provided as required in Article 6, Section 1: *Off-street Parking*  
3043 *Requirements*~~article 6, section 1~~, with the following exceptions:

- 3044 1. All off-street parking shall be located on driveways or in the side or rear yard for single-  
3045 family residential uses and in the side or rear yard only for all other uses.
- 3046 2. Parking lots for agricultural, horticultural, equestrian and other similar uses, including farm  
3047 markets, may be surfaced with gravel, provided the parking lots are used no more than four  
3048 days per month spaces are delineated in some manner as permitted outlined in by aArticle  
3049 6, ~~sSection 1.6.4.c7.4.b~~. Creation of such lots shall require approval of a zoning grading  
3050 permit with sketch plan, but not a full site plan.

3051 15.7. *Design standards, all uses.*

3052 1. *Overall form.* Buildings shall be clustered along existing or proposed roads. Open space shall  
3053 be used to preserve natural and environmental resources identified in the comprehensive  
3054 plan. New construction shall be sited so as to best preserve natural and historic resources,  
3055 natural vistas and existing topography. Greenbelt open space shall be designed to follow  
3056 natural features whenever possible and to maintain an agricultural, woodland or  
3057 countryside character. New development shall be distinguished from the peripheral,  
3058 greenbelt open space by a well-defined edge.

3059 2. *Block design.* New lots shall be designed in a grid or modified grid pattern of blocks and  
3060 interconnecting streets and alleys, defined by buildings, landscaping, pedestrian ways and  
3061 sidewalks, and adapted to the topography and unique natural features of the tract. Blocks  
3062 should be rectilinear, modified rectilinear, or another distinct geometric shape, except  
3063 where topographic or other conditions necessitate a more amorphous configuration.

3064 a. *Maximum block length:*

3065 Blocks with lots up to 20,000 square feet: 500 feet.

3066 Blocks with lots greater than 20,000 square feet: 800 feet long, provided mid-block  
3067 footpaths are provided.

3068 b. Alleys shall be permitted to bisect blocks.

3069 3. *Lot design.* Lots shall have frontage onto a street or a street and an alley. In general, in  
3070 developments where lot sizes vary considerably, the smaller lots should be located closer  
3071 to the existing town, with larger lots on the perimeter.

3072 a. Lots abutting common greens, squares or parks shall be provided with sidewalks along  
3073 their abutting lot lines.

3074 b. Lot areas and widths shall vary at random in order to eliminate the appearance of a  
3075 standardized subdivision. Lots shall vary by not less than five-foot increments.

- 3076 4. *Street design.* Street layout shall take into consideration internal open space areas,  
3077 gateways, and vistas. Both street and pedestrian linkages to the existing town are  
3078 recommended where possible.
- 3079 a. A minimum of two connections with the existing public street system rated as at least  
3080 a collector street shall be provided where possible. Connections giving access to  
3081 collectors with existing sidewalks or trails shall be required where practicable.
- 3082 b. Use of cul-de-sacs or other streets with a single point of access shall be minimized.
- 3083 c. To calm traffic speeds, the use of T-intersections, where vehicles must stop and turn to  
3084 the right or left rather than proceeding forward in a straight line, are encouraged. At  
3085 least 25 percent of all intersections within the subdivision shall take this form, unless  
3086 other traffic calming measures, such as traffic islands or circles, are employed.
- 3087 d. Street trees shall be planted along all streets in conformance with Article 7, Section 3:  
3088 Streetscaping article 7, section 3.
- 3089 5. *Alleys.* Where provided, alleys shall be private streets or easements either dedicated to a  
3090 homeowners association or as common access easements across the rear portions of lots.
- 3091 a. Minimum easement width: 22 feet. A five-foot utility easement shall be provided along  
3092 the alley frontage of all adjacent lots and may overlap the alley easement; No fences  
3093 shall be permitted within this easement.
- 3094 b. Minimum paved alley width: Ten feet. Parking shall be prohibited on either side of the  
3095 paved cartway of the alley.
- 3096 c. Alley lighting. Security lighting shall be provided on all garages or on poles adjacent to  
3097 parking areas to provide alley lighting. Lighting fixtures and poles shall be of consistent  
3098 architectural style and shall complement the predominant architectural theme of the  
3099 subdivision. Light fixtures shall conform to Article 6, Section 9: Lighting  
3100 Requirements article 6, section 9. Use of motion sensors or other timing devices to  
3101 minimize lighting when not needed is recommended.
- 3102 d. Exterior lighting. Exterior lighting shall conform to Article 6, Section 9: Lighting  
3103 Requirements article 6, section 9. Lighting fixtures and poles shall be of consistent  
3104 architectural style and shall complement the predominant architectural theme of the  
3105 project.
- 3106 6. *Outdoor storage and service areas.* No outdoor storage shall be permitted unless the zoning  
3107 administrator determines that such storage is customarily required and integral to the use  
3108 and that such storage will be adequately screened from all property lines. Any service area  
3109 shall be located and designed to minimize its visibility from off-site.
- 3110 7. *Pedestrian access.* Every effort shall be made to provide a safe and convenient pedestrian  
3111 connection to the existing town pedestrian network.
- 3112 8. *Signs.* The location, dimensions and design of any proposed signage shall conform to Article  
3113 6, Section 3: General Sign Regulations article 6, section 3. Signage plans shall be provided  
3114 with the special use permit application.

3115 *15.8. Design standards, all special use permit uses.*

- 3116 1. *Parking.*

- 3117 a. At least 20 percent, but no more than 50 percent of the required parking shall be paved  
 3118 with reinforced grass paver block or similar porous paving material to minimize the  
 3119 visual impact of the parking area and maximize the pervious area.
- 3120 b. Any portion of a parking lot constructed of porous pavement, up to a maximum of 50  
 3121 percent of the entire parking area, and any sidewalks or trails not providing direct  
 3122 access between the principal building and the parking lot may be included as part of  
 3123 the required open space area.
- 3124 2. *Building character.*
- 3125 a. *Existing structures.* All exterior changes shall be compatible in architectural style, scale  
 3126 and materials with the existing structure and with the historic character of the town.  
 3127 Existing buildings with historic or architectural value on the site must be adaptively re-  
 3128 used to the greatest extent possible.
- 3129 b. *New structures.* The architectural design of all new buildings and structures shall be  
 3130 compatible in architectural style, scale and materials with the historic character of the  
 3131 town and shall avoid a monolithic appearance.
- 3132 c. Building elevations and architectural details sufficient to show compliance with this  
 3133 standard shall be submitted for approval as part of the special use permit application.

3134 *15.9. Additional standards for certain uses.*

3135 Additional standards set forth below shall apply to certain specific uses permitted in this  
 3136 ordinance. These are intended to serve as the minimum standards for these uses, and are not  
 3137 intended to substitute for other applicable provisions of this ordinance or for additional  
 3138 conditions that may be imposed in connection with any required special use permit approvals.  
 3139 All special use permit uses shall also be subject to Section 15.7: Design Standards, All Uses~~the~~  
 3140 ~~design standards of section 15.7~~ and Section 15.8: Design Standards, All Special Use Permit Uses  
 3141 above~~15.8~~.

- 3142 1. *Veterinary clinic, Animal hospital.*
- 3143 a. *Minimum lot area:* Two acres.
- 3144 b. *Maximum floor area ratio:* 0.10.
- 3145 c. *Storage yards.* The total area of storage yards shall not exceed ten percent of the total  
 3146 area of the principal structure.
- 3147 d. *Minimum required yards:*
- 3148 i. Structures of less than 5,000 square feet of gross floor area: 20 feet minimum from  
 3149 all lot lines.
- 3150 ii. Structures greater than 5,000 square feet and less than 15,000 square feet of gross  
 3151 floor area: 50 feet minimum from all lot lines.
- 3152 iii. Structures greater than 15,000 square feet of gross floor area: 100 feet minimum  
 3153 from all lot lines.
- 3154 2. *Antique shop; art gallery or sStudio; craft shop.*
- 3155 a. *Minimum lot area:* 20,000 square feet.
- 3156 b. *Maximum floor area ratio:* 0.20.

- 3157 c. *Minimum required yards:*
- 3158 i. Structures of less than 5,000 square feet of gross floor area: 20 feet minimum from
- 3159 all lot lines.
- 3160 ii. Structures greater than 5,000 square feet and less than 15,000 square feet of gross
- 3161 floor area: 50 feet minimum from all lot lines.
- 3162 iii. Structures greater than 15,000 square feet of gross floor area: 100 feet minimum
- 3163 from all lot lines.
- 3164 3. ~~*Arboretum, botanical garden, n*~~*Nature preserve.*
- 3165 a. *Minimum lot area:* Five acres.
- 3166 b. *Accessory uses.* Accessory uses shall only permitted on lots 20 acres in size or larger.
- 3167 Accessory uses to ~~a nature preserve an arboretum, botanical garden, or nature study~~
- 3168 ~~area~~ may include retail sales (e.g., gift shops), small restaurants or cafes, or visitor
- 3169 centers subject to the following standards:
- 3170 i. Retail sales shall be limited to the sale of items directly related to the nature and
- 3171 character of the principal permitted use.
- 3172 ii. Accessory uses other than a visitors center shall contain no more than 1,000
- 3173 square feet of gross floor area. A visitors center shall contain no more than 10,000
- 3174 square feet of gross floor area.
- 3175 c. *Maximum floor area ratio:* 0.2.
- 3176 d. *Storage areas.* The total area of storage areas shall not exceed ten percent of the total
- 3177 area of the principal structure.
- 3178 4. ~~*Reserved. Commercial nurseries. The following minimum requirements shall apply to all*~~
- 3179 ~~*retail sales associated with production nurseries and commercial nurseries:*~~
- 3180 a. ~~Accessory products permitted to be sold include those related to the culture and care~~
- 3181 ~~of plant sold such as pottery, baskets, garden accessories, baked goods, and floral~~
- 3182 ~~supplies. The sale of bulk products shall be permitted subject to screening~~
- 3183 ~~requirements for outdoor storage in article 7. Propane, firewood lawn and garden~~
- 3184 ~~tractors, or machine or other equipment sales are not accessory products.~~
- 3185 b. ~~The sales area for accessory products shall be limited to 25 percent of the gross sales~~
- 3186 ~~area.~~
- 3187 5. ~~*Reserved. Conference center or corporate retreat.*~~
- 3188 a. ~~*Minimum parcel size.* Five acres, with safe and reasonable access to a state-maintained~~
- 3189 ~~road.~~
- 3190 b. ~~*Minimum setback.* Buildings, parking and lighted areas: 100 feet from the side and rear~~
- 3191 ~~property line.~~
- 3192 c. ~~*Permitted recreation uses.* Recreation uses customarily incidental and subordinate to~~
- 3193 ~~the principal use shall be permitted in the open space and may include: swimming pool~~
- 3194 ~~and related facilities, unlighted tennis and other sports courts, unlighted equestrian~~
- 3195 ~~facilities, picnic areas, and passive recreation facilities. The hours of operation for any~~
- 3196 ~~outdoor recreational facilities shall not exceed 7:00 a.m. to 9:00 p.m.~~
- 3197 d. ~~*Maximum guest rooms:* 100.~~

- 3198 ~~e. Permitted conference, meeting and banquet facilities. Conference, meeting and banquet~~  
3199 ~~facilities designed to accommodate no more than 500 persons at any one time shall be~~  
3200 ~~permitted.~~
- 3201 ~~f. Permitted dining facilities. A full-service restaurant providing meal service to~~  
3202 ~~conference attendees and guests, but not to the general public, shall be permitted as an~~  
3203 ~~accessory use.~~
- 3204 ~~g. Outdoor events (e.g., weddings, receptions, parties) or similar activities conducted for~~  
3205 ~~compensation shall be permitted only upon application for a temporary zoning permit~~  
3206 ~~from the zoning administrator, who may impose conditions regarding hours of~~  
3207 ~~operation, volume of amplified music, type and intensity of outdoor lighting, traffic~~  
3208 ~~control measures, and similar health, safety and welfare matters.~~
- 3209 ~~h. No products shall be sold on-site except for those that are clearly incidental and~~  
3210 ~~integral to permitted training programs and seminars.~~
- 3211 6. *Country inn.*
- 3212 a. Parcel shall have safe and reasonable access to a state-maintained road.
- 3213 b. *Minimum setback, buildings, parking and lighted areas:* 40 feet from the side and rear  
3214 property line.
- 3215 c. *Maximum guest rooms:* 50.
- 3216 d. The owner or manager shall provide full-time management of the premises at all times  
3217 when the establishment is occupied by guests.
- 3218 e. *Outdoor events* (e.g., weddings, receptions, parties) or similar activities conducted for  
3219 compensation shall be permitted only upon application for a temporary zoning permit  
3220 from the zoning administrator, who may impose conditions regarding hours of  
3221 operation, volume of amplified music, type and intensity of outdoor lighting, traffic  
3222 control measures, and similar health, safety and welfare matters.
- 3223 7. ~~*Reserved. Cultural center.*~~
- 3224 ~~a. Maximum total gross floor area: 40,000 square feet.~~
- 3225 ~~b. Minimum setback—Parking and lighted areas: 40 feet from the side and rear property~~  
3226 ~~line.~~
- 3227 8. *Eating establishment.*
- 3228 a. *Minimum lot area:* 20,000 square feet.
- 3229 b. *Maximum floor area ratio:* 0.40
- 3230 c. *Minimum required setbacks:*
- 3231 i. Front: 35 feet.
- 3232 ii. Side: 20 feet.
- 3233 iii. Rear: 40 feet.
- 3234 9. ~~*Farm equipment and supply machinery sales and service.*~~
- 3235 a. *Minimum setback—Buildings:* 75 feet from all property lines; No structure shall be  
3236 located within 300 feet of an existing residential structure.

3237 b. *Minimum setback—Parking, driveways (other than entrance) and storage yards:* 75 feet  
3238 from the property line along any road frontage, and 50 feet from all other property  
3239 lines.

3240 c. *Minimum and maximum lot area:* Sites for such establishments shall not be less than  
3241 three nor more than ten acres.

3242 d. ~~Accessory retail sales shall be limited to farm and garden equipment parts and related~~  
3243 ~~tools and accessories. In no case shall the floor area devoted to the display and sale of~~  
3244 ~~such related tools and accessories be more than 15 percent of the floor area of the~~  
3245 ~~building site. No accessory retail sales of other non-farm equipment sales shall be~~  
3246 permitted, including, but not limited to, lumber, hardware, building materials, or like  
3247 items.

3248 10. *Farm and community market.*

3249 a. A minimum of 25 percent of the gross sales receipts must be derived directly from  
3250 agricultural products produced on site or other property owned by the operator. An  
3251 annual report verifying the portion of sales derived from products produced on site  
3252 shall be submitted on request to the zoning administrator.

3253 b. Sales area for accessory products shall be limited to 25 percent of the total area devoted  
3254 to sales. The calculation of total sales area shall include areas devoted to the display of  
3255 items for sale.

3256 c. Permitted accessory products include pottery, baskets, garden accessories, baked  
3257 goods, floral supplies, and other items directly related to the culture, care, use of, or  
3258 processing of a principal use. Products not related to the principal permitted use, such  
3259 as lawn mowers and tractors, shall not be allowed.

3260 d. *Minimum lot size:* 80,000 square feet.

3261 11. ~~*Reserved. Teahouse; coffeehouse.*~~

3262 ~~a.—*Minimum lot area:* 20,000 square feet.~~

3263 ~~b.—*Maximum floor area ratio:* 0.40~~

3264 ~~c.—*Minimum required setbacks:*~~

3265 ~~i.—*Front:* 35 feet.~~

3266 ~~ii.—*Side:* 20 feet.~~

3267 ~~iii.—*Rear:* 40 feet.~~

3268 12. *Winery.* Wineries shall comply with the following standards.

3269 a. *Minimum lot size:* Ten acres.

3270 b. ~~*Reserved. Wine tasting rooms and accessory food sales.* Facilities for wine tasting rooms~~  
3271 ~~and accessory food sales (including a kitchen) shall not exceed 49 percent of the total~~  
3272 ~~gross floor area of all structures at the commercial winery.~~

3273 c. *Minimum building setbacks.* 100 feet from all lot lines.

3274 15.10. *Exceptions to additional standards.*

3275 The additional standards contained within *Section 15.9: Additional Standards for Certain*  
3276 *Uses* ~~section 15.9~~ above may be modified by special use permit procedures set forth in ~~a~~ *Article 8,*

3277 Section 1: Special Use Permit provided that the application satisfies the public purpose of those  
3278 standards to an equivalent degree.

3279

3280 **ARTICLE 6. - SUPPLEMENTARY REGULATIONS**

3281 **Section 2. - Off-street loading requirements.**

3282 *2.1 Specific requirements by use.*

3283 Except as otherwise provided in this ordinance, when any building or structure is hereafter  
 3284 erected, or structurally altered to the extent of increasing the gross floor area by 25 percent or  
 3285 more, or any building is hereafter converted, for the uses listed below, when such buildings  
 3286 contain the gross floor areas specified and the normal operation requires that goods,  
 3287 merchandise or equipment be routinely delivered to or shipped from that building or structure,  
 3288 accessory off-street loading spaces shall be provided as required below or as required in  
 3289 subsequent sections of this article in order to accommodate the delivery or shipment operations  
 3290 in a safe and convenient manner:

Use Category	Gross Floor Area in Square Feet	Loading Spaces Required
<del>General Retail sales store, construction/landscaping equipment and supply sales and service, farm equipment and supply sales and service, vehicle sales and service, department store, catering, eating establishment, food processing establishment, restaurant, wholesale saleshouse, storage warehouse, general personal services establishment, service/repair establishment, dry cleaning and laundry establishment, manufacturing, or industrial establishment</del>	2,000— 10,000 10,000— 20,000 20,000— 40,000 40,000— 60,000 Each 50,000 over 60,000	One Two Three Four + One
<del>Multiple-family dwelling, Apartment building, motel, hotel, offices or office building, laboratory, hospital or similar institutions, urgent care clinic, assisted living facility, nursing home, amphitheater, theater, or places for public assembly</del>	5,000— 10,000 10,000— 100,000 100,000— 200,000 Each 100,000 over 200,000	One Two Three + One
<del>Funeral home or mortuary</del>	2,500— 4,000 4,000— 6,000	One Two + One

	Each 10,000 over 6,000	
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**Section 4. - Supplementary height, area, and bulk regulations.**

*4.2 Lot area.*

1. Requirements for lot area per family do not apply to dormitories, fraternities, sororities, and other similar living quarters which are accessory to a permitted use and which have no cooking facilities in individual rooms or apartments.
2. Requirements for lot area per family do not apply to rental units in a hotel, ~~motel, motor lodge, country inn or~~ bed and breakfast facility ~~or tourist home or rooms in a rooming, boarding or lodging house.~~

*4.3 Yards and open space generally.*

1. Every part of a required yard shall be open to the sky, except as authorized by this article, and except ordinary projections of sills, belt courses, window air conditioning units, chimneys, cornices, and ornamental features which may project to a distance not to exceed 24 inches into a required yard.
2. More than one main building may be located upon a lot or tract in the following instances:
  - a. Institutional buildings.
  - b. Public or semi-public buildings.
  - c. Multiple-family dwellings or condominiums under approved site plans.
  - d. ~~Convalescent or n~~Nursing homes and assisted living facilities housing nine or more individuals. homes for the aged.
  - e. Commercial and industrial buildings under approved site plans.

The provisions of this exception shall not be construed to allow the location or erection of any building or portion of a building outside of the buildable area of the lot.

3. Where a lot is of such unusual configuration that none of the provisions of this ordinance regarding yards and open spaces apply precisely, the zoning administrator may use his discretion to apply an interpretation which most nearly meets the requirements of this ordinance; and where by reason of difficult or unusual topography an improved building site may be achieved by a minor modification of yard space requirements (up to 1.5 feet) such modification may be approved by the administrator; provided, however, that this section does not give the administrator any power to grant exceptions or variances reserved to the board of zoning appeals under Article 9: Board of Zoning Appeals~~article 9.~~

3324 4.7 Accessory buildings and structures.

- 3325 1. Except as herein provided, no accessory structure shall be located within the front yard of  
3326 a lot or parcel. ~~The board of zoning appeals under article 9, section 5.1.5 [article 9, section~~  
3327 ~~5.1, subsection 5] may grant a special exception subject to the standards as prescribed in~~  
3328 ~~section 5 [of this article]. (Revised 10/12/93)~~
- 3329 2. ~~Filling-Fueling~~ station pumps and pump islands, with or without a canopy may occupy the  
3330 required yards; provided, however, that they are not less than 15 feet from street lines.
- 3331 3. Accessory swimming pools, open and unenclosed, may occupy a required rear or side yard,  
3332 provided they are not located closer than six feet to a rear lot line or ten feet to an interior  
3333 side lot line. A walk space at least three feet wide shall be provided between pool walls and  
3334 protective fences or barrier walls.
- 3335 4. Except as provided in development standards for particular uses, an ornamental fence, wall,  
3336 hedge or shrubs not more than 3½ feet in height may project into or enclose any required  
3337 front or side yard to a depth from the street line equal to the required depth of the front  
3338 yard. Ornamental fences, walls, hedges or shrubs may project into or enclose other required  
3339 yards, provided such fences and walls do not exceed a height of seven feet. This provision  
3340 shall not be interpreted to prohibit the erection of an open-mesh type fence enclosing any  
3341 school or playground site or business or industrial activity for security purposes. ~~(Revised~~  
3342 ~~3/12/96)~~
- 3343 5. Accessory buildings which are not a part of the main building, although they may be  
3344 connected by an open breezeway, may be constructed in a side or rear yard, provided such  
3345 accessory building(s) does not occupy more than 30 percent of the area of the required side  
3346 or rear yard and provided it is not located closer than five feet to any lot line. ~~(Revised~~  
3347 ~~10/12/93)~~
- 3348 6. Satellite dish antennas or receiving stations and similar devices are deemed to be accessory  
3349 structures and shall not be located in front or side yards in a residential or commercial  
3350 district and in a residential district shall be limited to one per lot, shall not exceed ten feet  
3351 in diameter, and shall not exceed the height permitted in the zoning district for an accessory  
3352 structure. In a residential district no such dish structure greater than two feet in diameter  
3353 shall be mounted on the roof of a building so as to be visible from the street on which a  
3354 building fronts.
- 3355 7. When attached to a single-family detached dwelling, a deck which has no part of its floor  
3356 higher than the first floor of the dwelling may extend up to ten feet into a required rear yard,  
3357 provided that the deck is not located closer to the rear lot line than one-half the distance  
3358 measured from the rear lot line to the closest point of the dwelling, and provided that the  
3359 deck is not located closer to any side lot line than ten feet. Steps from the deck to grade may  
3360 extend up to three feet additionally into the required yard and not be calculated against the  
3361 minimum requirements. ~~(Revised 10/12/93)~~
- 3362 8. When attached to a single-family attached dwelling, a deck which has no part of its floor  
3363 higher than the first floor of the dwelling may extend up to ten feet into a required rear yard,  
3364 provided that the deck is not located closer to the rear lot line than one-half the distance  
3365 measured from the rear lot line to the closest point of the dwelling and provided that the  
3366 deck is not located closer to any side lot line than two feet. Steps from the deck to grade may  
3367 extend up to three feet additionally into the required yard and not be calculated against the  
3368 minimum requirements. ~~(Revised 10/12/93)~~

3369 9. Accessory structures on lots containing single-family attached dwellings must comply with  
3370 the requirements of Article 4, Section 1.2.18: Dwelling, Single-family Attached.

3371 **Section 7. - Reserved. Special regulations for residential day care or home child care, nursery**  
3372 **schools, kindergartens, child care centers, day nursery or day care centers, private schools,**  
3373 **technical or business schools, colleges or universities, commercial use, churches. (Adopted**  
3374 **1/12/93)**

3375 *7.1 Residential day care or home child care.*

- 3376 1. ~~Maximum enrollment shall not exceed six at any one time.~~
- 3377 2. ~~No such use shall be permitted unless it is determined by Loudoun County Department of~~  
3378 ~~Environmental Health that the location and design does not pose any hazard to the health,~~  
3379 ~~safety and welfare of the children.~~
- 3380 3. ~~Off-street parking shall be sufficient to accommodate employees and the discharge and~~  
3381 ~~pick-up of children.~~
- 3382 4. ~~Landscape treatment and screening requirements of article 7 shall not apply except that~~  
3383 ~~recreation areas shall be screened and fenced as required by the zoning administrator.~~
- 3384 5. ~~All applications shall contain the following:~~
  - 3385 a. ~~The dimensions, boundary lines and area of the lot or parcel.~~
  - 3386 b. ~~The location, dimensions and height of any building, structure, or addition, whether~~  
3387 ~~existing or proposed.~~
  - 3388 c. ~~The distance from all property lines to the existing or proposed building, structure or~~  
3389 ~~addition, shown to the nearest foot.~~
  - 3390 d. ~~The dimensions and size of all outdoor recreation space and the location of such space~~  
3391 ~~in relation to all lot lines.~~
- 3392 6. ~~All such uses shall be subject to applicable county and state regulations specifically Code of~~  
3393 ~~Virginia, § 63.1-196.~~

3394 *7.2 Nursery schools, kindergartens, child care centers, day nursery, or day care centers.*

- 3395 1. ~~Maximum enrollment of 150 students daily.~~
- 3396 2. ~~Compliance with the minimum lot size requirements per the zoning district in which~~  
3397 ~~located.~~
- 3398 3. ~~A minimum area of 75 square feet per child shall be provided for usable outdoor recreation~~  
3399 ~~for each child that may use the space at any one time. Such are shall be delineated on a plat~~  
3400 ~~submitted at the time the application is filed.~~
  - 3401 a. ~~That area not covered by buildings or required off-street parking spaces.~~
  - 3402 b. ~~Only that area which is developable for active outdoor recreation purposes.~~
  - 3403 c. ~~An area, which occupies no more than 80 percent of the combined total areas of the~~  
3404 ~~required rear and side yards.~~
- 3405 4. ~~For each child enrolled, indoor recreation space shall be provided at the rate of 25 square~~  
3406 ~~feet for active children and 35 square feet for infants.~~

3407 ~~5.—All such uses shall be located so as to have direct access to an existing or programmed Public~~  
 3408 ~~Street of sufficient right-of-way and cross-section width to accommodate pedestrian and~~  
 3409 ~~vehicular traffic to and from the use as determined by the zoning administrator. To assist in~~  
 3410 ~~making this determination, each applicant, at the time of application, shall provide an~~  
 3411 ~~estimate of the maximum expected trip generation, the distribution of these trips by mode~~  
 3412 ~~and time of day, and the expected service area of the facility. As a general guideline, the size~~  
 3413 ~~of the use in relation to the appropriate street type should be as follows, subject to whatever~~  
 3414 ~~modification and conditions the town council deems to be necessary or advisable:~~

Number of Persons	Street Type
<del>1—75</del>	Local
<del>76—150</del>	Collector

3415 -

3416 ~~6.—All such uses shall be located so as to permit the pick-up and discharge of all persons on the~~  
 3417 ~~site.~~

3418 ~~7.—No such use shall be permitted unless it is determined by the Loudoun County Department~~  
 3419 ~~of Environmental Health that the location and design does not pose any hazard to the health,~~  
 3420 ~~safety and welfare of the children.~~

3421 ~~8.—A landscape and screening plan shall comply with article 7.~~

3422 ~~9.—All uses under this section are subject to article 8, special use permits and commission~~  
 3423 ~~permits.~~

3424 ~~7.3 Private schools, technical or business schools:~~

3425 ~~1.—In addition to complying with the minimum lot size requirements of the zoning district in~~  
 3426 ~~which located, the minimum lot area for a private school of general education shall be of~~  
 3427 ~~such size that:~~

3428 ~~a.—Two hundred square feet of usable outdoor recreation shall be provided for each child~~  
 3429 ~~in grades K—3 that may use the space at any one time, and~~

3430 ~~b.—Four hundred thirty square feet of usable outdoor recreation area shall be provided for~~  
 3431 ~~each child in grades 4—12 that may use the space at any one time.~~

3432 ~~Such usable outdoor recreation area shall be delineated on a plat submitted at the time the~~  
 3433 ~~application is filed.~~

3434 ~~i.—That area not covered by buildings or required off-street parking spaces.~~

3435 ~~ii.—That area outside the limits of the required front yard.~~

3436 ~~iii.—Only that area which is developable for active outdoor recreation purposes.~~

3437 ~~iv.—An area which occupies no more than 80 percent of the combined total areas of the~~  
 3438 ~~required rear and side yards.~~

- 3439 ~~2.—The minimum lot area for a private school shall be based upon enrollment and shall be a~~
- 3440 ~~determination of the town council.~~
- 3441 ~~3.—All other regulations relative to bulk shall be complied with.~~
- 3442 ~~4.—All uses under this section are subject to article 8, special use permits and commission~~
- 3443 ~~permits.~~
- 3444 ~~5.—For each person enrolled, indoor recreation space shall be provided at the rate of 25 square~~
- 3445 ~~feet and such other requirements as determined by the Loudoun County Department of~~
- 3446 ~~Environmental Health and the State of Virginia.~~
- 3447 ~~6.—All such uses shall be located as to have direct access to an existing or programmed public~~
- 3448 ~~street of sufficient right-of-way and cross-section width to accommodate pedestrian and~~
- 3449 ~~vehicular traffic to and from the use as determined by the zoning administrator. To assist in~~
- 3450 ~~making this determination, each applicant, at the time of application, shall provide an~~
- 3451 ~~estimate of the maximum expected trip generation, the distribution of these trips by mode~~
- 3452 ~~and time of day, and the expected service area of the facility. As a general guideline, the size~~
- 3453 ~~of the use in relation to the appropriate street type should be as follows, subject to whatever~~
- 3454 ~~modification and conditions the town council deems to be necessary or advisable:~~

Number of Persons	Street Type
<del>1—75</del>	Local
<del>76—99</del>	Collector

- 3455 -
- 3456 ~~7.—All such uses shall be located so as to permit the pick-up and discharge of all persons on the~~
- 3457 ~~site.~~
- 3458 ~~8.—No such use shall be permitted unless it is determined by the Loudoun County Department~~
- 3459 ~~of Environmental Health that the location and design does not pose any hazard to the health,~~
- 3460 ~~safety and welfare of the children.~~
- 3461 ~~9.—In addition to the requirements of section 8 [of this article], all applications shall be~~
- 3462 ~~accompanied by ten copies of a plan drawn to scale. The plan shall contain the below~~
- 3463 ~~information in addition to that required by section 8 [of this article]:~~
- 3464 ~~a.—The dimensions, boundary lines and area of the lot or parcel.~~
- 3465 ~~b.—The location, dimensions and height of any building, structure, or addition, whether~~
- 3466 ~~existing or proposed.~~
- 3467 ~~c.—The distance from all property lines to the existing or proposed building, structure or~~
- 3468 ~~addition, shown to the nearest foot.~~
- 3469 ~~d.—The dimensions and size of all outdoor recreation space and the location of such space~~
- 3470 ~~in relation to all lot lines.~~

3471 ~~7.4 Colleges and universities.~~

- 3472 1. ~~The minimum aggregate lot area for a college or university shall be 100 acres provided that~~  
3473 ~~development shall be permitted to occur in phases of less than 100 acres.~~
- 3474 2. ~~Colleges and universities must meet the following development standards:~~
- 3475 a. ~~The traffic generated by the proposed use shall be adequately and safely served by~~  
3476 ~~roads, pedestrian connections and other transportation services.~~
- 3477 b. ~~All such uses shall be located so as to have direct access to an existing or programmed~~  
3478 ~~public street of sufficient right-of-way and cross-section width to accommodate~~  
3479 ~~pedestrian and vehicular traffic to and from the use as determined by the zoning~~  
3480 ~~administrator. To assist in making this determination, each applicant, at the time of site~~  
3481 ~~plan application, shall provide an estimate of the maximum expected trip generation,~~  
3482 ~~the distribution of these trips by mode and time of day, and the expected service area~~  
3483 ~~of the facility.~~
- 3484 c. ~~A site plan shall be submitted and reviewed in accordance with the requirements and~~  
3485 ~~procedures of article 11 section 5 and the requirements set forth in article 5 of the Land~~  
3486 ~~Development and Subdivision Control Ordinance (LDSCO) unless granted a waiver in~~  
3487 ~~accordance with article 5 section 5.1.B of the LDSCO.~~

3488 ~~7.5 Industrial use:~~

- 3489 ~~1-3 Reserved.~~
- 3490 4. ~~Site plan. Where approval of a site plan is required, the plan shall be designed to promote~~  
3491 ~~careful use of topography and to promote harmonious relationships with adjacent and~~  
3492 ~~nearby residential and business properties, developed or undeveloped, and to this end may~~  
3493 ~~provide effective screening along side and rear property lines by means of fences, walls,~~  
3494 ~~hedges, planting screen or natural vegetation in accordance with the requirements of this~~  
3495 ~~ordinance.~~
- 3496 5. ~~Refuse. Refuse containers or refuse storage shall be located in a paved area and hidden from~~  
3497 ~~general public view, either from within or outside the premises, by means of fences, walls,~~  
3498 ~~or landscaping planting.~~
- 3499 6. ~~Drainage. Provision shall be made for proper stormwater drainage from parking and~~  
3500 ~~loading areas. Water shall not be permitted to drain from such areas onto adjacent property~~  
3501 ~~except into a natural watercourse or a drainage easement. Provision shall be made for~~  
3502 ~~protection against erosion and sedimentation in accord with applicable town ordinances.~~
- 3503 [7]. ~~Fencing. All fencing shall have a uniform and durable character and shall be properly~~  
3504 ~~maintained.~~
- 3505 [8]. ~~Hazardous materials and chemicals. A list of all hazardous materials and chemicals shall be~~  
3506 ~~provided at the time an occupancy permit is applied for. The list will be referred to the office~~  
3507 ~~of the fire marshal who shall determine special storage and handling requirements and any~~  
3508 ~~other requirements as may be required by SARA Title III and applicable state regulations.~~  
3509 ~~(Adopted 3/12/96)~~

3510 ~~7.6 Churches:~~

3511 ~~When filing an application for a special use permit for a church the applicant must list each~~  
3512 ~~accessory use it intends to operate. Permits for churches may be approved without all the proposed~~

3513 ~~accessory uses. After the approval of the initial use permit for a church, subsequent applications must~~  
3514 ~~be made for any new accessory use or change in an existing accessory use.~~

3515 ~~When considering a request for a special use permit for a church and any accessory uses, the~~  
3516 ~~planning commission and council may consider the following and impose those conditions necessary~~  
3517 ~~to mitigate impacts: traffic; parking; hours of operation; impact on adjacent neighborhoods; types of~~  
3518 ~~special events; time limitations for accessory uses such as for shelters; number of students in church~~  
3519 ~~schools and daycare; number of inhabitants for shelters. (Revised 4/14/92)~~

3520 **Section 8. - Performance standards. (Adopted 2/13/96)**

3521 *8.1 General provisions.*

3522 1. *Applicability.*

- 3523 a. No permitted ~~use or use permitted by~~ special use permit hereafter established, altered,  
3524 modified or enlarged shall be operated or designed so as to conflict with the applicable  
3525 performance standards established by this section except as qualified below.
- 3526 b. Any existing use that complies with the applicable performance standards of this  
3527 section on the effective date of this section shall continue to so comply. If, at such time,  
3528 the operations of any lawful existing use violate any of the applicable performance  
3529 standards of this section, such operations shall not be varied or changed in such a way  
3530 as to increase the degree of such violation.
- 3531 c. Any use, which is a lawful nonconforming use and which on the effective date of this  
3532 section complies with the applicable performance standards of this section, shall  
3533 continue to comply. If, at such time, the operations of such lawful nonconforming use  
3534 violate the specified standards, such operations shall not be varied or changed in such  
3535 a way as to increase the degree of such violation.
- 3536 d. The fact that the operations of a lawful existing use violate the applicable performance  
3537 standards of this section shall not itself make such use subject to the requirements of  
3538 ~~a~~ Article 5: Nonconformities.

- 3539 2. *Administration of certain performance standards.* For the purpose of administering the  
3540 required performance standards relative to vibration and glare, the standards are  
3541 presented in two basic groups, namely Group I and Group II. Table IV sets forth the  
3542 applicable performance standard that must be met in each zoning district.

3543 *8.2 Air pollution standard.*

3544 Any activity, operation or device which causes or tends to cause the release of air contaminants  
3545 into the atmosphere shall comply with the rules and regulations of the state and other applicable  
3546 local regulations.

3547 *8.3 Fire and explosion hazard standard.*

3548 All operations, activities and use shall be conducted so as to comply with the fire prevention  
3549 code.

3550 *8.4 Radiation hazard standard.*

3551 All operations, activities and use shall comply with the regulations of the U.S. Atomic Energy  
3552 Commission set out in Chapter I of Title 10 of the Code of Federal Regulations which apply to

3553 byproduct material, source material and special nuclear material, as those terms are defined in  
3554 section 11e, z and aa of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2014(e), (x) and  
3555 (aa)). No activity, operation or use shall cause radiation emissions which are in violation of the  
3556 Radiation Health and Safety Act of 1968 (PL90-602), as amended, or the implementing  
3557 regulations of the Virginia Department of Health established pursuant thereto.

3558 *8.5 Electromagnetic radiation and interference standard.*

3559 No activity, operation or use shall cause electromagnetic radiation interference that (a)  
3560 adversely affects persons or the operation of any equipment across lot lines and (b) is not in  
3561 conformance with the regulations of the Federal Communications Commission.

3562 *8.6 Liquid and solid waste standard.*

3563 Any activity, operation or device which causes or tends to cause the discharge or other release  
3564 of liquid or solid waste into public sanitary sewers, storm drains or public waters shall comply  
3565 with applicable laws, rules and regulations governing such discharge, release including, but not  
3566 limited to, the Federal Water Pollution Control Act; the Virginia Water Control Law; and the  
3567 applicable Loudoun County regulations that pertain to sewers and sewage disposal, pollution of  
3568 state waters, maintenance and cleanliness of storm drainage facilities, garbage, trash and refuse  
3569 and erosion and sediment control.

3570 *8.7 Noise standard.*

3571 No use, operation or activity shall cause or create noise in excess of the sound levels generally  
3572 described as acceptable.

3573 ~~Section 5-1507 Loudoun County Ordinance: Noise Standards:~~ It shall be unlawful for any person  
3574 to operate or permit to be operated any stationary noise source in such a manner as to create a  
3575 sound level which exceeds the limits set forth in the following tables, except for extraction and  
3576 minimal special exception operations otherwise regulated herein. In addition, before 7:00 a.m.  
3577 and after 7:00 p.m., the permissible sound levels, at residential district boundaries where they  
3578 adjoin nonresidential districts, shall be reduced by five dBA in the table for impact noises.

3579 (A) *Methods of measurement.*

3580 (1) Noise levels shall be measured with a sound level meter and shall meet or exceed  
3581 performance standards for a "Type Two" meter, as specified by the American National  
3582 Standards Institute.

3583 (2) Noise levels shall be recorded as A-weighted sound pressure level. The level so read  
3584 shall be postscripted dBA.

3585 (B) *Maximum sound levels (dBA).* Measurements of noise levels shall be taken at the property  
3586 boundary of the noise source. Where differing zoning districts abut, the more restrictive  
3587 limits shall apply.

3588 (1) *Maximum dBA, continuous noise.*

3589 Residential: 55

3590 Commercial: 60

3591 Industrial: 70

3592 Continuous noise shall be measured using the slow meter response of the sound level  
3593 meter.

3594 (2) *Maximum dBA, impact noise.*

3595 Residential: 60

3596 Commercial: 70

3597 Industrial: 80

3598 Impact noise shall be measured using the faster meter response of the sound level  
3599 meter. Impact noises are intermittent sounds of a single pressure peak or a single burst  
3600 (multiple pressure peaks) for a duration usually less than one second. Examples of  
3601 impact noise sources are a punch press, drop forge hammer, or explosive blasting.

3602 (C) *Exemptions.*

3603 (1) Sound created by the operation of equipment related to public utility operations, street  
3604 maintenance and emergency generators for public facilities, including, but not limited  
3605 to, fire stations, rescue squad facilities, and local, state and federal government  
3606 facilities, shall not be regulated by these noise standards. Where located adjacent to  
3607 residential uses, reasonable attempts shall be made to attenuate the noise from such  
3608 equipment and operations.

3609 (2) Sound created by the operation of power equipment, such as power lawn mowers,  
3610 chain saws, and similar equipment, between the hours of 7:00 a.m. and 9:00 p.m. shall  
3611 not be regulated by these noise standards.

3612 *8.8 Earthborne vibration standard.*

3613 1. *Required performance level:* No use, operation or activity shall cause or create earthborne  
3614 vibrations in excess of the peak particle velocities prescribed below:

3615 *Methods of measurement:*

3616 a. Measurements shall be made at or beyond the adjacent lot line, nearest R district  
3617 boundary line, or nearest district boundary line as indicated below. Ground  
3618 transmitted vibration shall be measured with a seismograph or complement of  
3619 instruments capable of recording vibration displacement and frequency, particle  
3620 velocity, or acceleration simultaneously in three mutually perpendicular directions.

3621 b. The maximum particle velocity shall be the maximum vector sum of three mutually  
3622 perpendicular components recorded simultaneously. Particle velocity may also be  
3623 expressed as 6.28 times the displacement in inches multiplied by the frequency in  
3624 cycles per second.

3625 c. For the purpose of this section, steady state vibrations are vibrations which are  
3626 continuous, or vibrations in discrete impulses more frequent than 60 per minute.  
3627 Discrete impulses which do not exceed 60 per minute shall be considered impact  
3628 vibrations.

3629 *Group I vibration standards:*

- 3630 a. Uses subject to Group I standards shall not cause steady state vibrations to exceed the  
 3631 maximum permitted particle velocities described in Table I below. Where more than  
 3632 one set of vibration levels apply, the most restrictive shall govern. Readings may be  
 3633 made at points of maximum vibration intensity.

3634 *Table I*

3635 *Maximum Permitted Steady State Vibration Levels*

Location (at lot line)	Maximum Peak Particle Velocity Inches Per Second
Residential district	0.02
At/beyond adjacent lot lines (except a residential district)	0.05

- 3636 b. Impact vibrations shall be permitted at twice the values stated above.  
 3637  
 3638 c. Between the hours of 8:00 p.m. and 7:00 a.m., all of the permissible vibration levels  
 3639 indicated above in Table I for R districts shall be reduced to one-half the indicated  
 3640 values.

3641 *Group II vibration standards:*

- 3642 a. Uses subject to Group II standards shall not cause steady state vibrations to exceed the  
 3643 maximum permitted particle velocities described in Table II below. Where more than  
 3644 one set of vibration levels apply, the most restrictive shall govern. Readings may be  
 3645 made at points of maximum vibration intensity.

3646 *Table II*

3647 *Maximum Permitted Steady State Vibration Levels*

Location (at lot line)	Maximum Peak Particle Velocity Per Second
Residential district	0.02
At/beyond adjacent lot lines (except residential district)	0.10

- 3648 b. Impact vibrations shall be permitted at twice the values stated above.  
 3649  
 3650 c. Between the hours of 8:00 p.m. and 7:00 a.m., all of the permissible vibration levels  
 3651 indicated above in Table II for R districts shall be reduced to one-half the indicated  
 3652 values.

3653 d. When the frequency of impacts does not exceed one per day, the maximum vibration  
 3654 level, measured across lot lines, shall not exceed 0.4 inches per second.

3655 *8.9 Glare standard.*

3656 1. *Required performance level.* All uses, operations and activities shall be conducted so as to  
 3657 comply with the performance standards governing glare prescribed below.

3658 2. *Method of measurement.* Illumination levels shall be measured with a photoelectric  
 3659 photometer having a spectral response similar to that of the human eye, following the  
 3660 standard spectral luminous efficiency curve adopted by the International Commission on  
 3661 Illumination.

3662 3. *General requirements.* Uses subject to Group I and Group II standards shall not produce glare  
 3663 so as to cause illumination in R districts in excess of 0.5 footcandles. Flickering or bright  
 3664 sources of illumination shall be controlled so as not to be a nuisance in R districts.

3665 4. *Group I and Group II standards.* Uses subject to Group I and Group II standards shall limit  
 3666 the use of light sources and illumination surfaces which are located in or are within 500 feet  
 3667 of and visible within any R district so as to comply with the light intensities indicated in  
 3668 Table III below:

3669 *Table III*

3670 *Maximum Intensity of Light Sources*

Source	Group I	Group II
Bare incandescent bulbs	15 watts	40 watts
Illuminated buildings	15 footcandles	30 footcandles
Back lighted or luminous background signs	150 footlamberts	250 footlamberts
Outdoor illuminated signs and poster panels	25 footcandles	50 footcandles

3671

3672 *Table IV*

3673 *Required performance standards (Group I or Group II)*

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

Vibration	I	I	I
Glare	I	I	I

3674  
3675  
3676

Note: Required performance standards for uses in PDH districts shall equate to those standards in the most similar R, C or M district as determined by the zoning administrator.

3677  
3678

3679 **ARTICLE 8. - SPECIAL USE PERMITS AND COMMISSION PERMITS**

3680 **{Section 1. - Special use permit.}**

3681 *1.1 Purpose of special use permit.*

3682 Special use permits are authorized by ~~the terms of~~ this ordinance, pursuant to the Code of  
3683 Virginia § 15.2-2286, as amended. The purpose of the special use permit procedure is to provide  
3684 for certain uses which cannot be well adjusted to their environment in particular locations with  
3685 full protection offered to surrounding properties by rigid application of the district regulations.  
3686 These uses either have unusual characteristics, or have characteristics which are different from  
3687 those of their immediate surroundings and are essential and desirable for the general  
3688 convenience and welfare, but because of the nature of the use, and possible impact, not only on  
3689 neighboring properties, but on a large section of the town, require the exercise of planning  
3690 judgment on location and site plan.

3691 *1.2 General guides and standards.*

3692 A special use permit should be approved only if it is listed as permitted by special use permit in  
3693 the district regulations and only if it is found that the location is appropriate and not in conflict  
3694 with the comprehensive plan, that the public health, safety, morals, and general welfare will not  
3695 be adversely affected, that adequate utilities and off-street parking facilities, if applicable, will  
3696 be provided, and that necessary safeguards will be provided for the protection of surrounding  
3697 property, persons, and neighborhood values, and further provided that the additional standards  
3698 of this article are complied with.

3699 In approving a special use permit the town council may impose such reasonable conditions as it  
3700 believes necessary to accomplish the objectives of this ordinance. Unless otherwise specified in  
3701 this article or specified as a condition of approval, the height limits, yard spaces, lot area, and  
3702 sign requirements shall be the same as for other uses in the district in which the proposed special  
3703 use permit is located.

3704 *Churches.*

3705 ~~When filing an application for a special use permit for a church the applicant must list each accessory~~  
3706 ~~use it intends to operate. Permits for churches may be approved without all the proposed accessory~~  
3707 ~~uses. After the approval of the initial use permit for a church, subsequent applications must be made~~  
3708 ~~for any new accessory use or change in an existing accessory use.~~

3709 ~~When considering a request for a special use permit for a church and any accessory uses, the planning~~  
3710 ~~commission and council may consider the following and impose those conditions necessary to mitigate~~  
3711 ~~impacts: traffic; parking; hours of operation; impact on adjacent neighborhoods; types of special~~  
3712 ~~events; time limitations for accessory uses such as for shelters; number of students in church schools~~  
3713 ~~and daycare; number of inhabitants for shelters. (Revised 4/14/92)~~

3714 *1.3 Specific guides and standards.*

3715 Approval of a special use permit shall comply with the specific guides and standards for  
3716 particular uses ~~which are permitted by special use permit as~~ contained in this ordinance the  
3717 district regulations unless the town council approves a waiver of such standard based on there

3718 is a specific ~~recommendation finding~~ by the planning commission ~~approved by the town council~~  
3719 that compliance with the standard is clearly unnecessary to the purposes of this ordinance.

3720 *1.4 Procedures for approval of special use permits which require approval by the town council.*

3721 The procedures for approval of a special use permit are generally the same as those prescribed  
3722 ~~for changes and amendments~~ in ~~a~~ *Article 10: Changes and Amendments*, including the public  
3723 hearing and ~~report recommendation~~ by the planning commission, and, in addition the  
3724 procedures and requirements for approval of a special use permit application as set forth below.

3725 A. Pre-application meeting. Prior to the filing of a special use permit application, the applicant  
3726 should meet with the ~~d~~Department of ~~planning and zoning~~ *Community Development* to  
3727 discuss his intentions with regard to a given application and to discuss the requirements of  
3728 this section and the nature of the special use proposed. For the purposes of this pre-  
3729 application meeting, the applicant ~~shall~~ *may* provide a sketch plan of the proposed use,  
3730 showing the general layout of the special use and its relationship to the surrounding area.  
3731 In connection with all such conferences, the zoning administrator shall be consulted as  
3732 appropriate. A request for a pre-application meeting shall be made in writing to the  
3733 ~~d~~Director of *Community Development planning* and shall be accompanied by a sketch,  
3734 map(s) of the site, a description of the existing site, the proposed project or use, graphics  
3735 that illustrate the scale, location and design of any buildings or structures to the extent  
3736 known, and a list of the issues to be discussed at the conference. No matters discussed at  
3737 said meeting shall be binding on either the applicant or the town. The ~~d~~Director of  
3738 *Community Development planning* shall respond to each written request for a pre-  
3739 application meeting within 15 calendar days.

3740 B. Concurrent review. If the property subject to the special use application is also under  
3741 consideration for rezoning, the special use permit may be reviewed concurrently with the  
3742 rezoning application. A concurrent review of the special use and rezoning applications shall  
3743 automatically waive the specific time limitations otherwise applicable to special use  
3744 permits, but shall not waive any of the time limitations applicable to rezonings.

3745 C. Review of application for completeness. No application shall be accepted and reviewed  
3746 unless it is determined by the zoning administrator to be complete. A complete application  
3747 is one which meets such minimum submission requirements as established by this chapter,  
3748 and in all applicable sections of this ordinance and the land development and subdivision  
3749 ordinance. The administrator's determination that an application qualifies to be officially  
3750 submitted shall not be deemed a determination that the application meets requirements for  
3751 approval. Such approval of the special use permit shall only be given by the town council  
3752 subject to the standards set forth in this chapter after the procedural requirements for  
3753 review and responsive comment have been met. A complete application package shall  
3754 consist of:

- 3755 1. Application. Two copies of the completed special use permit application form provided  
3756 by the town, and signed by the applicant and owners of the property.
- 3757 2. Fee. Associated review fee(s) for special use permit, payable to the Town of Purcellville.
- 3758 3. Statement of justification. Written statement with supporting evidence regarding  
3759 compliance with those issues for consideration outlined in ~~[subsection]~~ 1.4.D below.
- 3760 4. Concept plan. Twelve copies of the concept plan on paper no smaller than 11" × 17".  
3761 Although it is unnecessary for a concept plan to involve the preparation of engineered

3762 documents, the concept plan must ~~be sufficiently detailed to be judged for its~~  
3763 ~~superiority to other forms of development. The concept plan should~~ contain the  
3764 following basic information and may contain any additional information which the  
3765 applicant deems necessary to providing a detailed understanding of the proposed use:  
3766 ~~planned development:~~

- 3767 a. Boundaries of the property.
- 3768 b. Total area of the property in square feet and acres.
- 3769 c. General location, size (in square feet), and use of all proposed structures.
- 3770 d. Location and size of existing public rights-of-way.
- 3771 e. General location and size of proposed rights-of-way.
- 3772 f. General location of proposed parking areas, entrances onto rights-of-way, storage  
3773 areas, display areas, recreational areas, and required buffer yards.
- 3774 g. General location of proposed improvements such as, but not limited to, the general  
3775 placement of sidewalks or trail facilities, the general location of proposed traffic  
3776 improvements, and/or the general location of proposed public facilities.
- 3777 h. General location of open space areas.
- 3778 i. General location of storm water management facilities.

- 3779 5. Written statement. Describing the proposed use in such detail which provides the town  
3780 with adequate knowledge on which to determine if the proposed special use is a  
3781 development of superior quality. The written statement shall also provide the type and  
3782 hours of operation.
- 3783 6. Traffic impact analysis. The traffic impact analysis (TIA) shall be prepared by a  
3784 qualified engineer, surveyor, or otherwise acceptable professional, as determined by  
3785 the zoning administrator, and shall be an analysis of the impact of the proposed special  
3786 use on the existing road network. The TIA shall be required prior to site plan approval,  
3787 unless this requirement is waived by the director of public works. In any case where a  
3788 use will increase traffic on a proposed site, average daily trips shall be provided.

3789 D. Issues for consideration. A special use permit application shall be accompanied by a  
3790 statement of justification which addresses the following issues for consideration. These  
3791 issues for consideration shall be used by the planning commission and town council when  
3792 evaluating the special use permit application. The following factors shall be given  
3793 reasonable consideration and shall be addressed by the applicant in the statement of  
3794 justification:

- 3795 1. Whether the proposed application is consistent with the comprehensive plan.
- 3796 2. Whether the proposed special use at the specified location will contribute to or  
3797 promote the welfare and convenience of the public.
- 3798 3. Whether the proposed use is compatible with other existing or proposed uses in the  
3799 neighborhood, and adjacent parcels.
- 3800 4. Whether the level and impact of any noise or odor emanating from the site, including  
3801 that generated by the proposed special use, negatively impacts the uses in the  
3802 immediate area.

- 3803 5. Whether the proposed special use will result in the preservation or damage of any  
 3804 existing habitats, vegetation, topographic or physical, natural, scenic, archeological, or  
 3805 historic feature of significant importance.
- 3806 6. Whether the proposed special use will impact existing water quality or air quality.
- 3807 7. Whether the traffic generated by the proposed use will be adequately and safely served  
 3808 by roads, pedestrian connections, and other transportation services.
- 3809 8. Whether the proposed use will negatively impact orderly and safe road development  
 3810 and transportation in accordance with the comprehensive plan and all relevant  
 3811 transportation and corridor plans.
- 3812 9. Whether the proposed use will be served adequately by essential public facilities and  
 3813 services
- 3814 10. Whether, in the case of existing structures to be converted to uses requiring a special  
 3815 use permit, the existing structures can be converted in such a way that retains the  
 3816 character of the neighborhood in which the existing structures are located, especially  
 3817 when an application seeks to convert a building of historic significance.
- 3818 11. Whether the proposed special use contributes to the economic development needs of  
 3819 the town.
- 3820 12. Whether adequate on and off site infrastructure is available.
- 3821 13. Whether the proposed special use illustrates sufficient measure to mitigate the impact  
 3822 of construction traffic on existing neighborhoods and schools.

3823 E. Acceptance and distribution. Once an application for a special use permit has been  
 3824 submitted and accepted, the administrator shall forward the plan and related information  
 3825 to the following review agencies as necessary:

- 3826 a. Department of ~~p~~Public ~~w~~Works,  
 3827 b. The town engineer or consulting engineer (contract engineer),  
 3828 c. The Virginia Department of Transportation,  
 3829 d. Loudoun County Department of Building and Development,  
 3830 e. Loudoun County Fire and Rescue,  
 3831 f. Loudoun County School Board.

3832 The referral agencies shall review the special use permit request, the concept plan, and the  
 3833 statement of justification, and shall provide a written recommendation on the application  
 3834 either for approval, approval with conditions, or denial.

3835 If the zoning administrator determines that there is not a need to distribute the application  
 3836 to a state agency for its review, the review by the agencies to whom the application was  
 3837 referred shall be completed and returned to the administrator within 30 days after the date  
 3838 the application was submitted to the agency for review. If an agency cannot respond within  
 3839 this 30-day period, the agency shall so inform the administrator, in writing, stating the  
 3840 reason for the delay and the expected date of the reply. If the administrator determines that  
 3841 the application requires the review of a state agency, the review by such state agency shall  
 3842 be completed and returned to the administrator within 45 days after the date the  
 3843 application was submitted to the agency for review. If the agency cannot respond within

3844 this 45-day period, the agency shall so inform the administrator, in writing, stating the  
3845 reason for the delay and the expected date of the reply.

3846 A recommendation for denial or approval with conditions shall be followed by a written  
3847 explanation of the recommendation. The recommendations of the referral agencies shall be  
3848 forwarded to the planning commission and town council.

3849 Upon receipt of the recommendations of all the agencies, the zoning administrator shall  
3850 schedule the special use permit application for public hearing with the planning  
3851 commission. The administrator shall provide the recommendations and proposed  
3852 conditions (if any) from the reviewing agencies to the planning commission and the town  
3853 council.

3854 *1.5 Planning commission review and recommendation.*

3855 Before making a recommendation on a special use permit application, the planning commission  
3856 may recommend reasonable additional conditions, including, but not limited to, those which  
3857 may be imposed by the board of zoning appeals under Article 9: Board of Zoning Appeals~~article~~  
3858 7, and especially conditions regarding utilities, drainage, landscaping and maintenance thereof,  
3859 lighting, signs and advertising devices, buffer yards, screening, access ways, curb cuts, traffic  
3860 control, height of buildings and setback of buildings, to protect adjoining uses. The planning  
3861 commission shall take into consideration the comments/recommendations of the reviewing  
3862 agencies, any proposed conditions of the reviewing agencies, and shall make a recommendation  
3863 to the town council for either approval, approval with modifications, or denial of the special use  
3864 permit application based upon the superiority of the application. The planning commission shall  
3865 review the plans and prepare its report within a reasonable time, but in no case longer than 60  
3866 days after the public hearing unless the applicant requests additional time in order to prepare  
3867 revised plans. The town council shall not advertise its public hearing until the report and plans  
3868 shall have been received from the planning commission.

3869 *1.6 Town council review and decision.*

3870 Once the planning commission has forwarded a recommendation to the town council, the zoning  
3871 administrator shall set a time and place for a public hearing by the town council. The town  
3872 council shall take action to approve, approve with conditions or deny the application within a  
3873 reasonable time of the public hearing. The decision of the council shall be set forth in writing to  
3874 the applicant.

3875 *1.7 Lapse of a special use permit.*

3876 Approval by the town council of a concept plan for a special use permit shall be valid for a period  
3877 of two years. A site plan, when required by this ordinance or the Land Development and  
3878 Subdivision Control Ordinance, for the proposed use shall be filed with the zoning administrator  
3879 following the approval by the town council before the end of the two-year period. If a site plan  
3880 is not required, then a zoning permit application shall be filed within two years.

3881 If the two-year period should expire before a site plan application (or zoning permit application  
3882 when no site plan is required) is submitted to and accepted by the town, the special use permit  
3883 application shall be deemed null and void and a new application shall be submitted. An applicant  
3884 may request one six-month extension of the two-year deadline from the administrator, in  
3885 writing, in cases where there is a hardship in meeting the two-year deadline for submission of a

3886 site plan or zoning permit. The site plan submitted shall be in general conformance with the  
3887 approved concept plan and shall follow the requirements as set forth in ~~a~~Article 5 of the Land  
3888 Development and Subdivision Ordinance.

3889 *1.8 Modifications to approved special use permits.*

3890 Minor modifications to an approved special use permit may be permitted by the zoning  
3891 administrator when it is determined by the administrator that such are in substantial  
3892 conformance with the approved special use permit and associated concept plan (when present)  
3893 and that such are in response to:

- 3894 1. A change of ownership of the business or organization operating the special use; or
- 3895 2. A change of name of the business or organization operating the special use; or
- 3896 3. Review comments from and/or requirements of governmental agencies; or
- 3897 4. Minor issues of final engineering as it relates to such issues as topography, drainage,  
3898 underground utilities, structural safety, layout, design, or vehicular circulation; or
- 3899 5. The addition of accessory uses ~~as permitted by number 7 below~~, accessory structures or  
3900 minor building additions as permitted below.

3901 A. The minor modifications permissible under items 3, 4 and/or 5 above shall be limited  
3902 to:

- 3903 1. The addition of accessory uses in accordance with this paragraph; or
- 3904 2. Modifying the approved transitional screening, buffering, landscaping or open  
3905 space provided that such modification does not reduce its effectiveness; or
- 3906 3. Changes to bulk, mass, orientation or location of buildings or other physical  
3907 improvements which do not adversely impact the relationship of the development  
3908 or part thereof to adjacent property; or
- 3909 4. Changes in the clearing and/or grading for a storm water management facility,  
3910 including any clearing and/or grading associated with spillways, inlets, outfall  
3911 pipes or maintenance roads, provided that such changes do not reduce non-storm  
3912 water management open space, tree save and/or landscaping area on the lot; or
- 3913 5. The addition of accessory structures clearly subordinate to the use and minor  
3914 additions to buildings, provided that the sum total of all such structures or  
3915 additions shall not exceed the following:
  - 3916 a. Five percent of the approved gross floor area or 500 square feet of gross floor  
3917 area, whichever is less, when the total gross floor area shown on the approved  
3918 concept plan is less than 50,000 square feet; or
  - 3919 b. One percent of the approved gross floor area when the total gross floor area  
3920 shown on the approved concept plan is 50,000 square feet or more; or
  - 3921 c. Two hundred fifty square feet of gross floor area of accessory storage  
3922 structure uses when the total gross floor area shown on the approved concept  
3923 plan is 10,000 square feet or less; and
  - 3924 d. ~~€~~The maximum permitted FAR for the zoning district in which located.

3925 B. Notice Requirements. Any request for a minor modification to the approved special use  
3926 permit, other than a change of ownership or change of name of the business or  
3927 organization operating the special use, shall require the provision of written notice in  
3928 accordance with the following:

3929 1. *Public notice.* Notice shall be sent to the last known address of the owners (as  
3930 shown in the Loudoun County real estate assessment records) of all property  
3931 abutting and across the street from the site, or portion thereof, which is the subject  
3932 of the request. In addition, if the subject property is included within an  
3933 incorporated owners' association, then notice shall also be required to such  
3934 owners' association. The notice shall include a summary of the modifications being  
3935 sought and how to receive additional information. Prior to approval, an affidavit  
3936 that notice has been sent shall be filed with the zoning administrator.

3937 2. *Planning commission notice.* Notice shall be provided to the planning commission  
3938 as an information item on a regular meeting agenda prior to zoning  
3939 Administrator action on such modification.

3940 C. When it is determined by the zoning administrator that such request for minor  
3941 modification is not in general conformance with the approved special use permit or the  
3942 requirements of this section, or at the planning commission's request following its  
3943 notice of the proposed minor modification as required in subsection B.2. above, a new  
3944 special use permit shall be required.

3945 **Section 2. - Commission permits.**

3946 *2.1 Purpose of commission permits.*

3947 The purpose of the commission permit is to provide for those public uses, public structures,  
3948 public utilities, or public service uses upon which the planning commission is required to report  
3949 following adoption of the comprehensive plan under the state enabling statutes (Code of  
3950 Virginia, § 15.2-2232, as amended), thus facilitating coordination of the purposes of state  
3951 planning statutes with those of state zoning enabling legislation. Widening, narrowing,  
3952 extension, enlargement, vacation or change of use of streets or public areas shall likewise be  
3953 submitted for approval, but paving, repair, reconstruction, improvement, drainage or similar  
3954 work and normal service extensions of public utilities or public service corporations shall not  
3955 require approval unless such work involves a change in location or extent of a street or public  
3956 area.

3957 A commission permit shall be approved only if it is found that the general location or  
3958 approximate location, character, and extent thereof of the proposed public use, public structure,  
3959 public utility or public service use is substantially in accordance with the adopted  
3960 comprehensive plan or part thereof as determined by the local commission.

3961 Any public area, facility or use as set forth in this article, which is identified within, but not the  
3962 entire subject of a submission for either subdivision or site plan shall be excepted from the  
3963 requirement for a commission permit, if the public area, facility, or use is reviewed and approved  
3964 as part of the submission for an overall development.

3965 ~~The following uses require~~ Uses which may require a commission permit approved in  
3966 accordance with ~~Article 8 of~~ this ordinance and Code of Virginia, § 15.2-22321-456 include but  
3967 are not limited to the following:

- 3968 1. ~~Community or cultural facility. Public or governmental buildings and uses, including~~  
3969 ~~governmental offices, libraries, schools, fire stations (volunteer or otherwise), parks~~  
3970 ~~parkways and playgrounds, except those which have been approved as part of a subdivision~~  
3971 ~~or site plan.~~
- 3972 2. ~~Fire, rescue or police station. Public utility or public service or transportation uses,~~  
3973 ~~treatment plants, water storage tanks, pumping stations or regulator stations, utility~~  
3974 ~~storage yards, substations and major transmission lines.~~
- 3975 3. Government office and assembly room.
- 3976 4. Government operations facility.
- 3977 5. Library.
- 3978 6. Major public utility.
- 3979 7. Minor public utility.
- 3980 8. Park.
- 3981 9. Playground.
- 3982 10. Public or government buildings, facilities, or uses not otherwise defined.
- 3983 11. Public recreation facility.
- 3984 12. Public school.

3985

3986 *2.2 Procedures.*

3987 Prior to forwarding a decision to the town council, the commission shall hold a public hearing  
3988 on the commission permit application in accordance with the procedures for notice and hearing  
3989 as set forth in § 15.2-2204-2206 of the Code of Virginia, 1950, as amended, and as set forth in  
3990 ~~Article 11, Section 16: Public Notices~~~~article 11, section 16 of this ordinance~~. The administrator  
3991 may also require the submission of plans or drawings as necessary for consideration by the  
3992 planning commission.

3993 The commission shall communicate its decision to the council, indicating its approval or  
3994 disapproval with written reasons therefore. The council may overrule the action of the  
3995 commission by a vote of a majority of the membership thereof. Failure of the commission to act  
3996 within 60 days of such submission, unless such time shall be extended by the council, shall be  
3997 deemed approval.

3998 The owner or owners or their agents may appeal the decision of the commission within ten days  
3999 of the decision. The appeal shall be by written petition to the council setting forth the reasons  
4000 for the appeal. The appeal shall be heard and determined within 60 days from its filing. A  
4001 majority vote of the governing body shall overrule the commission.

4002

4003 **ARTICLE 9. - BOARD OF ZONING APPEALS**

4004 **Section 5. - Special exceptions.**

4005 In order to provide for adjustments in the relative locations of uses and buildings of the same or  
4006 different classifications, to promote the usefulness of these regulations as instruments for fact  
4007 finding, interpretation, application and adjustment, and to supply the necessary elasticity to their  
4008 efficient operation, special exceptions and, limited as to location and especially in locations described  
4009 in the district regulations and in this article, special use and yard exceptions are permitted by the  
4010 terms of these regulations. In considering an application for a special exception, the board shall give  
4011 due regard to the specific guides and standards of this section and those listed elsewhere in this  
4012 ordinance, and in general to the nature and condition of adjacent uses and structures, and the  
4013 probable effect upon them of the proposed exception.

4014 ~~The board It~~ shall also take into account the special characteristics, design, location,  
4015 construction, method of operation, effect on traffic conditions, or any other aspects of the particular  
4016 use or structure, that may be proposed by the applicant. If it should find, after the hearing, that the  
4017 proposed establishment or use will not adversely affect the health, safety or welfare of persons  
4018 residing or working on the premises or in the neighborhood, will not unreasonably impair an  
4019 adequate supply of light and air to adjacent property, nor increase congestion in the streets, nor  
4020 increase public danger from fire or otherwise unreasonably affect public safety, nor impair the  
4021 character of the district or adjacent districts, nor be incompatible with the general plans and  
4022 objectives of the ~~town's official C~~comprehensive ~~P~~plan ~~of the Town of Purcellville~~, nor be likely to  
4023 reduce or impair the value of buildings or property in surrounding areas, but that such establishment  
4024 or use will be in substantial accordance with the general purpose and objectives of this ordinance,  
4025 the board shall grant the exception and authorize the issuance, of a special exception permit.

4026 In those instances where the board finds that the proposed use may be likely to have an adverse  
4027 effect as above, the board shall determine whether such effect can be avoided by the imposition of  
4028 any special requirements or conditions with respect to location, design, construction, equipment,  
4029 maintenance or operation, in addition to those expressly stipulated in this ordinance.

4030 *5.1 Special use exceptions.*

4031 ~~Those following buildings and uses marked as special exceptions in Article 4, Section 1.1: Use~~  
4032 ~~Table~~ are permitted ~~as special exceptions~~ under the terms and conditions specified above.:

4033 ~~1.—An accessory dwelling unit in a single family dwelling or in an accessory building in a~~  
4034 ~~residential district as permitted in the district regulations, provided that either the main~~  
4035 ~~dwelling or the accessory dwelling unit be occupied by the owner of the property, that the~~  
4036 ~~accessory dwelling unit shall not exceed 25 percent of the total floor area of the main~~  
4037 ~~dwelling nor contain less than 500 square feet of floor area, that the general appearance of~~  
4038 ~~a single family dwelling shall be maintained, that no exterior stairways to a second floor be~~  
4039 ~~constructed at the front of the main building, and that at least three off-street parking spaces~~  
4040 ~~are available on the property for use by the owner occupant and the tenant. If the accessory~~  
4041 ~~dwelling unit is to be located in an accessory structure, such structure must have the~~  
4042 ~~following minimum setbacks from side and rear property lines:~~

4043 ~~a.—Side yard: Same as principal structure;~~

4044 ~~b.—Rear yard: Same as side yard for principal structure, but not less than ten feet.~~

- 4045 ~~2. Temporary open air stands and the raising of animals as specified in the R-2 residential district.~~
- 4046 ~~3. Stables and keeping of horses and other livestock as specified in the R-2 residential district.~~
- 4047 ~~4. An exception to off-street parking requirements where it can be shown that provision of the~~
- 4048 ~~required number of spaces is clearly unnecessary for successful operation of the use.~~
- 4049 ~~5. Temporary uses and structures in any district not specifically listed in the regulations and~~
- 4050 ~~determined by the board to be in the public interest for the district in which located;~~
- 4051 ~~provided that such uses be of a temporary nature and do not involve the erection of~~
- 4052 ~~substantial buildings. Such use or structure shall be authorized by the issuance of a~~
- 4053 ~~temporary and revocable permit for not more than a 24-month period subject to such~~
- 4054 ~~conditions as will safeguard the public health, safety and welfare.~~

4055 *5.2 Special yard and height exceptions.*

- 4056 1. An exception in the yard regulations on a lot where on the adjacent lot, there is a front, side,
- 4057 or rear yard that does not conform with such yard regulations in a way similar to the
- 4058 exception applied for, but not to encroach upon an existing or proposed right-of-way.
- 4059 2. An exception in the depth of a rear yard on a lot, in a block where there are nonconforming
- 4060 rear yards.
- 4061 3. An exception where there are irregularities in depths of existing front yards on a street
- 4062 frontage on the side of a street between two intersecting streets, so that any one of the
- 4063 existing depths shall, for a building hereafter constructed or extended be the required
- 4064 minimum front yard depth.
- 4065 4. Construction of a single-family dwelling with reduced yard spaces on a legal nonconforming
- 4066 lot.
- 4067 5. An exception to the height limits for special purpose structures in the CM-1 and the M-1
- 4068 industrial districts.
- 4069

4070 **ARTICLE 11. - ADMINISTRATION AND ENFORCEMENT**

4071 **Section 6. - Procedures for review and approval of all PDH districts. ~~(Amended 2/13/96)~~**

4072 All proposed developments of a PDH district permitted under ~~a~~Article 4: District Regulations  
4073 shall be subject to the following procedures for review and approval:

4074 *6.1 Conceptual development plan approval.*

4075 The following procedures and application requirements shall apply to the PDH district:

- 4076 1. An application for rezoning to a PDH district shall include 14 copies of a conceptual  
4077 development plan. A conceptual development plan, not filed with the initial submission of  
4078 the application, shall be submitted within 60 days of the acceptance date of the application.  
4079 Failure to meet this requirement shall change the acceptance date of the application to the  
4080 date on which the conceptual plan is filed and accepted and/or may be cause to dismiss the  
4081 application after having notified the applicant by certified mail with a deadline for a  
4082 completed application.
- 4083 2. In addition to the application requirements for zoning ordinance or zoning map  
4084 amendments as prescribed by Article 10: Changes and Amendments~~article 10~~, a conceptual  
4085 development plan shall contain the information required by Section 8: Submission  
4086 Requirements for PDH Districts~~section 7~~ below together with such supplementary data for a  
4087 particular development that may be deemed necessary by the zoning administrator.
- 4088 3. Upon determination by the zoning administrator that the content of the conceptual  
4089 development plan is complete in accordance with Section 8: Submission Requirements for  
4090 PDH Districts~~section 7~~ below, the plan and application shall be submitted for comment to  
4091 the reviewing agencies. Upon completion of review, the plan and application shall be  
4092 submitted to the planning commission after the required public notice is provided.
- 4093 4. The planning commission, after having given the required public notice, shall hold a public  
4094 hearing and give prompt consideration to the application in accordance with the applicable  
4095 zoning district regulations.
- 4096 5. Subsequent to the public hearing, the planning commission shall transmit the conceptual  
4097 development plan and application to the town council together with its recommendation  
4098 for approval or disapproval. The planning commission recommendation shall contain  
4099 specific recommendations concerning the phasing of public improvements, including  
4100 schools, public water and sewer, open space provision and improvements, and  
4101 transportation improvements.
- 4102 6. The town council shall consider the conceptual development plan and application for  
4103 rezoning in accordance with the applicable zoning district regulations and shall hold a  
4104 public hearing thereon. The town council shall approve, approve with modifications or  
4105 disapprove the conceptual development plan.
- 4106 7. In approving the conceptual development plan, the town council may establish such  
4107 conditions and may require such modifications as shall assure compliance with the  
4108 standards and regulations of the subject district; and further, the council may waive or  
4109 modify subdivision and/or site plan requirements otherwise applicable to the development

4110 when such waiver or modification would be in conformance with said standards and  
4111 regulations.

4112 8. In approving a conceptual development plan, the council may authorize a variance in the  
4113 strict application of specific zoning district regulations whenever:

4114 a. Such strict application would inhibit or frustrate the purpose and intent for  
4115 establishing such a zoning district; and

4116 b. Such variation would promote and comply with the standards set forth in Article 4,  
4117 Section 12: PDH Planned Development Housing District~~article 4, section 12~~. In no case,  
4118 however, shall the maximum density provisions or the land area designated for  
4119 commercial use under the PDH district and the maximum floor area ratio (FAR) be  
4120 varied or modified.

4121 9. In the event the town council shall disapprove the rezoning application, the conceptual  
4122 development plan shall thereby be deemed to be denied.

4123 10. In the event that the town council shall approve the rezoning application, the council shall  
4124 approve the rezoning application, the council shall also approve or approve with  
4125 modifications or conditions the conceptual development plan.

4126 11. Once a conceptual development plan has been approved, and there is cause for amendment  
4127 of same or any portion thereof, such amendment shall be processed as a new submission;  
4128 provided however, that the zoning administrator may waive any submission requirement  
4129 if such requirement is not necessary for an adequate review of the concept development  
4130 plan amendment application. An amendment may be filed by an owner of individual  
4131 property.

4132 *6.2. Final development plan approval.*

4133 The following procedures shall be applicable to the preparation of a final development plan:

4134 1. The approval of a rezoning application to a PDH district and the approval of its  
4135 accompanying conceptual development plan by the town council shall constitute  
4136 authority for the applicant to prepare a final development plan; however, a final  
4137 development plan may be filed with and included in the processing of the rezoning  
4138 application and conceptual development plan. All final development plans shall be  
4139 prepared in accordance with the approved conceptual development plan, and  
4140 conditions as may have been adopted by the council and Section 8: Submission  
4141 Requirements for PDH Districts~~section 11.7~~ below.

4142 2. A final development plan may be prepared and submitted for the entire planned  
4143 development at one time or for sections of the planned development, and 14 copies of  
4144 each plan shall be submitted to the zoning administrator.

4145 3. Upon determination by the zoning administrator that the content of the final  
4146 development plan is complete in accordance with the requirements of Section 8:  
4147 Submission Requirements for PDH Districts~~section 11.7~~ below, the plan shall be  
4148 submitted to the reviewing agencies for comment. Upon completion of the review, the  
4149 plan shall be submitted to the planning commission.

4150 4. The planning commission shall hold a public hearing on the final development plan no  
4151 later than six months from the date the zoning administrator determined that such plan  
4152 was complete in accordance with the requirements of Section 8: Submission

4153 Requirements for PDH Districts~~section 11.7~~ below. The commission shall consider the  
4154 final development plan in accordance with the approved conceptual plan, and shall  
4155 determine if said plan does comply with the applicable zoning district regulations.  
4156 Upon the determination that the final development plan is in accordance and does  
4157 comply, the planning commission shall approve, or approve with modifications, the  
4158 final development plan. Such approval shall be deemed to be the final approval, subject  
4159 only to appeal to the town council as provided by paragraph 8 below.

4160 5. In approving a final development plan, the planning commission may establish such  
4161 conditions and may require such modifications as will assure compliance with the  
4162 standards and regulations of the subject district, and with the approved conceptual  
4163 development plan. Further, the planning commission may recommend to the council  
4164 the waiver of any zoning and subdivision otherwise applicable to the development  
4165 where it is found that such a waiver would be in conformance with said standards and  
4166 regulations.

4167 6. In the event that the planning commission finds that the final development plan is not  
4168 in accordance with the approved conceptual development plan, or does not comply  
4169 with the applicable zoning district regulations, it shall disapprove the final  
4170 development plan and state the reasons for their action.

4171 7. The disapproval of a final development shall cause the applicant to prepare a revised  
4172 development plan unless the provisions of paragraph 8 below are applied.

4173 8. In the event that an aggrieved party wishes to appeal a planning commission decision  
4174 for approval, approval with modifications or disapproval of a final development plan,  
4175 such appeal shall be filed with the town council within ten days after the decision by  
4176 the commission. The appeal shall be written by petition to the council setting forth the  
4177 reasons for the appeal. The basis for an appeal shall be that the final development plan  
4178 is or is not in substantial conformity with the approved conceptual development plan.

4179 9. Once a final development plan has been approved, and there is cause for amendment  
4180 of the same, such amendment shall be processed as follows:

4181 a. Upon a determination by the zoning administrator that the amendment will result  
4182 in a final development plan which is still in accordance with the approved  
4183 conceptual development plan, then such amendment shall be processed according  
4184 with the provisions of this section.

4185 b. Upon a determination by the zoning administrator that the amendment will cause  
4186 the final development plan to not be in conformance with the approved conceptual  
4187 development plan, then an amendment to the conceptual development plan shall  
4188 be required in accordance with the provisions in Section 6.1: Conceptual  
4189 Development Plan Approval~~paragraph 5.1(11)~~ above. The amendment to the final  
4190 development plan shall also be the subject of review by the planning commission  
4191 in accordance with the provisions of this section.

4192 c. The zoning administrator may waive any submission requirement if such  
4193 requirement is not necessary for an adequate review of the final development plan  
4194 amendment application.

4195 d. An amendment may be filed by an owner or individual property.

4196 6.3 Site plan/subdivision plat preparation and permit requirements.

4197 Approval of a final development plan shall be a prerequisite and shall constitute authority for  
4198 the applicant to prepare a site plan or subdivision plat. Approval of site plans or subdivision  
4199 plats, issuance of zoning permits and occupancy permits shall be in substantial conformance  
4200 with the final development plan, and in conformance with the provisions of this ordinance and  
4201 the land development and subdivision control ordinance and the following:

4202 1. Separate site plans or subdivision plats shall be submitted for each section of the planned  
4203 development in accordance with the approved final development plan.

4204 2. When a planned development is to be constructed in sections, the total area of open space  
4205 provided at any stage of development shall bear substantially the same relationships to the  
4206 total open space to be provided in the entire planned development as the sections  
4207 completed or under development bear to the entire planned development.

4208 3. Minor deviations from the provisions of this ordinance and the land development and  
4209 subdivision control ordinance may be permitted, but only where such deviations are  
4210 indicated on the approved final development plan.

4211 4. Minor modifications to an approved final development plan may be permitted when it is  
4212 determined by the zoning administrator that such are in substantial conformance with the  
4213 approved final development plan and that such modifications are precipitated by  
4214 topographical concerns, drainage concerns, underground utilities, structural safety, layout  
4215 design, vehicular circulation e.g. requirements of the Virginia Department of  
4216 Transportation, Loudoun County or the Town of Purcellville or are accessory uses or  
4217 accessory structures or minor building additions as provided for in paragraph f. below. In  
4218 no event shall such modifications:

4219 a. Permit a more intensive use than that approved pursuant to the approved conceptual  
4220 development plan, final development plan, or any applicable proffers or development  
4221 conditions; or

4222 b. Result in an increased parking requirement, except for any additional parking which  
4223 may be required for any building additions or modifications permitted under  
4224 paragraph f. below; or

4225 c. Permit additional uses other than those approved pursuant to the final development  
4226 plan, except that accessory uses in accordance with this paragraph may be permitted;  
4227 or

4228 d. Reduce the effectiveness of approved transitional screening, buffering, landscaping or  
4229 open space; or

4230 e. Permit changes to bulk, mass, orientation or location which adversely impact the  
4231 relationship of the development or part thereof to adjacent property; or

4232 f. Include the addition of any building or additions to buildings, except that accessory  
4233 structures clearly subordinate to the use and minor additions to buildings may be  
4234 permitted, provided that the sum total of all such structures or additions shall not  
4235 exceed the following:

4236 i. In a building containing less than 50,000 square feet of gross floor area, five  
4237 percent of the approved gross floor area or 250 square feet of gross floor area,  
4238 whichever is less; or

- 4239                   ii. In a building containing 50,000 square feet of gross floor area or more, 0.5 percent
- 4240                   of the approved gross floor area; or
- 4241                   iii. The land area designated for commercial uses in the PDH district; or
- 4242                   iv. The maximum permitted density.

4243           5. Any request for a ~~an modification addition~~ shall require the provision of written notice by the

4244           requester in accordance with the following:

- 4245           a. The notice shall include the letter of request with all attachments as submitted to the
- 4246           zoning administrator, a statement that the request has been submitted, and where to
- 4247           call for additional information; and
- 4248           b. The notice shall be sent to the last known address of the owners, as shown in the real
- 4249           estate assessment files, of all property abutting and across the street from the site, or
- 4250           portion thereof, which is the subject of the request, and shall be delivered by hand or
- 4251           sent by certified mail, return receipt requested.

4252           The request for a ~~an modification addition~~ submitted to the zoning administrator shall include: an

4253           affidavit from the requester affirming that the required notice has been provided in accordance

4254           with the above; the date that the notice was delivered or sent; the names and addresses of all

4255           persons notified; and the tax map references for all parcels notified. No request for a ~~an~~

4256           ~~modification addition~~ shall be considered by the zoning administrator unless the affidavit has

4257           been provided in accordance with this paragraph.

4258           When it is determined by the zoning administrator that a modification is not in substantial

4259           conformance with the ~~approved improved~~ final development plan, such modification shall

4260           require the resubmission and amendment of the final development plan in accordance with the

4261           procedures set forth in ~~Section 6.2: Final Development Plan Approval~~~~section 5.2~~ above.

4262           6. Alterations to any single-family dwelling shall be governed by the regulations of the R

4263           district most closely characterizing the residential design as determined by the zoning

4264           administrator.

4265           **Section 7. - Development plans, standards for all PDH districts. ~~(Amended 2/13/96)~~**

4266           *7.1 General standards.*

4267           No application shall be approved for a planned development under the provisions of ~~Article 4:~~

4268           ~~District Regulations~~~~article 4~~ unless the planned development satisfies the following general

4269           standards:

- 4270           1. The planned development shall substantially conform to the adopted comprehensive plan
- 4271           with respect to type, character and intensity of use and public facilities. Residential planned
- 4272           developments shall not exceed the density permitted by the adopted comprehensive plan,
- 4273           except as expressly permitted under applicable density bonus provisions.
- 4274           2. The planned development shall be of such design that it will result in a development
- 4275           achieving the stated purpose of the planned development district more than would
- 4276           development under a conventional zoning district.
- 4277           3. The planned development shall efficiently utilize the available land, and shall protect and
- 4278           preserve to the extent possible all scenic assets and natural features such as trees, streams
- 4279           and topographic features.

- 4280 4. The planned development shall be designed to prevent substantial injury to the use and  
4281 value of existing surrounding development, and shall not hinder, deter or impede  
4282 development of surrounding undeveloped properties in accordance with the adopted  
4283 comprehensive plan.
- 4284 5. The planned development shall be located in an area in which transportation, police and  
4285 fire protection, other public facilities and public utilities, including sewerage, are or will be  
4286 available and adequate for the uses proposed, provided, however, that the applicant may  
4287 make provision for such facilities or utilities which are not presently available.

4288 *7.2 Design standards.*

4289 Whereas it is the intent to allow flexibility in the design of all planned developments, it is deemed  
4290 necessary to establish standards by which to evaluate good design. To satisfy this necessity, the  
4291 following design standards are set forth for general application in all planned developments:

- 4292 1. In order to complement development on adjacent properties, at all peripheral lot lines the  
4293 bulk regulations and landscaping and screening provisions shall generally conform to the  
4294 provisions of *Article 7: Landscaping, Buffering, and Open Space Regulations* ~~article 7 of this~~  
4295 ~~ordinance.~~
- 4296 2. Other than those regulations specifically set forth in *Article 4: District Regulations* ~~article 4~~  
4297 for a particular P district, the open space, off-street parking, loading, sign and all other  
4298 similar regulations set forth in this ordinance shall have general application in all planned  
4299 districts.
- 4300 3. Street and driveways shall be designed to generally conform to the provisions set forth in  
4301 this ordinance and all other town ordinances, the facilities standards manual and other  
4302 regulations controlling same, and where applicable, street systems shall be designed to  
4303 afford convenient access to existing and planned transportation facilities.
- 4304 4. Within planned developments, particular emphasis shall be placed on the provision of  
4305 recreational amenities and a comprehensive system of pedestrian, bicycle and/or bridle  
4306 paths which shall be carefully coordinated with the provision of open spaces, public  
4307 facilities, vehicular access routes and planned transportation facilities.

4308 **Section 8. - Submission requirements for PDH districts. (Amended 2/13/96)**

4309 *8.1 Conceptual development plan.*

4310 In addition to the requirements for a rezoning application, a conceptual development plan,  
4311 including any resubmissions and supporting graphics, shall be filed with the zoning  
4312 administrator. The submission shall consist of 14 copies and shall contain the information listed  
4313 below. All maps or plans submitted as part of a conceptual development plan shall be presented  
4314 on a sheet having a maximum size of 24 inches by 36 inches. If presented on more than one sheet,  
4315 match lines shall indicate where the several sheets join. One 8 1/2-by-11-inch reduction of the  
4316 conceptual development plan and supporting graphics shall also be submitted. All submission  
4317 requirements shall become the property of the town.

- 4318 1. A plan, at a scale of not less than one inch equals 100 feet, showing:
  - 4319 a. A vicinity map at a scale of not less than one inch equals 2,000 feet.
  - 4320 b. A statement which confirms the ownership of the subject property, and the nature of  
4321 the applicant's interest in same.

- 4322 c. Existing topography with a maximum contour interval of five feet and a statement  
4323 indicating whether it is air survey or field run.
- 4324 d. Scale and north arrow, with north, to the extent feasible, oriented to the top of all  
4325 drawings.
- 4326 e. Except for single-family detached dwellings, the approximate location and  
4327 arrangement of all proposed structures and uses to include the maximum height in feet  
4328 of all structures and penthouses, and a graphic depiction of the structures and their  
4329 relationship to property boundaries.
- 4330 f. The proposed traffic circulation plan, including major streets and major pedestrian,  
4331 bike and/or bridle paths, and the location of all trails required by the adopted  
4332 comprehensive plan.
- 4333 g. All proposed major open space areas and the approximate location of all proposed  
4334 community and public facilities.
- 4335 h. A schedule showing the number of parking spaces provided and the number required.
- 4336 i. Any proposed improvements to the public right(s)-of-way and delineation of the  
4337 existing centerline of all streets abutting the property, including dimensions from the  
4338 existing centerline to the edge of the pavement and the edge of the right-of-way.
- 4339 j. Approximate delineation of any floodplain designated by the Federal Insurance  
4340 Administration, U.S. Geological Survey or the Federal Emergency Management Agency  
4341 (FEMA).
- 4342 k. A delineation of existing vegetation, to include existing vegetation to be preserved.
- 4343 l. Approximate location and estimated size of all proposed storm water management  
4344 facilities and a statement as to the type of facility proposed.
- 4345 m. The location of all existing utility easements having a width of 25 feet or more.
- 4346 n. A delineation of those general areas that have scenic assets or natural features  
4347 deserving of protection and preservation, and a statement of how much will be  
4348 accomplished.
- 4349 o. Approximate delineation of any grave, object or structure marking a place of burial if  
4350 known, and a statement indicating how the proposed development will impact the  
4351 burial site.
- 4352 p. A statement explaining the relationship of the planned development to the adopted  
4353 comprehensive plan for the town and the urban growth area.
- 4354 q. A statement or visual presentation of how adjacent and neighboring properties shall  
4355 be protected from any adverse effects prompted by the proposed development, to  
4356 include vehicular access plans, proposed measures of screening, and dimensions of all  
4357 peripheral yards that will be provided.
- 4358 r. A delineation of all existing structures, and an indication of their date of construction if  
4359 known, and whether they will be retained or demolished.
- 4360 s. A statement setting forth the maximum gross floor area (FAR) and FAR proposed for  
4361 all uses other than residential.

- 4362 t. A statement or presentation setting forth the maximum number of dwelling units  
4363 proposed, to include the density calculations based on the provisions of Article 4,  
4364 Section 12: PDH Planned Development Housing District~~article 4, section 12~~, those units  
4365 obtained by bonus provisions, and a breakdown of the approximate number of units by  
4366 type and the range of approximate lot sizes for single-family detached dwellings.
- 4367 u. A statement or presentation of the open space calculations based on the provisions of  
4368 Article 4, Section 12: PDH Planned Development Housing District~~article 4, section 12~~.
- 4369 v. A statement that the proposed development conforms to the provisions of all  
4370 applicable ordinances, regulations and adopted standards, or if any waiver, exception  
4371 or variance is sought by the applicant, such shall be specifically noted along with the a  
4372 statement of justification for the request~~modification~~. If the proposal includes the  
4373 request for a waiver of the yard regulations for yards abutting certain principal arterial  
4374 highways and railroad tracks, a study showing projected noise impacts, proposed  
4375 mitigation measures and effectiveness of such measures shall be submitted.
- 4376 w. A statement of those special amenities that shall be provided within the planned  
4377 development.
- 4378 x. A statement setting forth the proposed approximate development schedule.
- 4379 2. For the residential component of an application, four copies of a map identifying  
4380 classification of soil types at a scale of not less than one inch equals 500 feet, based upon  
4381 County of Loudoun Soils Identification maps or, if not mapped, based upon soils identified  
4382 by the agricultural agent or private survey.
- 4383 3. A statement of the public improvements, both on-site and off-site, that are proposed for  
4384 dedication and/or construction, and an estimate of the timing of providing such  
4385 improvements.
- 4386 4. A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of  
4387 Federal Regulations Parts 116.4, 302.4 and 355; all hazardous waste as set forth in the  
4388 Commonwealth of Virginia/Department of Waste Management VR672-10-1, Virginia  
4389 Hazardous Waste Management Regulations; and/or petroleum products as defined in Title  
4390 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or  
4391 disposed of on-site and the size and contents of any existing or proposed storage tanks or  
4392 containers.
- 4393 5. Where applicable, any other information as may be required by the regulations of the town.  
4394 The sheet size and scale of a conceptual development plan may be modified by the zoning  
4395 administrator, based on the nature and/or size of the application.

4396 *8.2 Final development plan.*

4397 Fourteen copies of a final development plan prepared in accordance with the approved  
4398 conceptual development plan shall be filed with the zoning administrator, including any  
4399 resubmissions of the plan and supporting graphics. All maps, plans, sketches and illustrations  
4400 submitted as part of a final development plan shall be presented on a sheet having a maximum  
4401 size of 24 inches by 36 inches. If presented on more than one sheet, match joint lines shall clearly  
4402 indicate where the several sheets join. One 8 1/2-by-11-inch reduction of the final development  
4403 plan and supporting graphics shall also be submitted. All submissions shall become the property  
4404 of the town. Such plan shall contain the following:

- 4405 1. A final plan, at a scale of not less than one inch equals 100 feet, showing:
- 4406 a. A vicinity map at a scale of not less than one inch equals 1,000 feet.
- 4407 b. Bearings and distances of the perimeter property lines.
- 4408 c. Total area of property presented in square feet or acres.
- 4409 d. Scale and north arrow, with north, to the extent feasible, oriented to the top of all
- 4410 drawings.
- 4411 e. Names and route numbers of boundary streets and the width of existing right(s)-of-
- 4412 way. Any proposed improvements to the public right(s)-of-way and delineation of the
- 4413 existing centerline of all street abutting the property, including dimensions from the
- 4414 existing centerline to the edge of the pavement and to the edge of the right-of-way.
- 4415 f. Existing topography and a statement indicating whether it is air survey or field run,
- 4416 with a maximum contour interval of two feet; except where existing ground is on a
- 4417 slope of less than two percent, then either one-foot contours or spot elevations shall be
- 4418 provided where necessary, but not more than 50 feet apart in both directions.
- 4419 g. The location and arrangement of all proposed uses, including a preliminary subdivision
- 4420 plan, if a subdivision is proposed.
- 4421 h. For other than single-family **detached** dwellings, the maximum height in feet, to include
- 4422 penthouses, of all buildings and the number of floors both above and below or partially
- 4423 below finished grade.
- 4424 i. The distance of all structures from the development boundaries and streets.
- 4425 j. The traffic circulation system and the pedestrian circulation system, including the
- 4426 location and width of all streets, driveways, entrances to parking areas and parking
- 4427 structures, walkways, bicycle paths and/or bridle paths, and all trails required by the
- 4428 adopted comprehensive plan.
- 4429 k. The off-street parking and loading areas and structures.
- 4430 l. The open space areas, specifying the proposed treatment or improvement of all such
- 4431 areas and delineating the type and height of such screening, and a delineation of
- 4432 existing vegetation, to include existing vegetation to be preserved.
- 4433 m. A landscape plan showing the limits of clearing, location and design of all screening
- 4434 measures, indicating the type and height of such screening, and a delineation of existing
- 4435 vegetation, to include existing vegetation to be preserved.
- 4436 n. Approximate delineation of any grave, object or structure marking a burial site if
- 4437 known, and a statement indicating how the proposed development will impact the
- 4438 burial site.
- 4439 o. A plan or statement showing how public utilities are, or will be, provided.
- 4440 p. Approximate location and estimated size of all proposed storm water management
- 4441 facilities, a preliminary storm drainage plan, including information with respect to the
- 4442 type of facility proposed and the adequacy of downstream drainage improvements.
- 4443 q. The location of all existing utility easements having a width of 25 feet or more.

- 4444 r. Approximate delineation of any floodplain designated by the Federal Insurance  
4445 Administration, U.S. Geological Survey or the Federal Emergency Management Agency  
4446 (FEMA).
- 4447 s. When the development is to be constructed in sections, a final sequence of  
4448 development schedule showing ~~in~~ ~~the~~ order of construction of such sections, and an  
4449 approximate completion date for the construction of each section.
- 4450 2. A final statement in tabular form which sets forth the following data, when such data is  
4451 applicable to a given development plan:
- 4452 a. Total number of dwelling units by type.
- 4453 b. Residential density in units per acre.
- 4454 c. Total floor area ratio (FAR) for each type of use, except residential uses.
- 4455 d. Total area in open space.
- 4456 e. Total area in developed recreational open space.
- 4457 f. Total number of off-street parking and loading spaces.
- 4458 g. Amount of density or floor area applied for under the bonus provisions, and the  
4459 calculations supporting the specific development provisions giving rise to such bonus  
4460 application.
- 4461 3. For the residential component of an application, four copies of a map identifying  
4462 classifications of soil types at a scale of not less than one inch equals 500 feet, based upon  
4463 County of Loudoun Soils Identification maps, or not mapped, based upon soils identified by  
4464 the agricultural agent or private survey.
- 4465 4. Architectural sketches, if available, of typical proposed structures, including lighting  
4466 fixtures and signs.
- 4467 5. A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of  
4468 Federal Regulations Parts 116.4, 302.4 and 355; all hazardous waste as set forth in the  
4469 Commonwealth of Virginia/Department of Waste Management VR672-10-1, Virginia  
4470 Hazardous Waste Management Regulations; and/or petroleum products as defined in Title  
4471 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or  
4472 disposed of on-site and the size and contents of any existing or proposed storage tanks or  
4473 containers.
- 4474 6. A statement that the proposed development conforms to the provisions of all applicable  
4475 ordinances, regulations and adopted standards, or, if any waiver, exception or variance is  
4476 sought by the applicant, such shall be specifically noted with the justification for such  
4477 modification.
- 4478 7. Where applicable, any other information as may be required by the regulations of the town.
- 4479 The sheet size and scale of a final development plan may be modified by the zoning  
4480 administrator, based upon the nature and/or size of the application.

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4483 **ARTICLE 15. - DEFINITIONS**

4484 **Section 1. - General rules of construction.**

4485 The following general rules of construction shall apply to the regulations of this ordinance:

- 4486 1. The singular number includes the plural and the plural the singular, unless the context
- 4487 clearly indicates the contrary.
- 4488 2. Words used in the present tense include the past and future tenses, and the future the
- 4489 present.
- 4490 3. The word "shall" is always mandatory. The word "may" is permissive.
- 4491 4. The word "building" or "structure" includes any part thereof, and the word "building"
- 4492 includes the word "structure."
- 4493 5. Words and terms not defined herein shall be interpreted in accordance with their normal
- 4494 dictionary meaning and customary usage. The zoning administrator has authority to
- 4495 interpret the meaning of all words and terms in this ordinance.
- 4496 6. The terms "main" and "principal" as used herein are synonymous.

4497 (Revised 9/14/04)

4498 **Section 2. - Definitions.**

4499 For the purpose of this ordinance, certain terms and words are hereby defined:

4500 Accessory automated teller machine (ATM). See Automated teller machine (ATM), accessory.

4501 *Accessory building.* An accessory building is a subordinate building or a portion of the main  
4502 building, the use of which is clearly incidental to or customarily found in connection with, and (except  
4503 as otherwise provided in this ordinance) located on the same lot as the main building or principal  
4504 use of the land.

4505 Accessory dwelling. See Dwelling, accessory.

4506 *Accessory dwelling unit.* ~~See Dwelling, accessory. A subordinate dwelling unit in a main building~~  
4507 ~~or accessory building as approved by the board of zoning appeals under article 9. This includes~~  
4508 ~~servants or caretakers quarters and guest houses. (Revised 4/14/92)~~

4509 Accessory fuel pump. See Fuel pump, accessory.

4510 Accessory retail sales. See Retail sales, accessory.

4511 *Accessory use.* An accessory use is one which is clearly incidental to or customarily found in  
4512 connection with, and (except as otherwise provided in this ordinance) is located on the same lot as  
4513 the principal use of the premises. (Revised 9/14/04)

4514 *Administrator.* The zoning administrator of the Town of Purcellville.

4515 *Adult care center.* A ~~licensed non-residential~~ facility licensed by the Virginia Department of Social  
4516 Services that provides supplementary care and protection during only a part of the day to four or  
4517 more aged, infirm or disabled adults who reside elsewhere, except (i) a facility or portion of a facility  
4518 licensed by the State Board of Health or the Department of Behavioral Health and Developmental

4519 ~~Mental Health, Mental Retardation and Substance Abuse~~ Services, and (ii) the home or residence of  
4520 an individual who cares for only persons related to him by blood or marriage. Included in this  
4521 definition are any two or more places, establishments or institutions owned, operated or controlled  
4522 by a single entity and providing such supplementary care and protection to a combined total of four  
4523 or more aged, infirm or disabled adults. ~~(Ord. No. 08-08-03, § V, 8-12-2008)~~

4524 Agricultural operation. Any operation devoted to the bona fide production of crops, or animals,  
4525 or fowl, including the production of fruits and vegetables of all kinds; meat, dairy, and poultry  
4526 products; nuts, tobacco, nursery, and floral products; and the production and harvest of products  
4527 from silviculture activity.

4528 Agricultural products. Any livestock, aquaculture, poultry, horticultural, floricultural, viticulture,  
4529 silvicultural, or other farm crops.

4530 Agriculture/horticulture. The use of land for an *Agricultural operation* and/or the bona fide  
4531 production or harvesting of *Agricultural products*. This term does not include the above ground  
4532 application or storage of sewage sludge, the storage or disposal of nonagricultural excavation  
4533 material, waste and debris if the excavation material, waste and debris are not generated on the farm,  
4534 or the processing of *Agricultural products* or the products of an *Agricultural operation*, including, but  
4535 not limited to, the slaughtering or processing of animals.

4536 *Alley.* A public or private way less than 30 feet in width and affording secondary means of access  
4537 to abutting property.

4538 *Alteration.* (See structural alteration.)

4539 Amphitheater. An outdoor area, which may be partially enclosed or covered, devoted to  
4540 dramatic, dance, musical, or other live performances, although incidental use for private meetings,  
4541 exhibits, and presentations shall be permitted.

4542 *Apartment.* ~~See Dwelling, apartment.~~ A part of a building containing cooking and housekeeping  
4543 facilities, consisting of a room or suite of rooms intended, designed, and used as a residence by an  
4544 individual or a single family; a building is an apartment building if it contains three or more such  
4545 apartment units, that are not in a townhouse configuration. (Revised 9/14/04)

4546 Assisted living facility. A residential facility, licensed by the Virginia Department of Social  
4547 Services, in which aged, infirm or disabled persons reside, with one or more resident or nonresident  
4548 staff persons, which provides or coordinates personal and health care services, 24-hour supervision  
4549 and general assistance with the activities of daily living for its residents.

4550 Attached communications tower. See *Communications tower*.

4551 Attached dwelling. See *Dwelling, single-family attached*.

4552 Auction house. A structure or enclosure where goods are stored with the intent of being sold by  
4553 auction to the highest bidder.

4554 Automated teller machine (ATM), accessory. A mechanized consumer banking device operated  
4555 by a financial institution for the convenience of its customer located on a lot or within a building  
4556 containing another use.

4557 *Automobile, salvage or wrecking yard.* A junk yard consisting of that part of a lot not enclosed by  
4558 a building, which is used for the storage or dismantling of damaged, inoperative, or obsolete vehicles  
4559 or for the sale of such vehicles or of the salvaged parts there from.

4560 ~~*Automotive service station.* Buildings and premises, including not more than three interior~~  
4561 ~~service stalls, wherein the primary use is the supply and dispensation at retail of motor vehicle fuel,~~

4562 ~~oil, batteries, tires and motor vehicle accessories, and where, in addition, the minor maintenance~~  
4563 ~~services may be rendered and sales made, such as lubrication, brake repair, muffler replacement,~~  
4564 ~~washing and polishing and the like; and sales of cold drinks, packaged foods and similar convenience~~  
4565 ~~items, but only when such sales are conducted inside the principal building as accessory and~~  
4566 ~~incidental to the primary use. Permissible uses do not include major mechanical and body work,~~  
4567 ~~painting, welding or other work involving noise, glare, fumes, smoke or other impacts to an extent~~  
4568 ~~greater than normally found at service stations. (Adopted 9/14/04)~~

4569 ~~*Automobile or truck sales, service, and repair, including body or fender repair, but not auto salvage*~~  
4570 ~~*or junk. Buildings and premises, including interior service stalls, wherein the primary use is*~~  
4571 ~~*automobile or truck sales, service, and repair, including body or fender repair with no sales of*~~  
4572 ~~*packaged foods or similar convenience items. (Adopted 9/14/04)*~~

4573 ~~*Automobile or truck parts sales, wholesale, but not junk. A commercial wholesale establishment*~~  
4574 ~~*of which the principal use is sales of automobile and/or truck parts but not repair or maintenance*~~  
4575 ~~*services or fuel sales. (Adopted 9/14/04)*~~

4576 ~~*Automobile storage lot, new or used cars, but not storage or sale of junk. A place in which operable*~~  
4577 ~~*autos or light trucks and vans are stored pending sale or repair; an adjunct use to an existing auto*~~  
4578 ~~*sales or service use located adjacent. (Adopted 9/14/04)*~~

4579 ~~*Automobile used car lot, or used truck sales. A commercial retail establishment of which the*~~  
4580 ~~*principal use is sales of used automobiles, light trucks and/or vans, but no repair or maintenance*~~  
4581 ~~*services or fuel sales is available to the public. (Adopted 9/14/04)*~~

4582 ~~*Automotive service station. See Fueling station.*~~

4583 ~~*Bakery, retail. A commercial retail establishment that prepares baked goods for retail sales on*~~  
4584 ~~*site, and may include sit-down eating space as a subordinate, accessory use. (Adopted 9/14/04)*~~

4585 ~~*Basement. That portion of a building between the floor and ceiling which is wholly or partly*~~  
4586 ~~*underground and having more than one-half of its height below grade.*~~

4587 ~~*Bed and breakfast. A ~~structure or~~ building containing a maximum of ~~three~~ four guest rooms,*~~  
4588 ~~*having sleeping and eating accommodations ~~for not more than six overnight guests for compensation~~*~~  
4589 ~~*where short-term lodging of no more than 14 days is provided, with or without meals, for*~~  
4590 ~~*compensation, and in which meals may be provided to guests only, and which is operated in*~~  
4591 ~~*accordance with all pertinent town code requirements. May be an accessory use within a Single-*~~  
4592 ~~*family detached dwelling or Single-family detached farmhouse dwelling as allowed by the use*~~  
4593 ~~*regulations of a zoning district. (Revised 9/14/04)*~~

4594 ~~*Block. That property fronting on one side of a street or road and lying between two intersecting*~~  
4595 ~~*streets or roads or otherwise limited by a right-of-way, a waterway, an un-subdivided tract or any*~~  
4596 ~~*other physical barrier of such nature as to interrupt the continuity of development.*~~

4597 ~~*Board. The board of zoning appeals of the Town of Purcellville.*~~

4598 ~~*Boardinghouse. (See roominghouse.)*~~

4599 ~~*Boat and boat trailer sales and storage. Buildings and premises, including interior service stalls,*~~  
4600 ~~*wherein the primary use is boat and boat trailer sales and storage, with no sales of packaged foods*~~  
4601 ~~*or similar convenience items. (Adopted 9/14/04)*~~

4602 ~~*Brewery, winery or distillery. A facility wherein the primary use is the making of beer, wine or*~~  
4603 ~~*liquor that is open to the public for tours and tastings.*~~

4604 *Bufferyard.* Land area used to separate one use from another to absorb runoff or shield from  
4605 dust, noise, lights or other such effects and to provide space for screening, all in accordance with the  
4606 requirements of this ordinance.

4607 *Buildable area.* The area of that part of the lot not included within the yards or open spaces  
4608 herein required.

4609 *Buildable width.* The width of that part of a lot not included within the open spaces and yards  
4610 herein required.

4611 *Building.* Any structure permanently affixed to a lot or lots and having a roof supported by  
4612 columns or walls, for the housing or enclosure of persons, animals, or property of any kind.

4613 *Building, completely enclosed.* Any building having no outside openings other than ordinary  
4614 doors, windows, and ventilators.

4615 *Building, height of.* The vertical distance from the average finished grade or from the average  
4616 level of the finished grade at the front building line, if higher, to the highest point of the coping of a  
4617 flat roof, or to the deck line or highest point of coping or parapet of a mansard roof, or to the mean  
4618 height level between eaves and ridge for gable, hip, shed, and gambrel roofs. When the highest wall  
4619 of a building with a shed roof is within 35 feet of a street, the height of such building shall be measured  
4620 to the highest point of coping or parapet.

4621 *Building, main.* The principal building or one of the principal buildings on a lot, or the building  
4622 or one of the principal buildings housing the principal use on the lot.

4623 *Building setback line.* A line within a lot between which line and the street line of any abutting  
4624 street no building or structure may be erected.

4625 *Bulk.* A term used in this ordinance to describe the size and shape of a building or structure and  
4626 its relationship to other buildings, to the lot area for a building, and to open spaces and yards.

4627 *Bus depot and maintenance facility.* A facility for the temporary storage and maintenance of  
4628 public and/or private buses; not an *Automobile, salvage or wrecking yard or Junk yard or automobile*  
4629 *graveyard.*

4630 *Bus shelter.* A small, roofed structure, usually having three walls, located near a street and  
4631 designed primarily for the protection and convenience of bus passengers.

4632 ~~*Business or technical school.* A facility that provides training for employment in business skills~~  
4633 ~~such as clerical, computers, data processing and the like, or in trades such as construction skills and~~  
4634 ~~the like. (Adopted 9/14/04)~~

4635 ~~*Car wash* *Car wash or automobile laundry, automatic, or attended, or self service.* An~~  
4636 ~~establishment for the washing and cleaning of automobiles and light trucks or vans; does not include~~  
4637 ~~repair services, vehicle storage or sales of any convenience goods. (Adopted 9/14/04)~~

4638 *Catering.* A service ~~establishment facility~~ in which food is prepared and delivered to off-site  
4639 locations for serving; may be an accessory use to an *Eating establishment, restaurant or eating*  
4640 *establishment.* (Adopted 9/14/04)

4641 *Cellar.* A story entirely underground or partly underground, with at least one-half of its height  
4642 below grade.

4643 *Cemetery.* Any land or structure used or intended to be used for the interment of human remains,  
4644 excluding crematories and funeral homes.

4645 *Child care, commercial-center.* An ~~licensed~~ establishment licensed by the Virginia Department of  
4646 Social Services which offers care, protection, ~~and supervision and/or education outside of a~~  
4647 residential dwelling for compensation to ~~six or more than nine~~ children at a time during any 24-hour  
4648 period, and then only for part of any 24 hour day. A commercial child care establishment shall not be  
4649 located within a residential dwelling or on a residential lot, but when allowed by the use regulations  
4650 of a zoning district, such establishment ~~child-care-center~~ may include a Private school ~~nursery schools,~~  
4651 ~~kindergartens~~ or other facilities ~~ies~~ for which the purpose is primarily educational, recreational, or  
4652 therapeutic treatments as an accessory use.

4653 *Child care, residential.* A program conducted within a residential dwelling which offers care,  
4654 protection, supervision, and/or education to less than six children, exclusive of the provider's own  
4655 children and any children who reside in the home, at a time during any 24-hour period, and then only  
4656 for part of any 24 hour day, for compensation or otherwise.

4657 *Churches and or other places of worship.* A building or structure, or group of buildings or  
4658 structures, which are primarily intended for the conducting of organized religious services and  
4659 accessory uses associated therewith, including any building used for religious services by any  
4660 denomination; ~~day-child care and or educational uses, are not part of the definition of a church unless~~  
4661 ~~other than those~~ conducted in conjunction with worship services or as allowed by the use regulations  
4662 of a zoning district. ~~, are not part of the definition of a church. (Adopted 4/14/92 and Revised~~  
4663 ~~9/14/04)~~

4664 *Clinic, urgent care.* An establishment staffed by medical professionals exclusively for short-term  
4665 treatment of injury or illness where patients ~~who~~ are not lodged overnight ~~are admitted for~~  
4666 ~~examination or treatment by physicians or dentists.~~

4667 *Club, private.* See Private club. (See Private club) (Revised 9/14/04)

4668 ~~*Coin-operated and vending machines for food, tobacco, ice, soft drinks, and sundries inside a*~~  
4669 ~~*building and for the use of occupants thereof.*~~ Automatic vending machines that dispense food, tobacco,  
4670 ice, soft drinks, and sundries, located inside the building. May be designed to accept all forms of cash  
4671 or credit cards. ~~(Adopted 9/14/04)~~

4672 *Colleges or universityies.* An institute of higher education authorized or accredited to award  
4673 advanced degrees, which may include on-site student, faculty and/or employee housing facilities.  
4674 ~~(Adopted 9/14/04)~~

4675 *Commercial recreation facility, indoor.* Any enclosed or semi-enclosed establishment operated as  
4676 a ~~commercial enterprise (open to the public for a fee) in which are conducted recreational,~~  
4677 ~~therapeutic or athletic activities, whether or not under instruction, such as but not limited to: tennis,~~  
4678 ~~volleyball and other court games; soccer and lacrosse; swimming; gymnastics, dance, miniature golf,~~  
4679 ~~cultural activities, martial arts, archery, roller or ice skating, skateboarding, swimming, and activities~~  
4680 ~~incidental to the foregoing, but not including amusement rides or regular live entertainment.~~  
4681 ~~Incidental office, retail, and other commercial uses commonly established in such facilities shall be~~  
4682 ~~allowed as long as they are clearly accessory to and only serve the users of the principal facility.~~  
4683 ~~(Adopted 9/14/04; Ord. No. 05-05-04, § III, 5-10-2005)~~

4684 *Commercial recreation facility, outdoor.* Any outdoor establishment operated as a commercial  
4685 enterprise (open to the public for a fee) for the following activities: games and athletics, batting and  
4686 pitching cages, darts, hard and soft courts, miniature golf, radio-controlled vehicles and airplanes,  
4687 pony rides, waterslides, cultural activities, martial arts, archery, camping, roller or ice skating rinks,  
4688 skateboarding, picnicking, boating, fishing, swimming, golf driving ranges, and activities incidental to  
4689 the foregoing, but not including amusement rides, amusement parks, golf courses, hunting preserves,  
4690 shooting ranges, theme parks or motor vehicle race tracks. ~~(Adopted 9/14/04)~~

4691 Commercial child care. See Child care, commercial.

4692 Commercial equestrian facility. See Equestrian facility, commercial.

4693 Commercial indoor recreation facility. See Recreation facility, commercial indoor.

4694 Commercial outdoor recreation facility. See Recreation facility, commercial outdoor.

4695 Commercial uses of greater than 10,000 square feet. Retail establishments are buildings for Any  
4696 use, otherwise listed as a permitted use within a zoning district, involving the display and sale of  
4697 merchandise at retail or for the rendering of personal services (but specifically exclusive of coal,  
4698 wood and lumber yards); when such use has a floor area of greater than 10,000 square feet. This  
4699 term includes, but is not limited to, such as the following uses which will serve as illustration:  
4700 Construction/landscaping equipment and supply sales and service; Convenience store; Farm equipment  
4701 & supply sales and service; Food processing, retail; Personal services establishment; and Retail sales,  
4702 general. drugstore, news stand, food store, candy shop, antique store, gift shop, hardware store,  
4703 household appliance store, furniture store, florist, optician, music store, tailor shop, barbershop and  
4704 beauty shop; wholesale establishments are business establishments that sell merchandize in bulk to  
4705 large scale buyers, usually other businesses, for the purpose of later retail distribution to the resident  
4706 population, businesses and/or to tourists. (Adopted 9/14/04)

4707 *Commission.* The planning commission of the Town of Purcellville, Virginia.

4708 Communications tower.

4709 Communications tower, attached: Any communications antenna which is placed on an existing  
4710 building or other non-communications structure, and increasing the height of the existing  
4711 structure by not more than ten feet.

4712 Communications tower, free-standing: An independent structure of skeletal framework or a pole,  
4713 guyed or self-supporting, used to support antennas. Guy wire, framework and other stabilizing  
4714 devices are considered part of the structure of the tower.

4715 Community or cultural facility. A facility typically engaged in nonprofit or quasi-public use for a  
4716 public purpose, such as a community center, cultural center, museums senior center and the like.

4717 Community garden. A public facility for the cultivation of fruits, vegetables or flowers by more  
4718 than one person or family.

4719 Commuter parking lot. See Parking lot, commuter.

4720 *Concept plan.* Part of a special use permit application, prepared in accordance with *Article 8,*  
4721 *Section 1: Special Use Permit of this ordinance*, which may consist of visual and written representation  
4722 depicting a layout and/or design of a proposed development. Once approved through the legislative  
4723 process, this document becomes binding on the developer and his successors in interests. (~~Ord. No.~~  
4724 ~~08-08-06, § IV, 8-12-2008~~)

4725 Concrete plant. A plant for the manufacture or mixing of concrete, cement and concrete and  
4726 cement products, including any apparatus and uses incidental to such manufacturing and mixing.

4727 *Condominium.* Real property and any incidentals thereto or interests therein which have been  
4728 or are to be lawfully established as such under the Virginia Condominium Act.

4729 Conservancy subdivision. A single-family residential development in which the residential lots  
4730 are clustered together on a portion of the tract, leaving the largest portion of the tract in permanent  
4731 open space. A conservancy subdivision may include the following categories of land:

- 4732 a. Single-family lots: Smaller residential lots located in a contiguous grouping oriented along a  
4733 street or a green.
- 4734 b. Conservancy lots: Larger residential lots containing a designated building area with the  
4735 remainder designated as permanent open space.
- 4736 c. Open space: Land permanently preserved through an open space easement designated as  
4737 greenbelt open space, conservancy open space and usable open space, as defined in this  
4738 ordinance.

4739 Construction/landscaping equipment and supply sales and service. A retail or wholesale  
4740 commercial establishment engaged in the sale, rental, service and/or repair from the premises of  
4741 equipment, goods and materials used during construction and landscaping activities, including but  
4742 not limited to: brick, stone, lumber and other wood construction materials, pipes and other plumbing  
4743 supplies, wiring and other electrical supplies, drywall, carpet and other flooring products, sand,  
4744 gravel, potting soil, fertilizer, mulch, plants, tools and hardware, motorized construction equipment,  
4745 motorized lawn and garden equipment, and related equipment and supplies. May include a Nursery,  
4746 Greenhouse, and Outdoor storage as accessory uses.

4747 Contractor's office and storage area. A facility in which a contractor conducts administrative  
4748 activities, record-keeping, clerical work and other similar functions of the business in conjunction  
4749 with the storage of vehicles, equipment and supplies for offsite use in the performance of any  
4750 construction or land development trades; does not include an Automobile, salvage or wrecking yard  
4751 or Junk yard or automobile graveyard.

4752 Convalescent, nursing or rest home. See Nursing home. Any institution however named, whether  
4753 conducted for charity or for profit, which is advertised, announced or maintained for the express or  
4754 implied purpose of caring for two or more nonrelated persons admitted thereto for the purpose of  
4755 nursing or convalescent care. Nursing and convalescent care includes care given because of  
4756 prolonged illness or defect or during the recovery from injury or disease, and includes any and all of  
4757 the procedures commonly employed in waiting on the sick, such as administration of medicine,  
4758 preparation of special diets, giving of bedside care, application of dressing and bandages, and the  
4759 carrying out of treatments prescribed by a duly licensed practitioner of medicine.

4760 Convenience store. A small-scale retail establishment offering for sale a limited line of groceries,  
4761 beverages, periodicals and other household items intended for the convenience of the passerby. Such  
4762 establishments may have on-site service of food and drink for immediate consumption.

4763 Country inn. A building containing a maximum of nine guest rooms, having sleeping and eating  
4764 accommodations where short-term lodging of no more than 14 days is provided, with or without  
4765 meals, for compensation, and in which meals may be provided to guests only, and which is operated  
4766 in accordance with all pertinent town code requirements. May be an accessory use within a Single-  
4767 family detached dwelling or Single-family detached farmhouse dwelling as allowed by the use  
4768 regulations of a zoning district. A single-family dwelling in which the principal use is permanent  
4769 residential quarters; and in which, as an accessory use, accommodations for from six through ten  
4770 guests in four through nine rooms are made available for transient occupancy for compensation,  
4771 generally for not more than seven days. (Adopted 10/8/91)

4772 *Day nursery or child day care center.* ~~See *Child care, commercial.* Facilities or programs for the~~  
4773 ~~care of more than four children away from their own home for any part of a 24-hour day, for~~  
4774 ~~compensation or otherwise.~~

4775 *Density, residential.* Unless otherwise specified, the number of dwelling units per gross acre of  
4776 residential land area, with gross acres including all the land area, including streets, easements, and  
4777 open space portions of a developed site.

4778 *Detached single-family dwelling.* ~~See *Dwelling, single-family detached.*~~

4779 *Development.* Any manmade change to improved or unimproved real estate including, but not  
4780 limited to, buildings or other structures, the placement of mobile homes, streets, and other paving,  
4781 utilities, filling, grading, excavation, mining, dredging, or drilling operations.

4782 *Diameter at breast height (dbh).* The diameter of a tree measured as the circumference of the  
4783 tree trunk at 4.5 feet above the ground. In the case of multiple trunks, the collective circumstances of  
4784 all trunks at 4.5 feet above grade will constitute dbh. ~~(Ord. No. 08-04-04, § II, 4-8-2008)~~

4785 *District.* Any section of the Town of Purcellville in which the zoning regulations are uniform and  
4786 so designated on the zoning district map.

4787 ~~*Dog kennel, commercial.* A place prepared to house, board, breed, handle or otherwise keep or~~  
4788 ~~care for dogs for sale or in return for compensation, or any place where more than five adult dogs are~~  
4789 ~~kept.~~

4790 ~~*Drive-through in facilities* (including but not limited to drive-through pharmacies, photo~~  
4791 ~~processing, dry-cleaning, video, free-standing unmanned teller machines and drive-in eating~~  
4792 ~~establishment uses not otherwise addressed.~~ A portion of a commercial establishment in which patrons  
4793 do business from their motor vehicles through a window or other remote device or station. ~~(Adopted~~  
4794 ~~9/14/04)~~

4795 ~~*Dry cleaning and laundry* *Dry-cleaning establishments.* An establishment which launders and/or~~  
4796 ~~dry cleans articles dropped off on the premises directly by the customer or where articles are~~  
4797 ~~dropped off, sorted, and picked up but where laundering or cleaning is done elsewhere. The~~  
4798 ~~alteration and mending of clothing items may be conducted as an accessory use. *Commercial*~~  
4799 ~~establishments in which dry-cleaning processes are carried out. (Adopted 9/14/04)~~

4800 *Duplex dwelling.* ~~See *Dwelling, duplex.*~~

4801 *Dwelling.* A building or portion thereof, designed or used exclusively for residential occupancy,  
4802 as an independent housekeeping unit, and physically separated from any other rooms or dwelling  
4803 units which may be in the same structure, and containing independent cooking and sleeping facilities,  
4804 but not including boats, trailers, mobile homes, motor homes, hotels, motels, motor lodges, tourist  
4805 courts, or tourist homes. ~~(Revised 9/14/04)~~

4806 ~~*Dwelling, accessory.* A subordinate dwelling unit in a main building or accessory building as~~  
4807 ~~approved by the board of zoning appeals under *Article 9: Board of Zoning Appeals.* This includes~~  
4808 ~~servants or caretakers quarters and guest houses.~~

4809 ~~*Dwelling, apartment.* A part of a building containing cooking and housekeeping facilities,~~  
4810 ~~consisting of a room or suite of rooms intended, designed, and used as a residence by an individual~~  
4811 ~~or a single family; a building is an apartment building if it contains three or more such apartment~~  
4812 ~~units, that are not in a townhouse configuration.~~

4813 *Dwelling, attached.* ~~See *Dwelling, single-family attached.* (See *Townhouse.*)~~

4814 *Dwelling, detached single-family.* ~~See *Dwelling, single-family detached.* A single-family dwelling~~  
4815 ~~entirely surrounded by a yard or other separation from other main buildings on the same lot or on~~  
4816 ~~adjacent lots. The term "single-family dwelling" as used in this ordinance shall be considered to mean~~  
4817 ~~a detached single-family dwelling unless specified as attached.~~

4818 *Dwelling, duplex.* A structure arranged or designed to be occupied by two families, the structure  
4819 having only two dwelling units attached by a common wall without openings, either vertical or  
4820 horizontal, each with its own outside entrance. ~~(Ord. No. 05-05-03, § II, 5-10-2005)~~

4821 *Dwelling, multiple-family.* A building designed for or occupied exclusively by three or more  
4822 families living independently of each other.

4823 *Dwelling, single-family.* A building designed for or occupied exclusively by one family.

4824 ~~*Dwelling, single-family attached.* A single-family dwelling designed to be sold as a unit but~~  
4825 ~~forming one of a group or series of three or more attached single-family dwellings separated from~~  
4826 ~~one another by party walls without doors, windows, or other provisions for human passage or~~  
4827 ~~visibility through such walls from basement to roof, and having roofs which may extend from one of~~  
4828 ~~the dwelling units to another.~~

4829 ~~*Dwelling, single-family detached.* A single-family dwelling entirely surrounded by a yard or other~~  
4830 ~~separation from other main buildings on the same lot or on adjacent lots.~~

4831 ~~*Dwelling, single-family detached farmhouse.* A single-family dwelling entirely surrounded by a~~  
4832 ~~yard and located on or abutting an Agriculture/horticulture use occupied by the owner of the land or~~  
4833 ~~a tenant whose primary job is running the farm.~~

4834 *Dwelling unit.* A room or group of rooms occupied or intended to be occupied as separate living  
4835 quarters by a single-family or other group of persons living together as a household or by a person  
4836 living alone and having its own permanently installed cooking and sanitary facilities.

4837 *Eating establishments.* An eating establishment is any building in which, for compensation, food  
4838 or beverages are dispensed for consumption within the structure or in outdoor areas next to the  
4839 structure, including, among other establishments, restaurants, cafes, cafeterias, tea rooms,  
4840 ~~confectionery shops~~ and refreshment stands. ~~(Adopted 9/14/04)~~

4841 ~~*Equestrian facility, commercial.* Horse, donkey or mule facilities utilized as a business, including~~  
4842 ~~stables, indoor and outdoor riding rings, paddocks, and other buildings or structures accessory and~~  
4843 ~~incidental to the above uses.~~

4844 ~~*Equestrian facility, residential.* Horse, donkey or mule facilities utilized for personal enjoyment~~  
4845 ~~and not as a business, including stables, indoor and outdoor riding rings, paddocks, and other~~  
4846 ~~buildings or structures accessory and incidental to the above uses, provided that no more than one~~  
4847 ~~such animal shall be kept for each acre of land on the premises.~~

4848 *Family.* A group of people living together consisting of: a) One or more persons related\* by blood  
4849 or marriage together with any number of natural, foster, step or adopted children, domestic servants,  
4850 nurses and therapists and no more than two roomers or boarders; or b) No more than four unrelated  
4851 persons; or c) Per § 15.2-2291 of the Code of Virginia, up to eight individuals residing in a residential  
4852 facility that suffer from mental illness, mental retardation, or developmental disabilities and have  
4853 one or more resident counselors or other staff persons. For the purposes of this subsection, mental  
4854 illness and developmental disability shall not include current illegal use of or addiction to a controlled  
4855 substance as defined in § 54.1-3401; or d) up to eight individuals residing in a residential facility that  
4856 are aged, infirm or disabled and have one or more resident counselors or other staff persons. For  
4857 purposes of this subsection, "residential facility" means any assisted living facility or residential

4858 facility in which aged, infirm or disabled persons reside with one or more resident counselors or  
4859 other staff persons and for which the Department of Social Services is the licensing authority  
4860 pursuant to this Code.

4861 \* Persons who are related includes husbands, wives, parents, children, grandparents,  
4862 grandchildren, brothers, sisters, aunts, uncles, cousins, nephews, nieces (including step or half  
4863 relationships) as demonstrated by official public records such as government-issued  
4864 identification, birth or marriage certificates; or by affidavits.

4865 *Farm and community market.* An event in which multiple vendors on a regularly scheduled basis,  
4866 but no more than two days per week, meet to sell at retail to the public farm produce, food stuffs, art  
4867 work or handicrafts substantially grown or produced by the seller, members of seller's family or farm  
4868 laborers employed by seller upon property owned or leased by the seller.

4869 *Farm equipment and supply sales and service.* A retail or wholesale commercial establishment  
4870 engaged in the sale, rental, service and/or repair from the premises of equipment, goods and  
4871 materials used in soil preparation and maintenance, the planting and harvesting of crops, and other  
4872 operations and processes pertaining to farming and ranching, including, but not limited to: farm tools  
4873 and implements, seed, feed, grain, tack, animal care products, motorized farming equipment, and  
4874 related equipment and supplies; may include custom milling of grain and feed and *Outdoor storage*  
4875 as accessory uses.

4876 ~~*Farm supply and service establishments, implement sales, rental and service, feed and seed store,*~~  
4877 ~~*including custom milling of grain and feed. Wholesale or retail commercial establishment for the sale,*~~  
4878 ~~*rental and/or repair of heavy equipment including farm machinery, construction equipment and*~~  
4879 ~~*related items, and/or the storage and sale of feed, seed and related items, including custom milling*~~  
4880 ~~*of grain and feed. (Adopted 9/14/04)*~~

4881 ~~*Financial institution, without drive-in facilities.*~~ An establishment in which customers frequent  
4882 the site for the purposes of buying and selling securities, obtaining loans, depositing and withdrawing  
4883 money, and the like. ~~*(Adopted 9/14/04)*~~

4884 ~~*Fire, rescue or police stations (volunteer or otherwise).*~~ An establishment facility from which fire,  
4885 ~~and~~ rescue, ~~and/or police~~ vehicles operate and in which they are stored and maintained, and which  
4886 may include offices and/or transient lodging accommodations for the personnel who staff the  
4887 vehicles. ~~*(Adopted 9/14/04)*~~

4888 *Firing range, indoor.* A facility designed or used for shooting at targets with rifles, pistols or  
4889 shotguns, and which is completely enclosed within a building or structure.

4890 *Fitness center.* A private fitness establishment which may offer for use aerobic training and/or  
4891 strength training equipment, saunas, locker rooms and shower facilities and instruction in general  
4892 health and physical fitness. Such use may provide massages, provided not more than five percent of  
4893 the gross floor area is used for massages. ~~*(Ord. No. 05-05-04, § III, 5-10-2005)*~~

4894 *Floodplain.* (a) A relatively flat or low land area adjoining a river, stream, or watercourse which  
4895 is subject to partial or complete inundation; (b) an area subject to the unusual and rapid  
4896 accumulation of surface waters from any source. (for further definitions pertaining to floodplains,  
4897 see ~~*Article 12: Floodplain District*~~Article 12 Floodplain District). ~~*(Revised 9/14/04)*~~

4898 *Floor area.*

4899 a. Commercial, business, and industrial buildings, or buildings containing mixed uses: The  
4900 sum of the gross horizontal areas of the several floors of a building measured from the  
4901 exterior faces of the exterior walls or from the centerline of walls separating two buildings

4902 but not including: (1) attic space providing headroom of less than seven feet; (2) basement  
4903 space not used for retailing; (3) uncovered steps or fire escapes; (4) accessory water towers  
4904 or cooling towers; (5) accessory off-street parking spaces; and (6) accessory off-street  
4905 loading spaces.

4906 b. Residential buildings: The sum of the gross horizontal areas of the several floors of a  
4907 dwelling, exclusive of garages, basements, and open porches, measured from the exterior  
4908 faces of the exterior walls.

4909 Food processing, retail. A facility in which the preparation, processing, and packaging of food  
4910 products, but not the slaughtering of animals, occurs in conjunction with the retail sale of such food  
4911 products for consumption at an off-site location. Examples of activities include bakeries, creameries  
4912 and confectioneries.

4913 Food processing, wholesale. A facility in which the preparation, processing and packaging of food  
4914 products, but not the slaughtering of animals, occurs for the sale of such food products in bulk to  
4915 large scale buyers, usually other businesses, for the purpose of later retail distribution to the resident  
4916 population, businesses and/or to tourists.

4917 Free-standing communications tower. See Communications tower.

4918 *Frontage.*

4919 a. *Street (or road) frontage:* All of the property on one side of a street or road between two  
4920 intersecting streets (crossing or terminating), measured along the line of the street, or if the  
4921 street is dead-ended, then all of the property abutting on one side between an intersecting  
4922 street and the dead-end of the street.

4923 b. *Lot frontage:* The distance for which the front boundary line of the lot and the street or road  
4924 line are coincident.

4925 Fuel pump. A pump for dispensing all forms of gasoline or similar fuel for motor vehicles in one  
4926 self-contained unit directly adjacent to one corresponding refueling space. (See pump, fuel).

4927 Fuel pump, accessory. A Fuel pump located on the premises of a business and used solely by such  
4928 business; retail fuel sales to the general resident population are prohibited.

4929 Fueling station. Any lot or parcel of land or portion thereof used partly or entirely for the storing,  
4930 retail sale and dispensing of flammable liquids, combustible liquids, liquefied flammable gas, or  
4931 flammable gas into the fuel tanks of motor vehicles. Accessory uses of such an establishment may  
4932 include a Convenience store, Car wash, and/or building including not more than three interior service  
4933 stalls where minor maintenance services may be rendered and sales made, such as lubrication, brake  
4934 repair, muffler replacement, and the like but not including major mechanical and body work,  
4935 painting, welding or other work involving noise, glare, fumes, smoke or other impacts to an extent  
4936 greater than normally found at fueling stations.

4937 Funeral home ~~or undertaking establishment.~~ An establishment used primarily for human funeral  
4938 services, which may or may not include facilities on the premises for embalming, performance of  
4939 autopsies or other surgical procedures, and storage of funeral-related supplies and vehicles, but does  
4940 not include facilities for cremation. (Adopted 9/14/04)

4941 Garage, private. An accessory building used for storage purposes only and having a floor area of  
4942 not more than 900 square feet.

4943 Garage, parking ~~or storage, but not auto or truck repair.~~ See Parking structure. A structure used  
4944 solely for the parking of motor vehicles (other than a carport or garage in a residential district), but

4945 ~~does not include repair, storage, sales or maintenance of vehicles; may be public or private; may be~~  
4946 ~~free or for a fee. (Adopted 9/14/04)~~

4947 Garage, private. An accessory building used for storage purposes only and having a floor area of  
4948 not more than 900 square feet.

4949 ~~Garage, public. A building or portion thereof, other than a private garage, designed or used for~~  
4950 ~~servicing, repairing, equipping, renting, selling, or storing motor-driven vehicles.~~

4951 General retail sales. See Retail sales, general.

4952 ~~Governmental offices and assembly room. A facility structure, or part thereof, owned by or leased~~  
4953 ~~and occupied and used for administrative, technical or professional office activities of by an agency~~  
4954 ~~or political subdivision of the United States of America, the Commonwealth of Virginia, a county or~~  
4955 ~~a town or city which may include rooms or an accessory building where groups of people gather for~~  
4956 ~~a meeting, event or regularly scheduled program. (Adopted 9/14/04)~~

4957 Government operations facility. A facility owned by an agency or political subdivision of the  
4958 United States of America, the Commonwealth of Virginia, a county or a town or city where vehicles,  
4959 equipment and supplies necessary for providing government services are stored and maintained;  
4960 Governmental office and assembly room may be included as an accessory use. This use does not  
4961 include any facilities defined as Public utility, major or Public utility, minor.

4962 Grade. Grade or grade elevation shall be determined by averaging the elevations of the finished  
4963 ground adjacent to all the corners and/or other principal points in the perimeter wall of the building.

4964 ~~Green-houses, commercial, wholesale or retail.~~ A structure with translucent walls and/or roof  
4965 used to sprout or grow vegetation for later sale or planting. ~~(Adopted 9/14/04)~~

4966 Group home. A residential facility, licensed by the Virginia Department of Behavioral Health and  
4967 Developmental Services, in which no more than eight (8) mentally ill, intellectually disabled or  
4968 developmentally disabled persons reside, with one or more resident or nonresident staff persons.  
4969 Mental illness and developmental disability shall not include current illegal use of or addiction to a  
4970 controlled substance as defined in § 54.1-3401 of the Code of Virginia.

4971 ~~Guest house. Living quarters within a detached accessory building located on the same premises~~  
4972 ~~with the main building for use by temporary guests of the occupants of the premises, and not rented~~  
4973 ~~or otherwise used as a separate dwelling unless permitted by the terms of this ordinance.~~

4974 Guest room. A room which is intended, arranged or designed to be occupied, or which is occupied,  
4975 by one or more guests paying direct or indirect compensation therefore, but in which no provision is  
4976 made for cooking.

4977 Heritage tree(s). Any tree or grouping of trees that has been designated by the town council or  
4978 in the comprehensive plan to have notable historic or cultural interest. ~~(Ord. No. 08-04-04, § II, 4-8-~~  
4979 ~~2008)~~

4980 Home occupation. An occupation, including any professional, vocational, business, trade and/or  
4981 personal service, excluding retail sales, conducted by the occupant of a dwelling unit, which is  
4982 incidental to the primary use of the property as a residence.

4983 Hospital. A building or group of buildings, having room facilities for overnight patients, used for  
4984 providing services for the in-patient medical or surgical care of sick or injured humans, and which  
4985 may include related facilities, central service facilities, and staff offices; provided, however, that such  
4986 related facility must be incidental and subordinate to the main use and must be an integral part of  
4987 the hospital operations.

4988 ~~Hotel, motel, motor lodge or tourist home. (Revised 9/14/04)~~

4989 ~~Hotel: A building designed or occupied as a temporary living place for individuals who are, for~~  
4990 ~~compensation, lodged with or without meals, and in which provisions may or may not be made for~~  
4991 ~~cooking in individual rooms or suites. A hotel may include restaurants, taverns or club rooms, public~~  
4992 ~~banquet halls, ballrooms and meeting rooms. A hotel contains a central entrance lobby and does not~~  
4993 ~~provide a motor vehicle parking space adjacent to each individual room as does a motel.~~

4994 ~~Motel: A building designed as a temporary living place, like a hotel, except that each unit is provided~~  
4995 ~~with its own off-street parking facility. A motel may include restaurants, taverns or club rooms,~~  
4996 ~~public banquet halls, ballrooms and meeting rooms.~~

4997 ~~Tourist court; tourist home; motor lodge: Any group of dwelling units, combined or separated,~~  
4998 ~~used for the purpose of housing transient guests, each unit of which is provided with its own~~  
4999 ~~toilet, washroom and off-street parking facility, but does not include restaurants, taverns or club~~  
5000 ~~rooms, public banquet halls, ballrooms and meeting rooms.~~

5001 ~~Indoor firing range. See firing range, indoor.~~

5002 ~~Inoperative motor vehicle. Any motor vehicle, trailer, or semi-trailer which has not been in~~  
5003 ~~operating condition for a period of 60 days or longer. Such condition is characterized by broken or~~  
5004 ~~removed parts, including tires, required for legal operation of the vehicle on public streets, by an~~  
5005 ~~expired or missing state inspection sticker, by expired or missing state license plates, and/or by an~~  
5006 ~~expired or missing local decal. (Ord. No. 08-04-04, § II, 4-8-2008)~~

5007 ~~Institutions. Philanthropic or cultural facilities such as museums, libraries and art galleries,~~  
5008 ~~public or private, but not including schools. (Adopted 9/14/04)~~

5009 ~~Junk. Dilapidated and inoperative automobiles, trucks, tractors, and other such vehicles and~~  
5010 ~~parts thereof, dilapidated wagons and other kinds of vehicles and parts thereof, discarded appliances,~~  
5011 ~~scrap building material, scrap contractor's equipment, tanks, casks, cans, barrels, boxes, drums,~~  
5012 ~~pipng, bottles, glass, wood scraps, old iron, machinery, rags, paper, excelsior, hair, mattresses, beds~~  
5013 ~~or bedding or any other kind of scrap or waste material which is stored, kept, handled, or displayed.~~

5014 ~~Junk yard or automobile graveyard. The use of any area of land lying within 100 feet of a state~~  
5015 ~~highway or the use of more than 200 square feet of land area in any location for the storage, keeping~~  
5016 ~~or abandonment of junk, including scrap metals or other scrap materials. The term "junk yard" shall~~  
5017 ~~include the term "automobile graveyard" as any lot or place which is exposed to the weather upon~~  
5018 ~~which more than five motor vehicles of any kind, incapable of being operated, are placed.~~

5019  ~~kennel. A place prepared to house, board, handle or otherwise keep or care for dogs and other~~  
5020 ~~small domestic animals in return for compensation, or any place where more than five adult dogs are~~  
5021 ~~kept.~~

5022  ~~Laboratory. A facility used for scientific research, investigation, testing, or experimentation~~  
5023 ~~related to natural resources, medical resources, and manufactured materials but excluding the~~  
5024 ~~testing of explosives. Facilities for the manufacture or sale of products shall only be allowed when~~  
5025 ~~incidental to the main purpose of the laboratory.~~

5026 ~~Laundries. See Dry cleaning and laundry establishment. Commercial retail establishments that~~  
5027 ~~provide laundry services. (Adopted 9/14/04)~~

5028 ~~Laundromats. Commercial retail establishments that provide self-serve washing and drying~~  
5029 ~~services. (Adopted 9/14/04)~~

5030 ~~*Lawn mower, yard and garden equipment, rental, sales and service.* Retail commercial~~  
5031 ~~establishment at which lawn mower, yard and garden equipment, rental, sales and service are carried~~  
5032 ~~out; does not include large farm machinery, trucks or heavy equipment. (Adopted 9/14/04)~~

5033 *Libraryies.* An institution for the custody, circulation and administration of a collection of books,  
5034 manuscripts, etc., but not for the sale of such. (Adopted 9/14/04)

5035 *Light manufacturing.* See *Manufacturing, light.*

5036 *Lighted sports field.* A field for competitive sports, including but not limited to: baseball, football,  
5037 lacrosse, and soccer, that is illuminated by any man-made device located outdoors that produces light  
5038 by any means.

5039 *Loading space.* A space within a building or on the premises providing for the standing, loading  
5040 or unloading of vehicles.

5041 *Lot.* A parcel of land occupied or intended to be occupied by a main building or groups of main  
5042 buildings and accessory buildings, together with such yards, lot width and lot areas as are required  
5043 by this ordinance, and having frontage upon a street or road, either shown on a plat of record or  
5044 considered a unit of property and described by metes and bounds. Such lot may consist of a single lot  
5045 of record or a part or combination of one or more lots of record. (Ord. No. 04-12-04, §§ 1, 2, 12-14-  
5046 2004)

5047 *Lot, corner.* A lot abutting upon two or more streets at their intersection where the interior angle  
5048 of intersection is not greater than 135 degrees. A lot abutting upon a curved street shall be considered  
5049 a corner lot if the tangents to the curve at the points of intersection of the side lot lines intersect at  
5050 an interior angle of less than 135 degrees. A reversed corner lot is a corner lot that is turned, with  
5051 reference to an adjoining lot, to front on another street.

5052 *Lot coverage.* That portion of the lot that is covered by buildings and structures.

5053 *Lot, depth of.* The average horizontal distance between the front and rear lot lines.

5054 *Lot, double frontage.* A lot, other than a corner lot, which has a frontage on two streets.

5055 *Lot line, front.* The line separating the lot from a street on which it fronts. On a corner lot, the  
5056 front shall be deemed to be along the shorter dimension of the lot; and where the dimensions are  
5057 equal, the front shall be on that street on which a predominance of the other lots in the block front.

5058 *Lot line, rear.* The lot line opposite and most distant from the front lot line.

5059 *Lot line, side.* Any lot line other than a front or rear lot line.

5060 *Lot of record.* A lot shown upon a plan of subdivision or upon a plat attached or referred to in a  
5061 deed described by metes and bounds in a deed recorded in the clerk's office of the circuit court of the  
5062 county.

5063 *Lot width.* The horizontal distance between the side lot lines measured at the front building  
5064 setback line.

5065 ~~*Lumber and building supply.* Retail or wholesale commercial establishment that sells wood~~  
5066 ~~construction materials and related building supplies. (Adopted 9/14/04)~~

5067 *Machine shop.* An establishment where lathes, presses, grinders, shapers, and other wood and  
5068 metal working machines are used.

5069 *Major public utility.* See *Public utility, major.*

5070 *Major transmission lines.* ~~See *Public utility, minor.* The main lines, pipes, pumps and similar~~  
5071 ~~facilities, used for transmitting, collecting or distributing a public utility service or commodity to~~  
5072 ~~areas within a jurisdiction, distinguished from the smaller lines that bring service to particular~~  
5073 ~~customers. (Adopted 9/14/04)~~

5074 *Manufacture of stairs and similar wood products.* An establishment primarily engaged in the  
5075 onsite production of stairs and similar goods made of wood.

5076 *Manufactured home.* A structure subject to federal regulation, which is transportable in one or  
5077 more sections; is eight body feet or more in width and 40 body feet or more in length in the traveling  
5078 mode, or is 320 or more square feet when erected on-site; is built on a permanent chassis; is designed  
5079 to be used as a single-family dwelling, with or without a permanent foundation, when connected to  
5080 the required utilities; and includes the plumbing, heating, air conditioning, and electrical systems  
5081 contained in the structure.

5082 *Manufacturing, light.* The processing or fabrication of certain materials or products where no  
5083 process involved will produce noise, vibration, air pollution, fire hazard, or noxious emission which  
5084 will disturb or endanger neighboring properties.

5085 *Memorial tree.* Any tree that has been designated by the town council to be a special  
5086 commemorating memorial tree. ~~(Ord. No. 08-04-04, § II, 4-8-2008)~~

5087 *Mini-storage facility.* A building, portion of a building, or group of buildings consisting of  
5088 individual, self-contained units leased to individuals, organizations, or businesses for self-service  
5089 storage of personal property.

5090 *Minor public utility.* See *Public utility, minor.*

5091 *Modular home.* A movable or portable dwelling over 32 feet in length and over 20 feet wide,  
5092 designed and constructed without a carriage or hitch, as a stationary house constructed for  
5093 placement upon a permanent foundation, to be connected to utilities, for year-round occupancy. It  
5094 can consist of one or more components that can be retracted when transported and subsequently  
5095 expanded for additional capacity, or of two or more units separately transportable but designed to  
5096 be joined and joined into one integral unit.

5097 ~~*Monument sales establishments (with incidental processing to order, but not including the shaping*~~  
5098 ~~*of headstones).* Retail or wholesale commercial establishment that sells headstones for grave sites~~  
5099 ~~*and other stone or masonry monuments. (Adopted 9/14/04)*~~

5100 ~~*Motorcycle or off-road vehicle sales and service.* Retail commercial establishment that sells and~~  
5101 ~~*services motorcycles, off-road vehicles and related items. (Adopted 9/14/04)*~~

5102 *Multiple-family dwelling.* See *Dwelling, multiple-family.*

5103 *Nature preserve.* Sites with environmental resources intended to be preserved in their natural  
5104 state.

5105 *Nonconforming lot.* An otherwise legally platted lot that does not conform to the minimum area,  
5106 width or depth requirements of this ordinance for the district in which it is located either at the  
5107 effective date of this ordinance or as a result of subsequent amendments to the ordinance.

5108 *Nonconforming structure.* A building or structure that does not conform with the lot area, yard,  
5109 height, lot coverage, or other area regulations of this ordinance, or is designed or intended for a use  
5110 that does not conform to the use regulations of this ordinance, for the district in which it is located,  
5111 either at the effective date of this ordinance or as a result of subsequent amendments to this  
5112 ordinance.

5113 *Nonconforming use.* The otherwise legal use of a building or structure or of a tract of land that  
5114 does not conform to the use regulations of this ordinance for the district in which it is located, either  
5115 at the effective date of this ordinance or as a result of subsequent amendments to this ordinance.

5116 *Nursery.* An outdoor area for the growing of plants, trees and shrubs for sales and planting off-  
5117 site.

5118 ~~*Nursery schools; kindergartens; child care center; day nursery; day care center.* See *Child care,*~~  
5119 ~~*commercial.* A licensed establishment operated as a commercial enterprise or public facility which is~~  
5120 ~~operated only during a part of any 24-hour day for the purpose of providing care, protection,~~  
5121 ~~supervision and/or education for compensation to more than nine children or more than four aged,~~  
5122 ~~infirm, or disabled adults who mainly reside elsewhere. (Adopted 9/14/04)~~

5123 ~~*Nurseries for growing plants, trees and shrubs.* A commercial establishment that grows plants,~~  
5124 ~~trees and shrubs for sales and planting off-site. Maybe include retail sales of such plants, as well as~~  
5125 ~~accessory sales of related items such as fertilizer and mulch, but only as subordinate activities.~~  
5126 ~~(Adopted 9/14/04)~~

5127 *Nursing home.* An extended or intermediate care facility, licensed by the Virginia Department of  
5128 Health, in which nursing services and health-related services are provided on a continuing basis for  
5129 the treatment and inpatient care of two or more non-related individuals who, by reason of advanced  
5130 age, chronic illness or other infirmity are unable to care for themselves.

5131 ~~*Offices—Business, professional, or administrative.* The A facility in which the administrative~~  
5132 ~~activities, record-keeping, clerical work and other similar functions of a business, professional~~  
5133 ~~service, medical practitioner, industry, or government are conducted, and, in the case of professions~~  
5134 ~~such as lawyers, engineers, dentists, physicians, and the like, the facility where such professional~~  
5135 ~~services are rendered. (Adopted 9/14/04)~~

5136 ~~*Offices—Medical or dental.* The facility in which the administrative activities, record-keeping,~~  
5137 ~~clerical work and other similar functions of a dentist, physician or other medical practitioner are~~  
5138 ~~conducted and the facility where such professional services are rendered. (Adopted 9/14/04)~~

5139 *Open space.* Land set aside, dedicated and designed to protect natural environmental resources,  
5140 to serve as a visual amenity, and/or to provide recreational opportunities within a private  
5141 development or, if owned by the Town of Purcellville or other public agency, within the community  
5142 at large. Such land shall be primarily naturally vegetated or landscaped, but may include limited  
5143 paved areas, such as sidewalks, pedestrian plazas, trails, and recreational courts. Such land shall not  
5144 include streets, driveways, parking areas, structures, above ground public utilities, including storm  
5145 water management facilities, or other improvements, except as may be approved for recreational or  
5146 historic preservation purposes in a site plan or subdivision plat. The following are the only three  
5147 recognized types of open spaces:

5148 *Open space, common.* Open space within or related to a residential development, not within  
5149 individually owned lots or dedicated for public use or associated with non-residential or rental  
5150 apartment uses, that is owned by a non-profit organization as described in Article 7, Section 7.4:  
5151 *Open Space for Residential Properties* article 7, section 6.4, and is designed and intended for the  
5152 common use or enjoyment of the residents of the development.

5153 *Open space, public.* Open space owned by the Town of Purcellville or other public agency and  
5154 maintained by it for the use and enjoyment of the general public.

5155 *Open space, private.* Open space within a private non-residential or rental apartment  
5156 development that is designed and intended for the common use or enjoyment of the occupants  
5157 of the development. ~~(Ord. No. 04-12-04, §§ 1, 2, 4-8-2004)~~

5158 *Outdoor storage.* An accessory unenclosed area located on an all-weather surface to the rear of  
5159 the lot where equipment, merchandise, materials, and supplies are stored for more than 24 hours.  
5160 Outdoor storage shall not be used for the storage of inoperative motor vehicles and junk.

5161 *Outdoor storage lot.* A lot consisting of an unenclosed area accessory industrial use located on an  
5162 all-weather surface adjacent to an existing commercial or industrial use the rear of the lot and where  
5163 equipment, merchandise, materials, and supplies are stored for more than 24 hours. Outdoor storage  
5164 lots are not ~~automobile~~ Automobile, salvage or wrecking yards, Junk yards or automobile graveyards,  
5165 or Vehicle sales storage lots or automobile used car lots, as defined in this article. Outdoor storage lots  
5166 ~~shall are not be~~ used for the storage of inoperative motor vehicles and junk. ~~(Ord. No. 08-04-04, § II,~~  
5167 ~~4-8-2008)~~

5168 *Park.* Land used for either or both active and/or passive recreational use. Parks may contain  
5169 landscaped or naturally vegetated areas, recreational buildings and facilities and parking for vehicles.  
5170 Public parks are open to the public; access to private parks is controlled by the owners.

5171 *Parking lot.* An all-weather surface not located in a street or alley; containing motor vehicle  
5172 parking spaces to accommodate customers and/or employees, either with or without charge; and  
5173 connected with a street or alley by a paved driveway which affords ingress and egress for a motor  
5174 vehicle without requiring another motor vehicle to be moved. ~~Parking garages are not parking lots.~~  
5175 Parking lots ~~shall are not be~~ used as ~~Outdoor storage lots or Vehicle sales, automobile storage lots,~~  
5176 ~~or automobile used car lots,~~ as defined in this article. ~~(Ord. No. 08-04-04, § II, 4-8-2008)~~

5177 *Parking lot, commuter.* A facility designed for short term parking of vehicles where the occupants  
5178 of such vehicles transfer to public transit to continue their trips.

5179 *Parking lot, public.* A use consisting of a Parking lot constructed of a dust-free, all-weather  
5180 material An area containing one or more parking spaces for operable self-propelled passenger  
5181 vehicles, designed for and available to the general public as an accommodation for patrons,  
5182 customers or employees, either with or without charge. ~~(Ord. No. 08-04-04, § II, 4-8-2008)~~

5183 ~~*Parks.* Land used for either or both active and/or passive recreational use. Parks may contain~~  
5184 ~~landscaped or naturally vegetated areas, recreational buildings and facilities and parking for vehicles.~~  
5185 ~~Public parks are open to the public; access to private parks is controlled by the owners. Unlighted~~  
5186 ~~parks do not have illuminated courts, fields, parking areas or other facilities. Lighted parks have some~~  
5187 ~~areas that are illuminated for nighttime use. (Adopted 9/14/04)~~

5188 *Parking space off-street.* An all-weather surfaced area not in a street or alley and having an area  
5189 of not less than 162 square feet (nine feet by 18 feet), exclusive of driveways, permanently reserved  
5190 for the temporary storage of one vehicle and connected with a street or alley by a paved driveway  
5191 which affords ingress and egress for an automobile without requiring another automobile to be  
5192 moved.

5193 *Parking structure.* A structure or portion thereof composed of one or more levels or floors used  
5194 exclusively for the parking or storage of operable motor vehicles. A parking structure may be totally  
5195 below grade or either partially or totally above grade with those levels being either open or enclosed.

5196 ~~*Parkways.* A roadway designed to blend with the surrounding landscape by means of grading~~  
5197 ~~and landscaping. (Adopted 9/14/04)~~

5198 *Personal services establishment.* Retail personal services such as barber and beauty  
5199 establishments, optician, seamstress, tailor, and the like. ~~(Adopted 9/14/04)~~

5200 ~~*Petroleum, propane, and other flammable liquids, storage, distribution, and sales.* A facility that~~  
5201 ~~stores more than 15,000 gallons of petroleum, propane and/or other flammable liquids in above-~~  
5202 ~~ground and/or below-ground tanks for the eventual distribution to the consumer by means of a fleet~~  
5203 ~~of vehicles designed to hold and dispense such liquids. Accessory uses include the parking and~~  
5204 ~~storage of the distribution vehicles, the outside or inside storage of propane tanks, and the fueling of~~  
5205 ~~propane-fueled vehicles.~~

5206 ~~*Petting farm.* A collection of farm animals or gentle exotic animals for children to pet and feed.~~

5207 *Playgrounds.* A recreational area which is graded and either planted in grass or paved, or a  
5208 combination of both, which may have play equipment, and which may be lighted or unlighted. Does  
5209 not include miniature golf grounds, golf driving ranges, mechanical amusement devices or accessory  
5210 uses such as refreshment stands and equipment sales or rentals. ~~(Adopted 9/14/04)~~

5211 ~~*Plumbing and electrical supply sales.* Retail or wholesale commercial establishment that sells~~  
5212 ~~plumbing or electrical supplies. (Adopted 9/14/04)~~

5213 ~~*Police stations.* See *Fire, rescue or police station.* An office space used for administrative functions~~  
5214 ~~of local government law enforcement personnel. (Adopted 9/14/04)~~

5215 *Porch.* A structural part of a building that is enclosed and covered by a roof that is usually  
5216 separate from the main roof of the structure. A porch is generally associated with an entrance to the  
5217 structure but also may be a covered and enclosed deck. ~~(Adopted 3/12/96)~~

5218 *Premises.* A lot, together with all buildings and structures thereon.

5219 ~~*Printing, publishing and engraving establishments, photocopying, photographic processing or*~~  
5220 ~~*blueprinting.* An ~~retail~~ establishment providing convenient services for printing ~~or photocopying~~~~  
5221 ~~copies of flyers, brochures, photographs, blueprints and the like, for small scale users; ~~or a printing~~~~  
5222 ~~plant which produces large runs of printed materials, including books, reports and the like, mainly~~  
5223 ~~for businesses, organizations and large scale users. (Adopted 9/14/04)~~

5224 ~~*Private clubs including health clubs.* An organization catering exclusively to members and their~~  
5225 ~~guests, including premises and buildings, for recreational or athletic purposes which are not~~  
5226 ~~conducted primarily for gain; provided, there are not conducted any vending stands, merchandising~~  
5227 ~~or commercial activities, except as required generally for membership and purposes of such clubs;~~  
5228 ~~includes civic clubs. (Adopted 9/14/04)~~

5229 ~~*Private club, lodge, public benefit association, meeting or assembly hall, or fraternal organization*~~  
5230 ~~*or sorority.* A facility where the principal purpose is for members of used by a non-profit organization~~  
5231 ~~or group of people organized for a common purpose to meet to pursue ~~common civic-oriented~~ goals,~~  
5232 ~~interests and activities, and usually characterized by certain membership qualifications, payment of~~  
5233 ~~fees and dues, regular meetings, and a constitution and bylaws. These clubs and organizations may~~  
5234 ~~engage in activities consistent with their nonprofit status. (Adopted 9/14/04)~~

5235 ~~*Private garage.* See *Garage, private.*~~

5236 ~~*Private schools.* See *School, private.* A facility owned by a private entity that provides a curriculum~~  
5237 ~~of elementary, secondary and/or collegiate academic instruction, including kindergartens,~~  
5238 ~~elementary schools, junior high or middle schools, high schools and colleges. (Adopted 9/14/04)~~

5239 ~~*Public or governmental buildings, facility, and or uses not otherwise defined.* Any facility owned or~~  
5240 ~~operated by a public utility or an agency of local, regional, state or federal government and not~~

5241 ~~otherwise defined within this article. A building, or part thereof, owned or leased and occupied and~~  
5242 ~~used by an agency or political subdivision of the United States of America, the commonwealth, a~~  
5243 ~~county or a town or city. (see also Governmental Offices) (Revised 9/14/04)~~

5244 ~~*Public parking lot. See Parking lot, public.*~~

5245 ~~*Public recreation facility. See Recreation facility, public.*~~

5246 ~~*Public school. See School, public.*~~

5247 ~~*Public utility. A business or service and the facilities and appurtenances thereto, which is*~~  
5248 ~~*engaged in regularly supplying the public with potable water, sanitary sewer, electricity, gas, storm*~~  
5249 ~~*sewer, telephone or cable communications, and other similar public commodities or services. Does*~~  
5250 ~~*not include Communications towers.*~~

5251 ~~*Public utility, major. Public utility, major shall include the following: electric substations and*~~  
5252 ~~*other distribution centers, electrical generating plants and facilities, sewage treatment and*~~  
5253 ~~*disposal facilities, storage facilities for natural gas, oil and other petroleum products, supply*~~  
5254 ~~*yards for any public utility, dial centers, repeater stations, water purifications facilities,*~~  
5255 ~~*microwave facilities, satellite earth stations, water storage facilities and maintenance facilities*~~  
5256 ~~*incidental to any use set forth above. (Ord. No. 07-06-06, § II, 6-12-2007)*~~

5257 ~~*Public utility, minor. Public utilities, minor shall include the following: electric transformer;*~~  
5258 ~~*natural gas transmission facilities; telecommunication facilities (including, but not limited to,*~~  
5259 ~~*exchanges); water and sewer transmission, collection, distribution and metering devices~~devises~~;*~~  
5260 ~~*and water and sewage pumping stations. (Ord. No. 07-06-06, § II, 6-12-2007)*~~

5261 ~~*Public water and sewer systems. A water or sewer system owned and operated by a municipality*~~  
5262 ~~*or county, or owned and operated by a corporation approved by the governing body and properly*~~  
5263 ~~*chartered and certified by the State Corporation Commission, and subject to special regulations as*~~  
5264 ~~*herein set forth.*~~

5265 ~~*Public utility or public service or transportation uses. A business or service and the facilities and*~~  
5266 ~~*appurtenances thereto, which is engaged in regularly supplying the public with electricity, gas, storm*~~  
5267 ~~*sewer, telephone or cable communications, and other similar public commodities or services. Does*~~  
5268 ~~*not include public water or sewer services or facilities, or telecommunications towers. (Adopted*~~  
5269 ~~*9/14/04)*~~

5270 ~~*Pump, fuel. A pump for dispensing all forms of gasoline or similar fuel for motor vehicles in one*~~  
5271 ~~*self contained unit directly adjacent to one corresponding refueling space. (Adopted 9/14/04)*~~

5272 ~~*Pumping stations or regulator stations. See Public utility, minor. An appurtenant structure for*~~  
5273 ~~*collecting, processing or distributing a public utility commodity, including electric substations and a*~~  
5274 ~~*water or sewer systems. (Adopted 9/14/04)*~~

5275 ~~*Radio or television broadcasting studios or offices. A structure or part thereof, containing studio*~~  
5276 ~~*or office space used for the administrative or technical activities of radio or television broadcasting*~~  
5277 ~~*or telecommunications services. (Adopted 9/14/04)*~~

5278 ~~*Radio, television, telephone or other communication tower. See Communications tower. (Adopted*~~  
5279 ~~*9/14/04)*~~

5280 ~~*Communications tower, attached: Any communications antenna which is placed on an existing*~~  
5281 ~~*building or other non-communications structure, and increasing the height of the existing*~~  
5282 ~~*structure by not more than ten feet.*~~

5283 ~~Communications tower, free-standing: An independent structure of skeletal framework or a pole,~~  
5284 ~~guyed or self supporting, used to support antennas. Guy wire, framework and other stabilizing~~  
5285 ~~devices are considered part of the structure of the tower.~~

5286 ~~Recreational uses or facilities for a private membership (such as clubs and lodges, golf courses,~~  
5287 ~~game courts, swimming pools, archery range, fishing or boating lakes, picnic grounds, or similar~~  
5288 ~~activities, and accessory facilities, including sale of food, beverages, bait, incidentals, supplies and~~  
5289 ~~equipment). A sports or recreation facility principally for the use of members and guests, may include~~  
5290 ~~indoor or outdoor facilities. (Adopted 9/14/04)~~

5291 Recreation facility, commercial indoor. Any enclosed or semi-enclosed establishment operated as  
5292 a commercial enterprise (open to the public for a fee) in which are conducted recreational,  
5293 therapeutic or athletic activities, whether or not under instruction, such as but not limited to: tennis,  
5294 volleyball and other court games; soccer and lacrosse; indoor golf cages, batting cages, bowling alleys,  
5295 billiards and other games of skill; swimming; gymnastics, dance, miniature golf, cultural activities,  
5296 martial arts, archery, roller or ice skating, skateboarding, and activities incidental to the foregoing,  
5297 but not including amusement rides or regular live entertainment. Incidental office, retail, and other  
5298 commercial uses commonly established in such facilities shall be allowed as long as they are clearly  
5299 accessory to and only serve the users of the principal facility.

5300 Recreation facility, commercial outdoor. Any outdoor area or establishment operated as a  
5301 commercial enterprise (open to the public for a fee) for the following activities, such as but not  
5302 limited to: games and athletics, batting and pitching cages, darts, hard and soft courts, miniature golf,  
5303 radio-controlled vehicles and airplanes, pony rides, waterslides, cultural activities, martial arts,  
5304 archery, camping, roller or ice skating rinks, skateboarding, picnicking, boating, fishing, swimming,  
5305 golf driving ranges, and activities incidental to the foregoing, but not including amusement rides,  
5306 amusement parks, golf courses, hunting preserves, shooting ranges, theme parks or motor vehicle  
5307 race tracks.

5308 Recreation facility, public. Any facility defined as Recreation facility, commercial indoor or  
5309 Recreation facility, commercial outdoor operated by an agency of local, regional, state or federal  
5310 government.

5311 Regulations. The whole body of regulations, text, charts, tables, diagrams, maps, notations,  
5312 references, and symbols, contained or referred to in this ordinance.

5313 ~~Rental or sale of luggage trailers and pick-up truck caps but not including truck trailer bodies~~  
5314 ~~except campers and travel trailers. A commercial retail establishment for the rental or sale of luggage~~  
5315 ~~trailers for motor vehicles and the rental or sale of pick-up truck caps, and may include camper~~  
5316 ~~attachments and travel trailers with sleeping accommodations. (Adopted 9/14/04)~~

5317 ~~Rental of household items, tools and appliances. A business establishment that rents household~~  
5318 ~~consumer merchandize, including tools and appliances, to the general resident population. (Adopted~~  
5319 ~~9/14/04)~~

5320 ~~Repair service establishment. A business establishment that repairs consumer merchandise, tools~~  
5321 ~~or appliances. (Adopted 9/14/04)~~

5322 Residential child care. See Child care, residential.

5323 Residential equestrian facility. See Equestrian facility, residential.

5324 Retail food processing. See Food processing, retail.

5325 Retail sales, accessory. The sale or rental of consumer merchandise to the general resident  
5326 population and/or to tourists as an accessory use to an existing use otherwise allowed.

5327 Retail sales, general-establishment. A business establishment ~~that sells engaged in the sale or~~  
5328 rental of consumer merchandise merchandize or services to the general resident population and/or  
5329 to tourists, including household goods, clothing, hair-care appliances, and other such items. Does not  
5330 include Construction/landscaping equipment and supply sales and service or Farm equipment and  
5331 supply sales and service. (Adopted 9/14/04)

5332 ~~Restaurant or cafeteria, lunchroom or snack bar for the use of employees who work in the building~~  
5333 ~~where such facility is located, provided such facility has no exterior entrances or exits or signs. A~~  
5334 ~~structure, or any part thereof, in which food or beverages are prepared and dispensed for~~  
5335 ~~consumption at the time of sale, and which is primarily to serve the employees who work in the~~  
5336 ~~building.~~ (Adopted 9/14/04)

5337 Roominghouse. A building other than a hotel, motel, or motor lodge where, for compensation and  
5338 by prearrangement for definite periods, lodging, meals, or lodging and meals are provided for three  
5339 or more persons but containing no more than five sleeping rooms.

5340 School. A facility owned by a governmental or private entity that provides a curriculum of early  
5341 childhood, elementary, secondary and/or collegiate academic instruction, including preschools,  
5342 kindergartens, elementary schools, junior high or middle schools, high schools and colleges.

5343 School, private. A School owned by a non-governmental entity.

5344 School, public. A School owned by a governmental entity.

5345 School, special instruction. A ~~school-facility~~ primarily devoted to giving instruction in  
5346 ~~professional,~~ musical, artistic, scientific or other special subjects, exclusive of a conventional full-day  
5347 primary or secondary curriculum; includes student learning or tutoring center. (Ord. No. 08-08-03, §  
5348 V, 8-12-2008)

5349 School, technical, trade, or business. A ~~commercial school-facility~~ which primarily provides  
5350 instruction to adults in vocational and/or business skills. (Ord. No. 08-08-03, § V, 8-12-2008)

5351 ~~Schools.~~ A facility owned by a governmental or private entity that provides a curriculum of  
5352 ~~elementary, secondary and/or collegiate academic instruction, including kindergartens, elementary~~  
5353 ~~schools, junior high or middle schools, high schools and colleges.~~ (Adopted 9/14/04)

5354 Screening. A method of visually shielding or obscuring one abutting or nearby structure or use  
5355 from another by use of planted vegetation, fences, walls or berms in accordance with the terms of  
5356 this ordinance.

5357 Service/repair establishment. A business establishment that repairs consumer merchandise,  
5358 tools or appliances but not motorized vehicles, equipment or machinery.

5359 Shopping center. A group of commercial establishments planned, owned, and managed as a total  
5360 entity with on-site parking, loading areas separated from customer access, unified design,  
5361 landscaping and signage in accordance with an approved plan. (Ord. No. 07-06-06, § II, 6-12-2007)

5362 Sign. For definitions pertaining to signs, see Article 6, Section 3: General Sign Regulations.

5363 Sign shop. An establishment that manufactures signage and engages in the retail sale of signs,  
5364 banners, or similar items.

5365 Single-family attached dwelling. See Dwelling, single-family attached.

5366 *Single-family detached dwelling.* ~~See *Dwelling, single-family detached.* A structure arranged or~~  
5367 ~~designed to be occupied by one family, the structure having only one dwelling unit, with the exclusion~~  
5368 ~~of mobile or manufactured homes and trailers, and which is entirely surrounded by open space or~~  
5369 ~~yards on the same lot. (Adopted 9/14/04)~~

5370 *Single-family detached farmhouse dwelling.* See *Dwelling, single-family detached farmhouse.*

5371 *Single-family dwelling.* See *Dwelling, single-family.*

5372 *Site plan.* A document which is a detailed engineered drawing of the proposed improvements  
5373 included and required in the development of a given lot, prepared in accordance with ~~a~~Article 11,  
5374 ~~Section 5: Site Plans of this ordinance.~~ For the purposes of this ordinance, a site plan is not to be  
5375 construed as a concept plan, as required by other provisions of this ordinance. Reference ~~a~~Article 5  
5376 of the Land Development and Subdivision Control Ordinance. ~~(Ord. No. 08-08-06, § IV, 8-12-2008)~~

5377 *Special event.* ~~A temporary indoor or outdoor use, lasting seven (7) consecutive days or less, that~~  
5378 ~~extends beyond the normal uses and standards allowed by the zoning ordinance which is intended~~  
5379 ~~to or likely to attract substantial crowds and is unlike the customary or usual activities generally~~  
5380 ~~associated with the property where the event is to be located. Includes *Event* as defined in <sup>\*</sup>[insert~~  
5381 ~~correct citation upon adoption]<sup>\*</sup> of the Town Code.~~

5382 *Special instruction school.* See *School, special instruction.*

5383 *Specimen tree.* Any tree which has been individually designated by the town council to be notable  
5384 by virtue of its outstanding size and quality for its particular species. ~~(Ord. No. 08-04-04, § II, 4-8-~~  
5385 ~~2008)~~

5386 *Special exception.* A special use exception, yard exception, or height exception specifically listed  
5387 in this ordinance which may be permitted in a specified district or in all districts in accordance  
5388 with terms of this ordinance by the board of zoning appeals under certain conditions, such conditions to  
5389 be determined in each case by the terms of this ordinance and by the board of zoning appeals.

5390 *Special use permit.* The permit for a use listed as requiring such permit in this ordinance and  
5391 which may be in a specified district under certain conditions, such conditions to be determined in  
5392 each case by the terms of this ordinance and by the town council of the Town of Purcellville after  
5393 public hearing and report by the planning commission in accordance with the procedures specified  
5394 by this ordinance and applicable state law.

5395 *Storage warehouse.* ~~A use engaged in storage and distribution of goods or materials for sale in a~~  
5396 ~~business located on the premises; does not include *Mini-storage facility.*~~

5397 *Story.* That portion of a building included between the surface of any floor and the surface of the  
5398 floor next above it, or if there be no floor above it, then the space between such floor and the ceiling  
5399 next above it. For the purpose of height measurement for any building other than a detached single-  
5400 family dwelling a basement shall be counted as a story if its ceiling is over five feet above the level  
5401 from which the height of the building is measured or if it is used as a separate dwelling unit by other  
5402 than a janitor or other employee and his family.

5403 *Story, half.* A partial story under a gable, hip or gambrel roof, the wall plates of which on at least  
5404 two opposite exterior sides are not more than two feet above the floor of such story, provided,  
5405 however, that any such story used as a separate dwelling unit, by other than a janitor or other  
5406 employee and his family, shall be counted as a full story.

5407 *Street (road).* A public or private thoroughfare which affords the principal means of access to  
5408 abutting properties.

5409 *Street, centerline.* The centerline of a street shall mean the centerline thereof as shown in any of  
5410 the official records of the town or as established by the Virginia Department of Highways and  
5411 Transportation. If no such centerline has been established, the centerline of a street shall be a line  
5412 lying midway between the side lines of the right-of-way thereof.

5413 *Street line (right-of-way line).* The line between a lot, tract or parcel of land and a contiguous  
5414 street.

5415 *Structural alteration.* Any change in the supporting members of a building or structure, including  
5416 bearing walls, partitions, columns, beams, girders or similar parts of a building or structure, and any  
5417 substantial change in the roof of a building.

5418 *Structure.* Anything constructed or erected, the use of which requires permanent location on the  
5419 ground, or attachment to something having a permanent location on the ground, including, but  
5420 without limiting the generality of the foregoing, mobile homes, monopoles, swimming pools,  
5421 backstops for tennis courts, gazebos, and pergolas. ~~(Revised 3/12/96)~~

5422 ~~*Studios or shops for artists, sculptor, designer, photographers, writers, teachers, jewelers, tailors,*~~  
5423 ~~*weavers or other crafts, sculptors or musicians.*~~ A structure or part of a structure which serves as the  
5424 working space for an artist, sculptor, weaver, photographer, writer, dancer, musician, yoga  
5425 instructor, and the like. etc. ~~(Adopted 9/14/04)~~

5426 *Substations.* ~~See Public utility, major. An appurtenant structure for collecting, processing or~~  
5427 ~~distributing a public utility commodity. (Adopted 9/14/04)~~

5428 ~~*Taxidermist.* One who prepares, stuffs and mounts the skins of animals in lifelike form. (Adopted~~  
5429 ~~9/14/04)~~

5430 ~~*Technical school.* See School, technical.~~

5431 ~~*Temporary food truck/trailer.* A licensed, motorized vehicle or trailer, temporarily parked for no~~  
5432 ~~longer than three (3) days consecutively or 60 total days within a calendar year, that is a self-~~  
5433 ~~contained temporarily parked food service operation, used to store, prepare, display or serve food~~  
5434 ~~intended for individual portion service.~~

5435 ~~*Temporary stands, or outdoor areas for sale of produce, Christmas trees, wreaths, holly, and the*~~  
5436 ~~*like.* A structure or designated area for the temporary retail sales of produce or seasonal plant~~  
5437 ~~materials or fireworks merchandise by a single vendor, including, but not limited to: produce,~~  
5438 ~~Christmas trees, fireworks, arts and crafts, previously prepared food, and the like. Does not include~~  
5439 ~~*Eating establishments or Temporary food truck/trailer.*~~

5440 ~~*Theater.* A building or part of a building devoted to showing motion pictures, or for dramatic,~~  
5441 ~~dance, musical, or other live performances although incidental use for private meetings, exhibits, and~~  
5442 ~~presentations shall be permitted. A structure designed and used for dramatic performances, musical~~  
5443 ~~performances or the showing of motion picture films. (Adopted 9/14/04)~~

5444 ~~*Townhouse.* See Dwelling, single-family attached. A single-family dwelling designed to be sold as~~  
5445 ~~a unit but forming one of a group or series of three or more attached single-family dwellings~~  
5446 ~~separated from one another by party walls without doors, windows, or other provisions for human~~  
5447 ~~passage or visibility through such walls from basement to roof, and having roofs which may extend~~  
5448 ~~from one of the dwelling units to another.~~

5449 ~~*Treatment plants.* See Public utility, major. The central facility for treatment and purification of~~  
5450 ~~water or wastewater, as part of a public water or sewer system owned and operated by a county or~~  
5451 ~~municipality or other government entity, or by an approved private operator to serve a community~~  
5452 ~~area. (Adopted 9/14/04)~~

5453 *Upholstery shop.* An establishment that repairs and replaces upholstery to household and office  
5454 *furnishings; does not include motor vehicle upholstery or repair.*

5455 *Urgent care clinic.* See *Clinic, urgent care.*

5456 *Utility storage yards.* A yard area in which materials, equipment and/or vehicles used for  
5457 construction, excavating or similar activities involved in the construction and maintenance of a public  
5458 utility system are stored, kept and/or maintained. ~~(Adopted 9/14/04)~~

5459 *Variance.* A variance from application of the strict terms of this ordinance which may be granted  
5460 in a specific case by the board of zoning appeals under the terms of this ordinance and applicable  
5461 state law.

5462 *Vehicle repair, light.* Buildings and premises including no more than five interior service stalls,  
5463 wherein the primary use is the supply and replacement at retail of oil, batteries, tires and motor  
5464 vehicle accessories, and where in addition, the maintenance and repair services may be rendered and  
5465 sales made, such as oil changes, chassis lubrication, brake replacement and repair, muffler  
5466 replacement, washing and polishing and the like. Permissible uses do not include major mechanical  
5467 and body work, painting, welding, or other work involving noise, glare, fumes, smoke or other  
5468 impacts to an extent greater than normally found at heavy vehicle repair facilities. ~~(Adopted~~  
5469 ~~9/14/04)~~

5470 *Vehicle sales and service.* Buildings and premises, including any interior service stalls, wherein  
5471 *the primary use is the sale, rental, service, and/or repair of automobiles, trucks, recreational vehicles,*  
5472 *motorcycles, all-terrain vehicles, boats, and trailers; not an Automobile, salvage or wrecking yard or*  
5473 *Junk yard or automobile graveyard.*

5474 *Vehicle sales storage lot.* A place in which operable vehicles are stored pending sale; not an  
5475 *Automobile, salvage or wrecking yard or Junk yard or automobile graveyard. An adjunct use to an*  
5476 *existing Vehicles sales and service use located adjacent.*

5477 *Veterinary clinic* ~~or hospital for small animals.~~ A facility for the provision of surgical or other  
5478 medical treatment to animals. Such animals may be kept in the facility during the recovery period or  
5479 while under medical treatment only. ~~(Adopted 9/14/04)~~

5480 *Water storage tanks.* ~~See Public utility, major. Tanks for the storage of a public water supply or~~  
5481 ~~approved private communal water supply. (Adopted 9/14/04)~~

5482 *Wholesale food processing.* See *Food processing, wholesale.*

5483 *Wholesale sales.* An establishment that sells merchandise in bulk to large scale buyers, usually  
5484 *other businesses, for the purpose of later retail distribution to the resident population, businesses*  
5485 *and/or to tourists.*

5486 *Yard.* An open space other than a court, on a lot, and unoccupied and unobstructed from the  
5487 ground upward, except as otherwise provided in this ordinance.

5488 *Yard, front.* A yard lying between the front lot line and the front building setback line, and  
5489 extending across the full width of the lot. The front yard depth shall be the minimum distance,  
5490 measured horizontally, between the front building setback line and the front lot line.

5491 *Yard measurement.* In measuring a yard, the building line shall be deemed to mean a line parallel  
5492 to the nearest lot line drawn through the point of a building or the point of a group of buildings  
5493 nearest to such lot line, and the measurement shall be taken at right angles from the building line to  
5494 the nearest lot line.

5495            *Yard, rear.* A yard lying between the rear lot line and the nearest part of the building not  
5496 hereinafter excepted, and extending across the full width of the lot. The rear yard depth shall mean  
5497 the minimum distance, measured horizontally, between any part of the building not specifically  
5498 excepted and the rear lot line.

5499            *Yard, side.* A yard lying between a side lot line and the nearest part of the building or use not  
5500 hereinafter excepted, and extending from the front yard to the rear yard, or if there be no front or  
5501 rear yard, to the front or rear lot lines. Side yard width shall mean the minimum distance, measured  
5502 horizontally, between any part of the building or use not specifically excepted and the nearest side  
5503 lot line.

5504            *Yard/garage sale.* Any sale entitled “garage sale,” “yard sale,” “barn sale,” “lawn sale,” or any  
5505 similar casual, temporary sale of tangible personal property on any portion of a residential lot, as  
5506 allowed by the use regulations of a zoning district, which is advertised by any means whereby the  
5507 public at large can be made aware of such sale. Such sales are limited to a period of no more than  
5508 three consecutive days.