

USES

**3**

## ARTICLE 3: USES

### SECTION 3.1 USES NOT PERMITTED ARE PROHIBITED

For the purposes of this ordinance, permitted uses are listed for the various districts. Unless the contrary is clear from the context of the lists or other regulations of this ordinance, uses not specifically listed are prohibited.

### SECTION 3.2 SIMILAR USE DETERMINATIONS

The zoning administrator may permit other commercial, governmental, industrial and service uses which, in the opinion of the zoning administrator, are of the same general character as those uses permitted in the district where they are proposed, shall be permitted, provided that these uses shall be permitted only in accordance with the development standards of this ordinance

### SECTION 3.3 PERMITTED AND CONDITIONAL USES BY DISTRICT

The use table sets forth the uses allowed within the Town's base zoning districts, subject to compliance with Section 3.4: Use standards below and all other applicable regulations of this Zoning Ordinance. Each use listed in the use table is defined in Article 11: Definitions.

The R-3A district is a legacy zoning district and is included solely for the purposes of existing R-3A zoned properties. All PDH districts are legacy zoning districts and are included solely for the purposes of existing PDH zoned properties.

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

TABLE A – USE TABLE LEGEND		
SYMBOL	USE TYPE	MEANING
P	Permitted Uses	A "P" in a cell indicates that a use is permitted in the respective zoning district, subject to compliance with all other applicable regulations of this Zoning Ordinance.
SUP	Uses Allowed by Special Use Permit	A "SUP" in a cell indicates that a use is allowed in the respective zoning district only if reviewed and approved in accordance with Article 10, Section 10.6: Special Use Permit.
PPU	Principal Permitted Uses (Legacy PDH District Only)	A "PPU" in a cell indicates that a use is permitted in a PDH district when such use is designated on an approved final development plan prepared in accordance with the provisions in Appendix A: Procedures for Review and Approval of All PDH Districts through: Submission Requirements for PDH Districts and subject to the requirements

SPU	Secondary Permitted Uses (Legacy PDH District Only)	A "SPU" in a cell indicates that a use is permitted in a PDH district, which contains one or more principal uses, when such use is designated on an approved final development plan prepared in accordance with the provisions found in Appendix A of this Ordinance outlining regulations for the Legacy PDH districts
	Prohibited Uses	A blank cell (one that does not contain any of the symbols above) indicates that the listed use is not allowed in the respective zoning district.

USES	R2	R3	R3A	R8	R15	C1	MC	C4	IB	PDH	X	IG	AC	RT	STANDARD
Accessory buildings and uses	P	P	p	P	P	P	P	P	P	SPU	P	P	P	P	Sec. 3.4(1)
Adult care center						P		P							
Agriculture/horticulture											P		P		Sec. 3.4(2)
Agricultural tourism													P		
Amphitheater												SUP			
Assisted living facility - 1—8 individuals	P	P	p	P	P		P	P		PPU	P		P	P	
Assisted living facility - 9 or more individuals	SUP	SUP	SUP	SUP	SUP		SUP	SUP		SPU		SUP	SUP	SUP	
Auction house							P		P						
Automated teller machine (ATM), accessory						P	P	P	P	SPU					
Bed and breakfast	SUP	SUP	P	SUP	SUP		P	P			P		P	SUP	
Brewery, winery or distillery						P	P	P	P				P		
Bus depot and maintenance facility									P						
Bus shelter	SUP	SUP	SUP	SUP	SUP	P	P	P	P	PPU	P	P	P	SUP	Sec. 3.4(3)
Car wash						SUP	SUP		SUP						Sec. 3.4(4)
Catering						P	P	P	P				P		
Cemetery												SUP			
Child care, commercial						P	P	P		SPU		SUP			Sec. 3.4(5)
Child care, Family Day Home, 1-4 individuals	P	P	P	P	P		P	P		P	P		P	P	Sec. 3.4(6)
Child care, Family Day Home 5-12 individuals	SUP	SUP	SUP	SUP	SUP		SUP	SUP		SUP	SUP		SUP	SUP	Sec. 3.4(6)
Church of other place of worship	SUP	SUP				SUP	P			SPU	P	P	P		Sec. 3.4(7)
Clinic, urgent care						P	P	P	SUP						
College or university										SPU		P			Sec. 3.4(8)
Communications tower						SUP	SUP	SUP	SUP		SUP	SUP	SUP	SUP	Sec. 3.4(9)
Community garden										SPU	P	P	P		

USES	R2	R3	R3A	R8	R15	C1	MC	C4	IB	PDH	X	IG	AC	RT	STANDARD
Community or cultural facility							P	P		SPU		P			
Construction/landscaping equipment and supply sales and service							P/ SUP	P	P						Sec. 3.4(10)
Contractor's office and storage area						P		SUP	P						Sec. 3.4(11)
Convenience store							P/ SUP	P		SPU					Sec. 3.4(12)
Country inn							P	P					P		
Drive-through facility						SUP	SUP	SUP	SUP	SPU					Sec. 3.4(13)
Dry cleaning and laundry establishment							P	P							
Dwelling, accessory	SUP	SUP	SUP	SUP	SUP					SUP	SUP		SUP	SUP	Sec. 3.4(14)
Dwelling, apartment building					P					PPU					Sec. 3.4(16)
Dwelling, apartment unit			P		P			P							Sec. 3.4(15)
Dwelling, duplex				P	P										
Dwelling, single-family attached				P	P			SUP		PPU					Sec. 3.4(17)
Dwelling, single-family detached	P	P	P	P	P			SUP		PPU	P		P	P	
Dwelling, single-family detached farmhouse													P		
Eating establishment - less than or equal to 6,000 square feet						P	P	P	P	SPU			P		Sec. 3.4(18)
Eating establishment - greater than 6,000 square feet						SUP	SUP	P	SUP	SPU			SUP		Sec. 3.4(18)
Equestrian facility, commercial										SPU			SUP		Sec. 3.4(19)
Equestrian facility, residential	P									SPU	P		P	P	Sec. 3.4(20)
Farm and community market							P	P		SPU		P	P		Sec. 3.4(21)
Farm equipment and supply sales and service							P/ SUP	P	P				SUP		Sec. 3.4(22)
Financial institution						P	P	P		SPU					
Fire, rescue or police station									SUP	PPU		P			

USES	R2	R3	R3A	R8	R15	C1	MC	C4	IB	PDH	X	IG	AC	RT	STANDARD
Firing range, indoor							SUP		SUP						
Fitness center						P	P	P	P						
Food processing, retail							P/ SUP	P							Sec. 3.4(23)
Food processing, wholesale							SUP		P						
Fuel pump, accessory						P	P	P	P						Sec. 3.4(24)
Fueling station							SUP		SUP						Sec. 3.4(25)
Funeral home						P	P	P							
Government office and assembly room										PPU		P			
Government operations facility										PPU		SUP			
Group home	P	P	P	P	P		P	P		PPU	P		P	P	
Home occupation	P	P	P	P	P		P	P		SPU	P		P	P	Sec. 3.4(26)
Hospital												SUP			
Hotel						P	P	P							
Kennel						SUP	SUP	SUP	SUP				SUP		Sec. 3.4(27)
Laboratory						P	P	P	P						Sec. 3.4(28)
Laundromat							P	P							
Library								P		PPU		P			
Lighted sports field							SUP	SUP			SUP	SUP			Sec. 3.4(29)
Machine shop									P						Sec. 3.4(30)
Manufacturing, light						SUP			P						Sec. 3.4(31)
Mini-storage facility									P						
Nature preserve	P	P				P						P	P		
Nursing home	SUP	SUP	SUP	SUP	SUP		SUP	SUP				SUP		SUP	
Office			P			P	P	P	P	SPU					
Outdoor storage lot							SUP	SUP	P						Sec. 3.4(32)

USES	R2	R3	R3A	R8	R15	C1	MC	C4	IB	PDH	X	IG	AC	RT	STANDARD
Park						P				PPU		P	P		
Parking lot, commuter									SUP			SUP			
Parking lot, public						P	P	P	P	PPU		P			
Parking structure						SUP	SUP	SUP	SUP			SUP			
Personal services establishment						P	P/SUP	P	P	SPU					Sec. 3.4(33)
Petroleum, propane, and other flammable liquids, storage, distribution and sales									SUP						
Petting farm													P		
Physical Rehabilitation Facility, Inpatient and outpatient						P	P								
Playground	P	P	P	P	P	P	P	P		SPU		P	P	P	
Printing, publishing and engraving						P	P	P	P						
Private club							SUP	SUP		SPU		P	SUP		
Public or government building, facility, or use not otherwise defined										PPU		SUP			
Public utility, major						SUP	SUP	SUP	SUP	SPU	SUP	SUP	SUP	SUP	
Public utility, minor	P	P	P	P	P	P	P	P	P	SPU	P	P	P	P	
Radio or television studio						P	P	P	P						
Recreation facility, commercial indoor – less than or equal to 10,000 square feet						P	P	P	P				SUP		
Recreation facility, commercial indoor – greater than 10,000 square feet						SUP	SUP	P	SUP				SUP		
Recreation facility, commercial outdoor –							P	P					SUP		

USES	R2	R3	R3A	R8	R15	C1	MC	C4	IB	PDH	X	IG	AC	RT	STANDARD
less than or equal to 20,000 square feet															
Recreation facility, commercial outdoor – greater than 20,000 square feet							SUP	P					SUP		
Recreation facility, public								P		PPU		SUP	P		
Rental Housing, short term	P	P	P	P				P							
Retail sales, accessory						P	P	P	P			P	P		
Retail sales, general						P	P/SUP	P	SUP	SPU					Sec. 3.4(34)
School, private							SUP	SUP		SPU		P			Sec. 3.4(35)
School, public										PPU	SUP	SUP			
School, special instruction			SUP			P	P	P	P	SPU		P			Sec. 3.4(36)
School, technical			SUP			P	P	P	P	SPU					Sec. 3.4(37)
Service/repair establishment							P	P	P						
Sign shop						P	P	P	P						Sec. 3.4(38)
Solar Energy Facility, small scale															Sec. 3.4 (39)
Special event	P	P	P	P	P	P	P	P	P	SPU	P	P	P	P	
Storage warehouse									P						
Studio			P			P	P	P	P				P		
Temporary food truck/trailer						P	P	P	P			P	P		
Temporary stand							P	P							
Theater							SUP	SUP				SUP			
Transitional housing	SUP														Sec. 3.4(40)
Upholstery shop							P	P	P						
Vehicle sales and service							SUP		P						Sec. 3.4(41)
Vehicle sales storage lot							SUP		P						
Veterinary clinic		SUP				P	P	P	P	SPU			P		Sec. 3.4(42)

USES	R2	R3	R3A	R8	R15	C1	MC	C4	IB	PDH	X	IG	AC	RT	STANDARD
Wholesale sales							SUP		P						
Yard/garage sale	P	P	P	P	P						P		P	P	

## SECTION 3.4 USE STANDARDS

### 1) Accessory buildings, structures and uses:

#### a) General standards

- i. Except as herein provided, no accessory structure shall be located within the front yard of a lot or parcel.
- ii. Fueling station pumps and pump islands, with or without a canopy may occupy the required yards; provided, however, that they are not less than 15 feet from street lines.
- iii. Accessory swimming pools, open and unenclosed, may occupy a required rear or side yard, provided they are not located closer than six feet to a rear lot line or ten feet to an interior side lot line. A walk space at least three feet wide shall be provided between pool walls and protective fences or barrier walls.
- iv. Except as provided in development standards for particular uses, an ornamental fence, wall, hedge or shrubs not more than 3½ feet in height may project into or enclose any required front or side yard to a depth from the street line equal to the required depth of the front yard. Ornamental fences, walls, hedges or shrubs may project into or enclose other required yards, provided such fences and walls do not exceed a height of seven feet. This provision shall not be interpreted to prohibit the erection of an open-mesh type fence enclosing any school or playground site or business or industrial activity for security purposes.
- v. Accessory buildings which are not a part of the main building, although they may be connected by an open breezeway, may be constructed in a side or rear yard, provided such accessory building(s) does not occupy more than 30 percent of the area of the required side or rear yard and provided it is not located closer than five feet to any lot line.
- vi. Satellite dish antennas or receiving stations and similar devices are deemed to be accessory structures and shall not be located in front or side yards in a residential or commercial district and in a residential district shall be limited to one per lot, shall not exceed five feet in diameter, and shall not exceed the height permitted in the zoning district for an accessory structure. In a residential district no such dish structure greater than three feet in diameter shall be mounted on the roof of a building so as to be visible from the street on which a building fronts.
- vii. When attached to a single-family detached dwelling, a deck which has no part of its floor higher than the first floor of the dwelling may extend up to ten feet into a required rear

yard, provided that the deck is not located closer to the rear lot line than one-half the distance measured from the rear lot line to the closest point of the dwelling, and provided that the deck is not located closer to any side lot line than ten feet. Steps from the deck to grade may extend up to three feet additionally into the required yard and not be calculated against the minimum requirements.

- viii. Accessory structures on lots containing single-family attached dwellings must comply with the requirements of Article 3, Section 3.4(17): Dwelling, single-family attached.

2) Agriculture/horticulture:

- a) General standards

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

3) Bus shelter:

- a) General standards

Bus Shelters shall only be permitted along arterial and collector roads as identified in the Purcellville Transportation Plan.

4) Car wash:

- a) General standards

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) General standards

- i. Maximum enrollment of 150 students daily.
- ii. In addition to the minimum lot size requirements of the zoning district, the minimum lot area for commercial child care shall be of such size to provide 75 square feet of usable outdoor recreation for each child that may use the space at any one time. Such area shall be delineated on a plat or site plan submitted at the time the application is filed and shall include only:
  - a. That area not covered by buildings or required off-street parking spaces.
  - b. That area which is developable for active outdoor recreation purposes.
  - c. An area which occupies no more than 80 percent of the combined total areas of the required rear and side yards.

- iii. For each child enrolled, indoor recreation space shall comply with the Standards for Licensed Child Day Centers - Virginia Department of Education, Office of Child Care Health and Safety.
- iv. All such uses shall be located so as to have direct access to an existing or programmed Public Street of sufficient right-of-way and cross-section width to accommodate pedestrian and vehicular traffic to and from the use. To assist the zoning administrator in determining sufficiency of access, each applicant, at the time of application, shall provide an estimate of the maximum expected trip generation, the distribution of these trips by mode and time of day, and the expected service area of the facility. As a general guideline, the size of the use in relation to the appropriate street type should be as follows, subject to the modification and conditions the zoning administrator deems to be necessary:

NUMBER OF PERSONS	STREET TYPE
1 - 75	Local
76 - 150	Collector

- v. All such uses shall be located so as to permit the pick-up and discharge of all persons on the site.
  - vi. No such use shall be permitted unless it is determined by the Loudoun County Department of Environmental Health that the location and design does not pose any hazard to the health, safety and welfare of the children.
  - vii. A landscape and screening plan shall comply with Article 5: Landscaping, Buffering, and Open Space Regulations.
  - viii. All applications to establish a commercial child care use shall be accompanied by two copies of a plan drawn to scale containing the following information:
    - a. The dimensions, boundary lines and area of the lot or parcel.
    - b. The location, dimensions and height of any building, structure, or addition, whether existing or proposed.
    - c. The distance from all property lines to the existing or proposed building, structure or addition, shown to the nearest foot.
    - d. The dimensions and size of all outdoor recreation space and the location of such space in relation to all lot lines.
- b) District standards
- i. In the IG district, commercial child care is only allowed as an accessory use to another use allowed in the district.

## 6) Child care, Family Day Home

In addition to all other provisions of home occupations in this Section 3.4.6), the following standards apply to Family Day Homes:

- a) The total number of children cared for in a family day home must not exceed 12 children under the age of 13, exclusive of the provider's own children and any children who reside in the home. The family day home must be the principal residence of the family day home provider or the residence of any of the children in care. Family day homes serving 5 – 12 children, exclusive of the provider's own children and any children who reside in the home, shall apply for a zoning permit.
- b) The family day home must comply with any and all County and Code of Virginia requirements, including without limitation, obtaining a Zoning Permit, obtaining a Business License, and obtaining a State Family Day Home License in accordance with the Code of Virginia, as applicable, prior to establishing the use. A family day home with less than 5 children does not need to obtain a Town zoning permit. A family day home where the children are all related to the provider by blood or marriage shall not be required to be licensed or to obtain a zoning permit.
- c) Prior to the approval of a zoning permit for a family day home, written notice of the zoning permit application must be sent by the applicant to the last known address of the owner of each adjacent property as shown on the Town's current real estate tax assessment records. For purposes of this section, "adjacent" mean properties abutting the subject property and all property immediately and diagonally across the street or road from the subject property. The applicant must send the written notice by 1st class and must submit a letter or email to the zoning administrator showing that the required notice was sent.
- d) The zoning administrator will provide a sample written notice which will include the following information:
  - i. A statement that a zoning permit application for a child day home has been submitted to the Town;
  - ii. The address of the property subject to the zoning permit application for the child day home;
  - iii. A mailing address for the zoning administrator; and
  - iv. A statement informing the adjacent property owner of the process to object:
- e) If objecting, an adjacent property owner must send such objection in writing to the zoning administrator at the mailing address provided in the notice. The written objection must include the specific issues that are the basis for the objection. The zoning administrator will review such objection within 30 days from the date the notification letter was sent.
- f) If no objection is received in writing from an adjacent property owner within the required 30 days and all Zoning Ordinance requirements are met, the zoning administrator may issue the zoning permit. If an objection is received in writing from an adjacent property owner within the required 30 days, the zoning administrator will evaluate the specific issues regarding the

objection; however, if all Zoning Ordinance requirements are being met, the Zoning Permit application will continue through the review and approval process once the required 30 days is complete.

g) If the zoning permit application for the child day home is denied, the applicant may appeal the determination to the Board of Zoning Appeals.

h) Yard requirements:

i. A fence at least 3 feet 6 inches in height must completely enclose any outdoor play area so that children are safely contained inside, and must be located in the rear or side yard.

7) Church or other place of worship:

a) General standards

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

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

8) College or university:

a) General standards

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

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

a. The traffic generated by the proposed use shall be adequately and safely served by roads, pedestrian connections and other transportation services, as determined by the zoning administrator.

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

c. A site plan shall be submitted and reviewed in accordance with the requirements and procedures of Article 10, Section 10.12 : Plans, and the requirements set forth in

Article 5 of the Land Development and Subdivision Control Ordinance (LDSCO) unless granted a waiver in accordance with Article 5, Section 5.1.B of the LDSCO.

9) Communications tower:

a) General standards

- i. The maximum tower height is 125 feet.
- ii. In the C-4 district, such use may only be located north of the former W&OD railroad right-of-way.

10) Construction/landscaping equipment and supply sales and service:

a) General standards

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

b) District standards

- i. In the MC district, a special use permit is required when such use has a gross floor area of greater than 10,000 square feet.
- ii. In the C-4 district, such use may only be located north of the former W&OD railroad right-of-way, as shown on Map 9.1 in Article 2, Section 2.12: C-4 Central commercial district.

11) Contractor's office and storage area:

a) District standards

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

12) Convenience store:

a) District standards

- i. In the MC district, a special use permit is required when such use has a gross floor area of greater

than 10,000 square feet.

13) Drive-through facility:

a) General standards

- i. Such a use shall have on all sides the same architectural treatment or shall be architecturally compatible with the building group or neighborhood with which it is associated, as determined by the Board of Architectural Review.
- ii. Such a use shall be designed so that pedestrian and vehicular circulation is coordinated with that on adjacent properties.

- iii. The site shall be designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation. Parking and stacking spaces shall be provided and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the site.
- iv. The lot shall be of sufficient area and width to accommodate the use or combination of uses and any such use shall not adversely affect any nearby existing or planned residential areas as a result of the hours of operation, noise generation, parking, glare, odor or other operational factors.
- v. Drive-through stacking lanes shall be a minimum 100 feet from any residential lot. The Planning Commission may modify or waive this requirement if it determines that the impacts to nearby residences will be minimal.
- vi. Speakers in drive-through areas shall not be audible from adjacent residential uses. Sound attenuation walls or other mitigation measures may be required as necessary.
- vii. Pedestrian walkways should not intersect the drive-through aisles, but where there is no alternative, they shall have clear visibility.
- viii. Drive-through aisles shall have a minimum 12-foot width on curves and a minimum 11-foot width on straight sections.
- ix. Drive-through aisles shall provide sufficient stacking area behind the menu board for drive-through eating establishments and behind the service window for other drive-through uses to accommodate a minimum of six (6) cars (approximately 114 feet).
- x. No drive-through aisles shall exit directly into a public right-of-way. Aisles shall be integrated with the on-site circulation and shall merge with the driveway.
- xi. Drive-through aisles shall be separated from landscaping areas by a six-inch high, poured in place, concrete curb or other suitable protective device approved by the Zoning Administrator.
- xii. Landscaping shall screen drive-through aisles from the public right-of-way and shall be used to minimize the visual impacts of menu board signs and directional signs.

b) District standards.

- i. In the C-4 district, such use may only be located north of the former W&OD railroad right-of-way.

14) Dwelling, accessory:

a) General standards

- i. The owner of a property with an accessory dwelling must reside in either the primary dwelling or the accessory dwelling.
- ii. An accessory dwelling shall not exceed 25 percent of the total floor area of the main dwelling nor more than 500 square feet of floor area.

- iii. Whether the accessory dwelling is a subordinate dwelling unit in the primary building or located in an accessory building, the general appearance of a single-family dwelling lot shall be maintained.
- iv. No exterior stairways to a second floor shall be constructed at the front of the main building.
- v. At least three off-street parking spaces must be available on the property for use by the owner-occupant and the tenant.
- vi. If the accessory dwelling is located in an accessory structure, such structure must have the following minimum setbacks from side and rear property lines:
  - a. Side yard: Same as principal structure;
  - b. Rear yard: Same as side yard for principal structure, but not less than ten (10) feet

15) Dwelling, apartment unit:

a) District standards

- i. In the C-4 district, apartment units may be served by ground floor entrances or lobbies, but no greater than 50 percent of the gross floor area of the ground floor may be used for residential living space, provided that such residential living space is at the rear of the building and the front half of the ground floor is habitable space used for other, non-residential permitted uses.
- ii. In the C-4 district, only 2 apartment units are permitted per building.

16) Dwelling, apartment building:

a) General standards

- i. The minimum area requirement for a dwelling, apartment building shall be two acres.
- ii. Overall project density shall not exceed 15 dwelling units per acre, exclusive of public rights-of-way.
- iii. The development or project shall be designed to promote harmonious relationships with surrounding adjacent and nearby developed properties, particularly in larger developments or projects where more than one building is involved, and to this end may employ such design techniques as may be appropriate, including use of building types, orientation, spacing and setback of buildings, careful use of topography, maintenance of natural vegetation, location of access points, recreation areas, open spaces, and parking areas, grading, landscaping, and screening.
- iv. The principal means of access to an apartment building development containing more than 24 total dwelling units shall be from an arterial or collector thoroughfare of adequate physical and functional design to handle anticipated traffic needs. Secondary access to a local street will be permitted only in cases where there are overriding factors of health or safety for future residents of the project or where the arrangement and conditions of the

minor streets are such that the projected increase in traffic will not substantially affect the use and enjoyment of the street by present or future residents.

- v. No apartment building shall contain more than 12 dwelling units.
- vi. No apartment building shall be located closer than 35 feet from any public right-of-way or closer than 15 feet from a private drive, access road or open common parking area whether oriented to the front, sides or rear of the buildings, except that parking areas may be located within five feet and private drives may be located within ten feet of any blank or windowless wall.
- vii. No apartment building shall be located closer than 25 feet from a side or rear property line. This regulation does not apply to existing buildings which are converted to apartment building use.
- viii. A minimum distance of 25 feet shall separate any two buildings or groups of apartment buildings from any other abutting use or building type.
- ix. The maximum lot coverage shall be 40 percent.
- x. At least 400 square feet of commonly usable open space shall be provided for each dwelling unit.
- xi. Where community refuse containers are provided as accessory uses to apartment building developments, such containers shall be conveniently located for pick-up vehicle access and completely screened from view by means of a fence or wall and an appropriately designed gate which can be latched open and closed.
- xii. Each apartment dwelling unit shall contain at least 600 square feet of livable floor area, exclusive of garages, carports, cellars, basements, attics, open porches, patios, or breezeways, except that up to ten percent of the units may be constructed with less floor area than this minimum, but in no case less than 450 square feet.

17) Dwelling, single-family attached (Townhouses):

a) General standards

- i. The minimum project area shall be 2.0 acres. The overall project design shall preserve natural topography and vegetation and minimize the adverse impact of moving and parked vehicles within the development and its surroundings by means of town-scale grid and curved streets, clustered building groups, careful distribution of open space, interior screened parking, interrupted parking bays or courts, landscape screening, and other design features.
- ii. A maximum density of eight units per gross acre, excluding floodplain and slopes exceeding 25 percent, shall be permitted.
- iii. A minimum of six dwellings are required for each development.

- iv. The minimum lot area per dwelling unit shall be 2,000 square feet. The minimum lot width shall be 20 feet for interior lots and 30 feet for end and corner lots. Lots may be delineated by dashed lines and need not be sold separately in qualified condominium projects.
- v. A common green area may be provided in lieu of a part of the minimum lot area, subject to the following provisions:
  - a. When a common green area is provided, the minimum lot area may be reduced below 2,000 square feet where the reduction results in usable, common open space and the provision of active recreational facilities such as swimming pools, tot lots, multipurpose courts or playing fields. In no event, however, shall the minimum lot area be reduced below 1,500 square feet or maximum density be increased above eight units per gross acre.
  - b. When a common green area is provided, the maximum lot coverage may be increased in proportion to the reduction in the minimum lot area, but in no event may the lot coverage, including dwelling and accessory buildings, exceed 50 percent.
  - c. The common green area may be utilized only for lawns, trees, planting area, ornamental pools, similar landscaping uses, swimming pools, and areas for passive recreation uses. No part of the common green area may be utilized for automobile driveways or parking areas, for sidewalks or paved play areas, or for other similar paved areas.
  - d. Townhouse developments shall have provisions ensuring that nonpublic common green areas remain for use and enjoyment of occupants and shall be properly maintained without expense to the Town of Purcellville in accordance with the Condominium Act, §§ 55-79.39 et seq. Code of Virginia, as amended.
- vi. The minimum front yard per dwelling unit shall be 15 feet. The minimum rear yard shall be 25 feet. The minimum side yard for end and corner lots shall be ten feet.
- vii. Every dwelling unit shall have a minimum gross floor area of 1,200 square feet with a minimum of 600 square feet per floor, exclusive of attic and exclusive of basements which are more than 50 percent underground.
- viii. Maximum building height for townhouses shall be 35 feet.
- ix. The maximum lot coverage shall be 40 percent.
- x. Rear access may be required for emergency vehicles as determined by the fire marshal.
- xi. No motor vehicle shall be parked on any lot upon which a townhouse has been or is to be erected unless a garage is provided as part of the unit. No townhouse shall have a garage or carport attached to its exterior facade. No garage shall be converted to living area.
- xii. Townhouse dwellings abutting each other shall have complementary but not identical facades.

- xiii. There shall be at least three but no more than eight townhouse dwellings continuously connected; provided that the average number of units continuously connected shall not exceed six. There shall be an open space of at least 20 feet between any two such groups of continuously connected buildings.
- xiv. No more than two abutting townhouse dwellings shall have the same front yard setbacks. Building setback variations as required shall be at least three feet. No more than two abutting townhouses shall have a common roof line.
- xv. Soundproof and fireproof walls shall be provided between adjoining dwellings at least up to and including the underside of the roof.
- xvi. Service areas and rear yards visible from a street shall be appropriately screened as approved by the zoning administrator.
- xvii. Each lot containing a townhouse shall provide a private rear yard at least 300 square feet in area and at least 15 feet in depth enclosed visually by uniform fences or walls.
- xviii. Each dwelling shall be self-contained as to heating, air conditioning and utilities.
- xix. The developer shall provide front yard areas and common areas with lawn and appropriate shrubbery planting except on areas designated for walks and driveways. The lawn and shrubbery planting shall be subject to approval by the zoning administrator.
- xx. Common refuse bins shall be completely screened from view by means of a fence or wall, and a gate which can be latched open and closed.
- xxi. Each development site shall have a publicly-dedicated or approved private street throughout the development so as to adjoin all private parking lots and access courts. Townhouse lots, which abut a private street and/or parking lot or access court, shall meet the following criteria:
  - a. Private streets, parking lots and access courts shall be constructed in conformance with the standards set forth in Article 7: Parking and Loading Regulations and Article 3 of the Land Development and Subdivision Control Ordinance.
  - b. A homeowners' 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 5: Landscaping, Buffers, Screening, Fences, and Open Space Regulations.
  - 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.
- xxii. Accessory structures shall not exceed ten feet in height and shall be located only to the rear of the main structure and shall be no closer than one foot from the side or rear property line or ten feet from the outside line of end and corner lots, unless it constitutes part of a fence or wall.

18) Eating establishment:

- a) District standards
  - i. In the C-1 district, any such use shall be limited to not more than 15 percent of the total floor area of a multiple-use development, as defined in Article 11: Definitions, on a lot of no less than two acres. The division of the site into lots of less than two acres may be permitted after approval of a multiple-use development.

19) Equestrian facility, commercial:

- a) General standards
  - i. Any building for the keeping of animals shall be located at least 100 feet from any side or rear lot line.

20) Equestrian facility, residential:

- a) General standards
  - i. Any building for this facility shall be located at least 100 feet from any side or rear lot line.
  - ii. No more than one such animal shall be kept for each acre of land on the premises.

21) Farm and community market:

- a) General standards
  - i. See Chapter 18, Article 4 of the Town Code for additional regulations.
- b) District standards

- i. In the AC district, the regulations of Article 2, Section 2.15.3: Additional standards for certain uses, shall apply.
- 22) Farm equipment and supply sales and service:
  - a) General standards
    - i. May include storage of fertilizer in bags or in tanks (dry only) or in a completely enclosed building.
  - b) District standards
    - i. In the MC district, a special use permit is required when such use has a gross floor area of greater than 10,000 square feet.
    - ii. In the C-4 district, such use may only be located north of the former W&OD railroad right-of-way.
- 23) Food processing, retail:
  - a) District standards.
- 24) In the MC district, a special use permit is required when such use has a gross floor area of greater than 10,000 square feet. Fuel pump, accessory:
  - a) District standards.
    - i. In the C-4 district, such use may only be located north of the former W&OD railroad right-of-way.
- 25) Fueling station:
  - a) General standards
    - i. Fueling stations shall be limited to not more than eight fuel pumps for the sale and dispensing of fuel.
    - ii. Bulk storage of flammable liquids must be in accordance with federal and state regulations.
    - iii. No lighting fixture may extend to a height greater than 15 feet.
    - iv. Temporary storage of wrecked or inoperative vehicles or storage or rental of luggage trailers, campers, vans, or similar equipment is not permitted.
- 26) Home occupation:
  - a) General standards
    - i. See Article 3, Section 3.4.6): Home occupations for additional regulations.
- 27) Kennel:
  - a) General standards

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

28) Laboratory:

a) General standards

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

29) Lighted sports field:

a) General standards

- i. See Article 6: Outdoor Lighting Requirements for lighting standards applicable to lighted sports

fields.

30) Machine shop:

a) General standards

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

31) Manufacturing, light:

a) District standards

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

32) Outdoor storage lot:

a) District standards

- i. In the C-4 district, such use may only be located north of the former W&OD railroad right-of-way, as shown on Map 9.1 in Article 2, Section 2.12: C-4 Mixed Use Neighborhood Scale

33) Personal services establishment:

a) District standards

- i. In the C-1 district, any such use shall be limited to not more than 15 percent of the total floor area of a multiple-use development, as defined in Article 11: Definitions.
- ii. In the MC district, a special use permit is required when such use has a gross floor area of greater than 10,000 square feet.

34) Retail sales, general:

a) District standards

- i. In the C-1 district, any such use shall be limited to not more than 15 percent of the total floor area of a multiple-use development, as defined in Article 11: Definitions.

- ii. In the MC district, a special use permit is required when such use has a gross floor area of greater than 10,000 square feet.

35) School, private:

a) General standards

- i. In addition to complying with the minimum lot size requirements of the zoning district in which it is located, the minimum lot area for a private school of general education shall be of such size that:
  - a. Two hundred square feet of usable outdoor recreation shall be provided for each child in grades K—3 that may use the space at any one time, and
  - b. Four hundred thirty square feet of usable outdoor recreation area shall be provided for each child in grades 4-12 that may use the space at any one time. Such usable outdoor recreation area shall be delineated on a plat or site plan submitted at the time the application is filed and shall include only:
    - c. That area not covered by buildings or required off-street parking spaces.
    - d. That area outside the limits of the required front yard.
    - e. That area which is developable for active outdoor recreation purposes.
    - f. An area which occupies no more than 80 percent of the combined total areas of the required rear and side yards.
- ii. All other regulations relative to bulk shall be complied with.
- iii. For each person enrolled, indoor recreation space shall be provided at the rate of 25 square feet and such other requirements as determined by the Loudoun County Department of Environmental Health and the Commonwealth of Virginia.
- iv. All such uses shall be located so as to have direct access to an existing or programmed public street of sufficient right-of-way and cross-section width to accommodate pedestrian and vehicular traffic to and from the use. Each applicant, at the time of application, shall provide a reasonable estimate of the expected trip generation, the distribution of these trips by mode and time of day, and the expected service area of the facility. As a general guideline, the size of the use in relation to the appropriate street type should be as follows, subject to whatever modification and conditions the zoning administrator deems to be necessary:

NUMBER OF PERSONS	STREET TYPE
1 - 75	Local
76 - 150	Collector

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

- vi. No such use shall be permitted unless it is determined by the Loudoun County Department of Environmental Health that the location and design does not pose any hazard to the health, safety and welfare of the children.
- vii. All applications to establish a private school use shall be accompanied by two copies of a plan drawn to scale containing the following information:
  - a. The dimensions, boundary lines and area of the lot or parcel.
  - b. The location, dimensions and height of any building, structure, or addition, whether existing or proposed.
  - c. The distance from all property lines to the existing or proposed building, structure or addition, shown to the nearest foot.
  - d. The dimensions and size of all outdoor recreation space and the location of such space in relation to all lot lines.

b) District standards

- i. In the C-4 district, such use may only be located north of the former W&OD railroad right-of-way.

36) School, special instruction:

a) General standards

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

NUMBER OF PERSONS	STREET TYPE
1 - 75	Local
76 - 150	Collector

- ii. All such uses shall be located so as to permit the pick-up and discharge of all persons on the site.
- iii. All applications to establish a special instruction school use shall be accompanied by two copies of a plan drawn to scale containing the following information:
  - a. The dimensions, boundary lines and area of the lot or parcel.

- b. The location, dimensions and height of any building, structure, or addition, whether existing or proposed.
- c. The distance from all property lines to the existing or proposed building, structure or addition, shown to the nearest foot.
- d. The dimensions and size of all outdoor recreation space and the location of such space in relation to all lot lines.

37) School, technical:

a) General standards

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

NUMBER OF PERSONS	STREET TYPE
1 - 75	Local
76 - 150	Collector

- ii. All such uses shall be located so as to permit the pick-up and discharge of all persons on the site.
- iii. All applications to establish a technical school use shall be accompanied by two copies of a plan drawn to scale containing the following information:
  - a. The dimensions, boundary lines and area of the lot or parcel.
  - b. The location, dimensions and height of any building, structure, or addition, whether existing or proposed.
  - c. The distance from all property lines to the existing or proposed building, structure or addition, shown to the nearest foot.

38) Sign shop:

a) District standards

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

39) Solar Energy Facility, small-scale (On-Site Accessory Use):

a) Intent and Purpose

- i. The intent of this Section is to allow small-scale solar energy facilities in a manner that promotes the development of renewable energy sources, while limiting and mitigating impacts on natural resources and existing agricultural, forestry, residential, commercial, industrial, historical, cultural, and recreational uses of property, or the future development of such uses of property within the Town.
- ii. The purpose of this section is to outline the process and requirements for the installation, operation, and decommissioning of small-scale solar energy facilities that ensures the protection of health, safety, and welfare, while also avoiding adverse impacts on Town resources.
- iii. This section is not intended to abridge safety, health, environmental, or land use requirements contained in other applicable laws, codes, regulations, standards, or ordinances. This Section does not supersede or nullify any provision of local, State, or Federal law that applies to solar energy facilities.
- iv. Service Area. A small-scale solar facility must serve the on-site electric or thermal needs of the lot on which it is located. In the case of a building that spans more than one lot, the solar facility must serve that building to which it has an electrical connection. Site-specific solar facilities are not precluded from net metering.

b) Compliance

- i. All small-scale solar energy facilities shall fully comply with all applicable local regulations, as well as all applicable state and federal regulations, including but not limited to, the U.S. Environmental Protection Agency (EPA), Federal Aviation Administration (FAA), State Corporation Commission (SCC) or equivalent, any state departments related to environmental quality, parks, and wildlife protection, as well as all the applicable regulations of any other agencies that were in force at the time of the permit approval.
- ii. The design and installation of all small-scale solar energy facilities shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), or other similar certifying organizations and shall comply with all fire and safety requirements.
- iii. Small-scale solar energy facilities on non-residential structures shall be indicated on site plans submitted for zoning permits.
- iv. HOAs cannot prohibit homeowners from installing small-scale solar energy facilities unless the HOA's recorded declaration (founding document) explicitly prohibits solar installations. They may establish "reasonable restrictions," which are defined by Virginia Code §55.1-1820.1. Installation of solar energy collection devices. Likewise, the declarations of any condominiums (Code of Virginia §55.1-1900 et seq.), common interest communities as defined in Code of Virginia §54.1-2345, and cooperatives (Code of Virginia §55.1-2100) supersede this ordinance.

c) Placement

- i. The installation of roof-mounted and ground-mounted small-scale solar energy facilities is permitted in all zoning districts, per the Code of Virginia §15.2-2288.7.
- ii. If the small-scale solar energy facility is roof-mounted, the facility's height shall not exceed the maximum height limit of the underlying zoning district.
- iii. If the small-scale solar energy facility is ground-mounted or not flush-mounted on a principal or accessory building, the facility's height shall not exceed 15 feet at maximum tilt, measured from grade to the top of the solar panel or its support structure, whichever is higher. This height limit does not apply to electric utility poles that are connected or interconnected with the solar panels.
- iv. In all residential Zoning Districts, an owner of a residential dwelling unit may install a small-scale solar energy facility with the following provisions:
  - a. On the roof of that dwelling unit provided that such installation complies with all applicable requirements of the underlying district and overlay district and is not located on the roof section above the front façade;
  - b. On the roof of an accessory structure, as long as the solar facility is not visible from the fronting street of the property.
  - c. As a ground-mounted facility provided that such installation complies with all applicable requirements of the underlying district and overlay district, meets the requirements in Section 5.4.39(c)(3) above (15-foot height), and not located within the front yard setback area of that unit.
- v. In the Agricultural Tourism Commercial (AC) Zoning District, the owner may install a small-scale solar energy facility with the following provisions:
  - a. On the roof of any structure on the property provided that such installation complies with all applicable requirements of the underlying district and overlay district and is not located on the roof section above the front façade of the primary residential dwelling unit.
  - b. As a ground-mounted facility provided that such installation complies with all other requirements of the underlying district and overlay district, meets the requirements in Section 5.4.39(c)(3) above (15-foot height), and is not located within the front yard setback area of the primary residential unit.
- vi. In any commercial, industrial, institutional, or mixed-use Zoning District, the owner may install a small-scale solar energy facility with the following provisions:
  - a. On the roof of one or more buildings, including accessory structures, on the property provided that such installation complies with all applicable requirements of the underlying district and overlay district and is not located on the roof section above front façade of any structure.

- b. As a ground-mounted facility provided that such installation complies with all other requirements of the underlying district and overlay district, meets the requirements in Section 5.4.39(c)(3) above (15-foot height), and is not located within the front yard setback area of the principle structure.
- d) Historic Corridor Overlay District
- i. Design integration and installation of small-scale solar energy facilities on commercial and institutional structures in the Historic Corridor Overlay District should follow the Town of Purcellville Design Guidelines and will be subject to review by the Board of Architectural Review.
  - ii. Small-scale solar energy facilities should also be designed, sized, and located to minimize their effect on the character of a historic building using the best practices identified by the most recent version of *The Secretary of the Interior's Standards for Rehabilitation & Illustrated Guidelines on Sustainability for Rehabilitating Historic Buildings - Solar Energy* (pages 14 and 15). Please refer to these two documents for the Secretary of the Interior's

Standards:

[https://www.wbdg.org/FFC/NPS/nps\\_secint\\_stdn\\_rehab\\_sustainhb\\_illus\\_2011.pdf](https://www.wbdg.org/FFC/NPS/nps_secint_stdn_rehab_sustainhb_illus_2011.pdf)

NPS Technical Bulletin:

<https://www.nps.gov/orgs/1739/upload/its-52-incorporating-solar-panels.pdf>

Specific requirements include but are not limited to:

- a. Place small-scale solar energy systems so as to avoid obscuring significant features or adversely affecting the perception of the overall character of the property.
  - b. Minimize visual impacts by locating small-scale solar energy systems at the rear of the property, on a flat roof, or on a secondary slope of a roof, out of view from the public right of way.
  - c. Consider installing small-scale solar energy systems on an addition at the rear of the property or accessory structure where feasible.
  - d. Use the least invasive method feasible to attach the small-scale solar energy system to a historic roof such that it avoids damage to significant features and historic materials and can be removed and the original character easily restored.
- iii. Landscaping and Screening. Landscaping and screening shall be provided for ground-mounted solar energy facilities to block visibility of the panel(s) and ancillary equipment from the ground level of adjacent properties. All landscaping and screening shall be in accordance with Article 5 , Landscaping Standards, of this Ordinance.
- iv. Decommissioning of Small-scale Solar Energy Facilities
    - a. Small-scale solar energy facilities which have reached the end of their useful life, have been abandoned, or have not been in active and regular daily operation continuous

service for a period of 12 months shall be removed at the owner's or operator's expense, except if the facility is being repowered or is incurring longer repairs; however, the Town may require evidentiary support that a longer repair period is necessary. This removal shall include all parts of the small-scale solar energy system, so that any ground upon which the facility and/or system was located is again suitable for other uses pertinent to the underlying zoning district (such as tillable for agricultural uses).

- b. The owner or operator shall notify the zoning administrator of the proposed date of discontinued operations and plans for removal.
- c. If a facility is abandoned and the owner receives a notice of abandonment from the zoning administrator, the owner shall either remove the small-scale solar energy facility or resume regular daily operation within 30 days of the receipt of the notification.
- d. As a condition of the approval of a site plan for commercial and industrial uses, the owner, lessee or developer shall be required to enter into a written agreement to decommission the proposed solar energy facility with the following terms and conditions (Code of Virginia §15.2-2241.2):
  - 1. If the agreed party defaults in the obligation to decommission the facility in the timeframe set out in such agreement, the Town may enter the property of the record title owner without consent and inspect the progress of the decommission for further compliance actions.
  - 2. The agreed party provides financial assurance of such decommission to the Town in the form of certified funds, cash escrow, bond, letter of credit, or parent guarantee, based upon an estimate of a professional engineer licensed in the Commonwealth, who is engaged by the applicant, with experience in preparing decommissioning estimates and approved by the Town; such estimate shall not exceed the total of the projected cost of decommissioning, which may include the net salvage value of such equipment, facilities, or devices, plus a reasonable allowance for estimated administrative costs related to a default of the owner, lessee, or developer, and an annual inflation factor.
- v. Hazardous material from the facility shall be disposed of in accordance with federal and state law.

#### 40) Transitional Housing:

##### a) General Standards

- i. The facility shall have a maximum occupancy of three adults and six children, excluding any resident staff persons.
- ii. The facility shall be at least 250 feet from any existing residential dwelling.

41) Vehicle sales and service:

a) General standards

- i. Storage of equipment or materials or damaged vehicles shall be inside a fully enclosed building and all major repairs shall be conducted within a fully enclosed building.
- ii. The parking of vehicles for sale by individual owners at strategic locations in shopping centers to maximize exposure to major thoroughfares and the traveling public is prohibited. The owners of the retail and service commercial shopping center shall be responsible for the posting of the

property to prohibit such activity. Owners of the shopping center are responsible for enforcement of these provisions, but, if posting has occurred, the owners of the vehicles for sale will bear the burden of the violation unless it is proven the shopping center owners have not actively enforced their restrictions on the parking of vehicles for sale.

42) Veterinary clinic:

a) General standards

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

## SECTION 3.5 CONSTRUCTION TRAILERS

Construction trailers and/or mobile homes used on a temporary basis for construction related storage and/or offices at a building site may be permitted upon approval of a trailer permit by the zoning administrator. Approval may be granted in increments of one year, and must be renewed annually. The fee shall be set by the Town Council and updated periodically.

## SECTION 3.6 HOME OCCUPATIONS

The purpose of this section is to provide for the operation of a business on a limited scale within a residential neighborhood. This section seeks to protect both the residential character of neighborhoods within the town as well as the interests of the home occupation operator by preventing excessive noise, traffic, nuisance, safety hazards and other potential adverse impacts of commercial uses conducted in residential areas. Home occupations including any professional, vocational, business, trade and personal service, excluding retail sales, in conformance with this regulation may be conducted in any residential district upon obtaining approval of a Home Occupation Permit application:

- 1) The home occupation shall be conducted by a person or persons who are residents of the property. Members of the family occupying the dwelling may be employed on the premises in connection with the home occupation. Up to two employees, other than members of the family occupying such

dwelling shall be permitted to work on-site provided one additional off-street parking space is provided for each employee in addition to the minimum off-street parking requirements for the property.

- 2) No more than 25 percent of the total floor area of the dwelling unit, and/or any accessory structure, shall be devoted to the home occupation.
- 3) There shall be no alteration in the residential character of the premises in connection with the operation of the home occupation, nor shall any home occupation detract from the residential character of the neighborhood.
- 4) No home occupation shall be operated in a manner as to cause traffic hazards or congestion, offensive noise, vibration, smoke or other particulate matter, odorous matter, heat, humidity, glare, electronic interference or otherwise constitute a nuisance or safety hazard to the occupants of nearby properties. There shall be no storage of hazardous materials. Nor shall any home occupation detract from the residential character of the neighborhood.
- 5) No outdoor storage shall be permitted.
- 6) No commercial sign shall be displayed.
- 7) Traffic shall not be generated by the home occupation in greater volumes than would normally be expected in a residential neighborhood.
- 8) Vehicle parking shall be located on the same lot or premise as the home occupation and shall be restricted to designated parking areas; e.g., driveways. Commercial vehicles associated with the home occupation shall not be parked on the same lot or premise as the home occupation nor on the neighborhood streets.
- 9) A Town of Purcellville business license is required for all home occupations.

### SECTION 3.7 TEMPORARY FAMILY HEALTH CARE STRUCTURES

- 1) Temporary family health care structures (i) for use by a caregiver in providing care for a mentally or physically impaired person and (ii) on property owned or occupied by the caregiver as his residence shall be considered as a permitted accessory use on lots zoned for single-family detached dwellings. Such structures shall comply with all setback requirements that apply to the primary structure. Only one family health care structure shall be allowed on a lot or parcel of land.
- 2) For purposes of this section:
  - a) Caregiver means an adult who provides care for a mentally or physically impaired person within the Commonwealth. A caregiver shall be either related by blood, marriage, or adoption to or the legally appointed guardian of the mentally or physically impaired person for whom he is caring.
  - b) Mentally or physically impaired person means a person who is a resident of Virginia and who requires assistance with two or more activities of daily living, as defined in § 63.2-2200 of the

Code of Virginia, 1950, as amended, as certified in a writing provided by a physician licensed by the Commonwealth.

- c) Temporary family health care structure means a transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one occupant who shall be the mentally or physically impaired person, (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the Industrialized Building Safety Law (Code of Virginia § 36-70 et seq.) and the Uniform Statewide Building Code (Code of Virginia § 36-97 et seq.). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted.
- 3) Any person proposing to install a temporary family health care structure shall first obtain a zoning permit from the town. The applicant shall provide evidence of compliance with this section on an annual basis as long as the temporary family health care structure remains on the property. Such evidence may involve the inspection by the town of the temporary family health care structure at reasonable times convenient to the caregiver, not limited to any annual compliance confirmation.
- 4) Any temporary family health care structure installed pursuant to this section may be required to connect to any water, sewer, and electric utilities that are serving the primary residence on the property and shall comply with all applicable requirements of the Virginia Department of Health.
- 5) No signage advertising or otherwise promoting the existence of the structure shall be permitted either on the exterior of the temporary family health care structure or elsewhere on the property.
- 6) Any temporary family health care structure installed pursuant to this section shall be removed within 60 days in which the mentally or physically impaired person is no longer receiving or is no longer in need of the assistance provided for in this section.
- 7) The zoning administrator may revoke the permit granted pursuant to subsection C if the permit holder violates any provision of this section. Additionally, the Town may seek injunctive relief or other appropriate actions or proceedings in the circuit court to ensure compliance with this section. The zoning administrator is vested with all necessary authority on behalf of the governing body of the Town to ensure compliance with this section. (§ 15.2-2292.1 of the Code of Virginia of 1950, as amended).

### SECTION 3.8 USE OF CERTAIN FACILITIES FOR DWELLING NOT PERMITTED

Travel trailers, campers, motor homes, other recreation vehicles, tents, camp cabins and the like shall not be used for permanent or full-time dwellings in any district, whether or not connected to utilities, wells or septic systems. Additional regulations for vehicle parking and storage shall apply in Article 7: Parking and Loading Regulations.

## SECTION 3.9 SHORT TERM RENTALS

Short-term rentals are permitted as an accessory use to a dwelling unit, as defined in Section 3.4, provided the following conditions are met:

- 1) Zoning permit required. Prior to operating within the town, the operator of a short-term rental shall apply for and obtain a short-term rental zoning permit. No short-term rental zoning permit shall be considered unless the following documents are provided:
  - a) A completed short-term rental zoning permit application provided by the town and submitted to the
  - b) zoning administrator along with a filing fee of \$100.00.
  - c) A business license issued from the Finance Department registering the operation of a short-term rental within the Town.
  - d) Two forms of identification with address displayed to establish primary residency at the location of the proposed short-term rental. Acceptable forms include a government-issued ID, mortgage or lease document, or other forms deemed acceptable by the zoning administrator.
  - e) Written authorization from the property owner if the primary resident is not the property owner.
  - f) A site plan indicating the number and location of off-street parking spaces.
  - g) Proof of notification to the home owners' association or condo association of intention to operate a short-term rental, if applicable.
  - h) A short-term rental permit shall be good for a period of two years from the date of issuance.
- 2) Any operator of a short-term rental must be the primary resident of the property. For the purposes of this section, primary resident shall mean an individual who has occupied the dwelling unit for seven of the previous 12 months.
- 3) The maximum occupancy during any rental period shall not exceed four unrelated adults, including all permanent residents, except where the Virginia Uniform Statewide Building Code allows fewer occupants.
- 4) Events and activities including, but not limited to, luncheons, banquets, parties, amplified or acoustic concerts, weddings, meetings, fund raising, commercial or advertising activities to include filming, and any other gathering of persons other than the authorized renters, whether for direct or indirect compensation, are prohibited in association with any short-term rental. This language must be included in the advertisement for the rental of the property.
- 5) Parking must be located on-site or in spaces reserved exclusively for the use of the operator of the short-term rental property.
  - a) For any single-family detached residence, a minimum of two parking spaces are required and no more than two nonresident vehicles are permitted on-site during a rental period.

- b) For any townhouse or condo, a minimum of one parking space is required and no more than one nonresident vehicle is permitted on-site during a rental period.
- 6) The operator of any short-term rental is prohibited from entering into more than one contract for any given night.
    - a) Contract must include entertainment restrictions as described in Section 3.9.4
    - b) Contract must include parking restrictions as described in Section 3.9.5.
  - 7) Recreational vehicles. Any recreational vehicle located on the lot is prohibited from being used for a short-term rental.
  - 8) Accessory dwelling units. Short-term rentals are permitted within an accessory dwelling unit subject to the regulations of this section.
  - 9) Limitation on nights. The operator is limited to a maximum of 90 rental nights per year where the unit may be rented without the operator present. There is no limit on nights when the operator is present during a short-term rental.
  - 10) Each short-term rental must have the following:
    - a) A working multipurpose fire extinguisher.
    - b) Interconnected smoke detectors.
    - c) Carbon monoxide detector if any gas appliances or fireplaces are present.
    - d) A direct means of egress outside of the structure from any sleeping room available for short-term rental.
  - 11) If the owner conducting the short-term rental violates, or if the short-term rental becomes by conduct inconsistent with any provision of this article or other ordinance, law or regulation governing use of the dwelling for a short-term rental, the zoning administrator may take action pursuant to Article 10, Section 10.14 , Enforcement and Penalties, including revoking the short-term rental zoning permit. Licensed short-term rental properties may be subject to inspection by the zoning administrator to ensure compliance with the regulations of the article.
  - 12) Failure to register or renew on the short-term rental business license pursuant to the Purcellville Town Code shall be deemed reason for revocation.

## SECTION 3.10 SMALL CELL FACILITIES

### 1) Small Cell Facilities on Utility or Light Poles

Any utility distribution or transmission pole less than 50 feet in height above grade designed to support small cell facilities falls under Administrative Review-Eligible Projects (AREP) as defined by Code of Virginia § 15.2-2316.3. An AREP is subject to approval by the zoning administrator. A

certificate of appropriateness must be obtained from the Board of Architectural Review unless all the following conditions are met:

- a. The antenna is attached to an existing site light pole.
- b. The antenna does not exceed 30 inches in height or 12 inches in diameter. No portion of the antenna may extend beyond 18 inches from the side of the pole.
- c. The antenna is painted or camouflaged to match the color of the light or utility pole.
- d. No additional equipment other than the antenna is placed on the light pole.
- e. Support equipment is installed underground or camouflaged inside the pole or within a site furnishing approved by the zoning administrator or screened pursuant to the provisions of Article 5 of this ordinance.

## 2) Small Cell Facilities on Non-Residential Buildings or Structures

- a. Setbacks. Small cell facilities, including ground-mounted equipment, must comply with the minimum setback provisions of the underlying zoning district.
- b. Lot size. Within all permitted zoning districts, a minimum lot size of one acre is required.
- c. Height. The maximum height of a small cell facility, including antenna, shall not exceed the maximum permitted height of a by-right principal use of the underlying zoning district.
- d. Wiring, cables, and conduit. All antennae, wiring, cables, and conduits must be contained in a fully enclosed structure, screened or camouflaged.
- e. Maintenance. The owner or operator of a small cell wireless facility shall be responsible for the ongoing maintenance and upkeep of the facility to ensure its safe and efficient operation.
- f. Removal. All antennas and related equipment, to include ground-mounted equipment, must be removed within 120 days after such antennas or related equipment are no longer in use.