

Article 9 | Use Regulations

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Sec. 9.1 General

9.1.1 Establishment of Use Categories

A. Use Categories, Generally. In order to implement the purpose and intent and provisions of this Zoning Ordinance, the following general use categories are hereby established:

Agricultural Uses

Residential Uses Institutional and Community Service Uses

Commercial Uses

Research & Development, Production and Warehousing

Utility Uses

B. Designation of Specific Uses by Use Category and Sub-Category. The use categories established above may be divided into various use sub-categories and shall comprise the various specific uses as set forth in the zoning districts.

9.1.2 Permitted Uses

A. Permitted Uses, Generally. It is the intent of this Zoning Ordinance to permit any use, not otherwise illegal, to be located in a specified zoning district, either as a permitted use or a special exception use.

B. Permitted Uses, Specifically. No principal use shall be allowed, nor shall any principal structure be erected, constructed, reconstructed or structurally altered unless the use or structure is listed in the permitted use section of the applicable zoning district, and further that the use fully complies with all of the applicable district regulations, except for nonconformities as provided in this Zoning Ordinance.

9.1.3 Special Exception Uses

A. New Special Exception Uses. No special exception use, as designated within this Zoning Ordinance, shall hereafter be established unless such use has been reviewed and approved in accordance with the procedures of Sec. 3.4.

B. Existing Special Exception Uses. Any use which legally existed prior to February 25, 2003, and which is classified as a special exception use shall hereafter be considered a permitted use, but shall only be altered, replaced or enlarged in compliance with the procedures and criteria for such special exception use.

9.1.4 Unlisted Uses

A. Uses Not Specifically Listed. In the event a particular use is not listed, the Zoning Administrator shall make an interpretation regarding the use and whether it is a permitted use, special exception use, or prohibited use within various zoning districts.

B. Criteria for Reviewing Uses Not Listed. The Zoning Administrator shall consider among other relevant matters, traffic generation, intensity of development and hours of operation of the proposed use in comparison to specifically named uses within the ordinance and any applicable criteria set forth in the *Town Plan*. The

Zoning Administrator may, after review of these criteria herein set forth, determine that certain uses are prohibited uses and shall not be allowed in any zoning district. In the event that any use is determined to be a prohibited use, a record of the reasons given for that decision shall be kept on file and shall be used as a guideline for subsequent use determinations.

C. Appeals of Decisions Regarding Unlisted Uses. Decisions of the Zoning Administrator regarding use interpretations may be appealed to the Board of Zoning Appeals in accordance with the procedures of Sec. 3.14.

9.1.5 Prohibited Uses

A. Uses Prohibited in all Districts. The following uses are prohibited in all zoning districts within the Town of Leesburg:

1. Abattoirs and/or rendering plants;
2. Vehicle auctions;
3. Automobile graveyards; and
4. Solid waste landfills.

B. Uses Prohibited in Certain Districts. In addition to those uses which are prohibited in all districts, other uses may be prohibited specifically or by inference in individual zoning districts.

Sec. 9.2 Use Table

The Use Table of this section provides a summary of the uses allowed within base zoning districts. In the event of conflict between this Use Table and the district-by-district listings in Article 5 and Article 6, the standards listed in Article 5 and Article 6 shall control. The symbols used in the Use Table have the following meanings.

9.2.1 [P] Permitted Uses

A “P” 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.

9.2.2 [S] Special Exception Uses

An “S” indicates that a use is allowed only if reviewed and approved in accordance with the Special Exception procedures of Sec. 3.4.

9.2.3 [M] Minor Special Exception Uses

An “M” indicates that a use is allowed only if it is reviewed and approved in accordance with the Minor Special Exception procedures of Sec. 3.4.

9.2.4 Uses Not Allowed

A blank cell (one that doesn’t contain an “S”, “P” or “M”) indicates that the listed use is not allowed in the respective zoning district, unless it is otherwise expressly allowed by other regulations of this Zoning Ordinance.

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Table 9.2 Use Table																
Use Type	R E	R 1	R 2	R 4	R 6	R H D	R 8	R 1 6	R 2 2	O 1	B 1	B 2	B 3	B 4	I 1	Use Standard
P = Permitted by Right S = Special Exception Approval Required (Sec. 3.4) M = Minor Special Exception Approval Required (Sec. 3.4)																
Agricultural Uses																
Farming	P														P	
Natural Spring Water Extraction and Bottling Plant	S															Sec. 9.3.15.1
Nursery	P														P	
Stable	P														P	
Commercial Uses																
Auditorium															P/S	Sec. 9.3.1.1
Bank with drive-in facility											S	S	S	S		
Bank without drive-in facility											P	P	P	P		
Bed and breakfast inn	S	S	S			S					P					
Bowling alley												P	M			
Brewpub											P	P	P	P		Sec. 9.3.2.1
Brewpub with Silo											M	M	M	M		Sec. 9.3.2.1
Microbrewery											P	P/M	P/M	P/M	P	Sec.9.3.13.1
Car wash												S	S	S		Sec. 9.3.3
Cattery												S	S	S	S	Sec. 9.3.12.1
Child care center	S	S	S	S	S	S		S	S	S	S	S	P	P	S/P	Sec. 9.3.4
Commercial Inn											P	P	P	P		
Conference center										P	M	M	M	M	M	
Convenience food store											S	S		S		Sec. 9.3.8
Country club	P	P														
Data Center															S	Sec. 9.3.6.2
Doggy Day Care												S	S	S	S	Sec. 9.3.12.2
Doggy Day Care with Accessory Kennel												S	S	S	S	Sec. 9.3.12.2
Eating establishment with drive-in facility												S	S	S		
Eating establishment without drive-in facility											P	P	P	P	M	Sec. 9.3.9
Electric and/or plumbing supply												M	M	M	M	Sec. 9.3.10
Emergency care facility	S									M	M	M	P	P		
Flex Industrial/Business Park															S	Sec. 9.8
Funeral home											S	P	S			

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Table 9.2 Use Table																
Use Type	R E	R 1	R 2	R 4	R 6	R H D	R 8	R 1 6	R 2 2	O 1	B 1	B 2	B 3	B 4	I 1	Use Standard
Crematorium (Accessory to a Funeral Home)											S	S	S			Sec. 9.3.6.1
Golf course	P	P														
Golf driving range	S															
Heliport														S	S	
Home occupation	P	P	P	P	P	P	P	P	P		P	P		P		
Hotel/motel											M	P	P	M	M	
Kennel	S											S			S	Sec. 9.3.12
Lumber and/or building material sales w/o outdoor storage												P	P	P		Sec. 9.3.13
Lumber and/or building material sales with outdoor storage												M	M	M	M	Sec. 9.3.13
Mailing Services										P	P	P	P	P		
Nursery	S											M				
Office										P	P	P	P	P	P	
Outdoor Storage, Vehicles												S	S		S	
Outdoor Storage												P/S	P/S	P/S	P/S	Sec. 9.3.17.2
Park, dog		S														Sec. 9.3.7
Parking lot											P					
Parking structure, private										M	M	M	M	M	M	
Personal Services										P	P	P	P	P	P	Sec. 9.3.19
Printing and/or publication											P	P		P		
Recreation facility	S	S	S				S		S		P	P	P	P		Sec. 9.3.21
Retail centers under 100,000 square feet and/or retail uses											P	P	P	P		
Retail centers over 100,000 square feet												S	S			
School, special instruction											P	P	P	P		Sec. 9.3.23
Service station											S	S	S	S		Sec. 9.3.24
Theatre, indoor											P	P	P			
Trade Contractor										P		P	P		P	Sec. 18.1.192.1
Vehicle and/or equipment service facility												S	S	S		Sec. 9.3.29
Vehicle sales and/or rental facility												S	S	S		Sec. 9.3.28
Veterinary hospital	S											M	M	M	M	Sec. 9.3.30
Video rental store with drive-in facility												S	S			
Research & Development, Production and Warehousing Uses																

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Table 9.2 Use Table																
Use Type	R E	R 1	R 2	R 4	R 6	R H D	R 8	R 1 6	R 2 2	O 1	B 1	B 2	B 3	B 4	I 1	Use Standard
Industrial, Flex														P	P	Sec. 9.3.11.2
Mini-warehouse facility												S	S	S	S	Sec. 9.3.14
Production											P/S	P/S	P/S	P	P	Sec. 9.3.22
Research & Development											P/S	P/S	P/S	P	P	Sec. 9.3.22
Warehouse/Distribution														S	S	Sec. 9.3.32
Institutional and Community Service Uses																
Assisted living residence				S	S	S	S	S	S							Sec. 9.3.1
Cemetery	S	S	S	S	S	S	S				P					
Club	S				S					P	P	P	S			
College or University										P		P	P	P		See MC Dist.
Commuter Parking Lot													S		P/S	Sec. 9.3.5.1
Congregate Housing Facility														M		Sec. 9.3.6.1.1.1
Fire and/or rescue facility	P	P	P	S	S	S	S	S	S	P	P	P	P	P	P	
Fleet Storage, Public															S	Sec. 9.3.11.1
Golf course	P	P														
Hospital												S	P			
Library	P	P	P	S	S	S	S	S	S	P	P	P	P	P		
Museum										P	P	P	P			
Nursing home	S	S						S	S							Sec. 9.3.17
Continuing Care Facility								S	S							Sec.9.3.6.1.1
Congregate Housing Facility														M		Sec.9.3.6.1.1.1
Park, Dog													P			Sec. 9.3.7
Park, public	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Parking structure, public											P	M	M	M	M	Sec. 9.3.18
Place of worship	S	S	S	S	S	S	S	S	S	S	P	P	P	S	S	
Place of worship, in existing building only															P	
Recreation facility	P	P	P	S	S	S	S	S	S	P	P	P	P	P		Sec. 9.3.21
School, general education	S	S	S	S	S		S	S	S		M	M	M	M		
School, public	P	P	P	S	S		S	S	S			P		M		
School, technical												S	S	S	S	
Temporary commuter parking lot												S				Sec. 9.3.27
U.S. Postal Service	S	S	S							P	P	P	P	P	S	
Residential Uses																
Single-family detached dwelling	P	P	P	P	P	P	P				P			S		

Table 9.2 Use Table																
Use Type	R E	R 1	R 2	R 4	R 6	R H D	R 8	R 1 6	R 2 2	O 1	B 1	B 2	B 3	B 4	I 1	Use Standard
Single-family attached (townhouse)							P	P	P		P			S		Sec. 9.3.25
Duplex					P	P	P				P			S		
Multiple-family (6 or more dwelling units)								P	P		M	M		M		Sec. 9.3.15
Multiple-family (up to 5 dwelling units) [8]								P	P		P	S		S		Sec. 9.3.15 Sec. 6.3.3
Residential cluster development			P	P	P		P									Sec. 10.3.1
Accessory Dwelling	P	P	P	P		P					P					Sec. 9.4.1
Guest House	P	P	P	P	P	P					P					Sec. 9.4.1
Group home	P	P	P	P	P	P	P	P	P		P					
Homestay	P/M	P/M	P/M	P/M	P/M	P/M					P/M					Sec. 9.3.11.3
Utility Uses																
Data Center Electrical Utility Substation															S	Sec. 9.3.6.2
Public utility, major	S	S	S	S	S		S	S	S	S		S	S		S	Sec. 9.3.31
Public utility, minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 9.3.31
Telecommunications Facilities																
Antennas										P	P	P	P	P	P	Sec. 9.3.26.B
Small Cells and/or Distributed Antenna Systems (DAS)	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	Sec. 9.3.26.F
Monopoles/Power Mount Facilities												S	S		S	Sec. 9.3.26.C
Power Mount Facilities on Existing Electric Transmission Towers	S	S		S						S				S		Sec. 9.3.26.C
Transmission Tower (lattice type)												S			S	Sec. 9.3.26.D
Temporary Mobile Land-Based Telecom Testing Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 9.3.26.E

Sec. 9.3 Use Standards

9.3.1 Assisted Living Residences

- A.** Minimum lot size shall be two acres.
- B.** Maximum density shall be as follows:
 1. In the R-4 District: 12.5 beds per acre, not to exceed 40 beds.
 2. In the R-6 District: 15 beds per acre, not to exceed 40 beds.

3. In the R-HD District: 20 beds per acre, not to exceed a total of 40 beds.
 4. In the R-8 District: 20 beds per acre, not to exceed 60 beds.
 5. In the R-16 District: 20 beds per acre, up to a total of 60 beds.
 6. In the R-22 District: 20 beds per acre up to a total of 60 beds.
- C.** The site and structure(s) shall be designed to be compatible with adjacent residential uses. Architectural treatment shall avoid massive, monolithic and repetitive building types and facades. Building elevations and architectural details sufficient to show compatibility with the residential character of the neighborhood shall be submitted for approval.
- D.** No habitable structure shall be located closer than forty (40) feet from the property line of an adjacent lot.
- E.** No parking, driveway or service area shall be located closer than twenty (20) feet to a side or rear property line. Twenty percent (20%) of required parking shall be paved with reinforced grass “paver block” to minimize the visual impact of the parking area and maximize the pervious area.
- F.** Any service shall be located and designed to minimize its visibility from off-site.
- G.** Parking located in front of an Assisted Living Residence shall be limited to visitors only. Employee parking shall be located on the side or in the rear of the building.
- H.** Open Space. In the R-4, R-6 and R-8 Districts, a minimum of forty percent (40%) of the gross acreage of a site developed for an Assisted Living Residence shall be maintained as open space. In the R-22 and R-HD Districts a minimum of thirty percent (30%) of the site shall be maintained as open space.
- I.** An Assisted Living Residence must have frontage on, and access to, a through collector road or a road with a higher Town Plan transportation functional classification.

9.3.1.1 Auditorium

- A.** Maximum number of seats/occupancy (Seated and/or Standing): 5,500
- B.** Minimum lot size: 10 acres
- C.** Minimum distance from residential uses: 1,000 feet
- D.** An auditorium shall be fully enclosed and shall be soundproofed to prevent noise levels from exceeding 70 dB (SLOW meter response) at the property line.
- E.** A traffic management plan shall be submitted to and approved by the Town prior to site plan approval.
- F.** Special Exception. Auditorium uses shall require special exception approval if the proposed use does not comply with all of the applicable standards for a by-right uses provided above.

9.3.2 Bed and Breakfast Inns

- A.** No alterations to the exterior appearance of the building or any accessory structure or the premises shall be made which changes the residential character of the property.

- B.** No traffic shall be generated by such bed and breakfast inn in greater volumes than would normally be expected in a residential neighborhood. Any need for parking generated by the bed and breakfast inn shall be met by using off-street parking in a manner which protects the residential character of the area and the visual appearance of the residence.

9.3.2.1 Brewpub

- A. By Right.** Brewpubs are permitted by right in accordance with the use standards provided below:
 1. All brewing ingredients shall be stored indoors.
 2. All exhaust from the brewing process shall be collected in a non-venting, stack condenser-type system and not vented directly into the atmosphere.
 3. Any spent grains intended for pick-up or delivery for use as feed shall be stored in containers kept indoors prior to pick-up/delivery.
 4. Any dumpsters where spent grains or other byproduct of the brewing process are disposed of shall be secured so as to block odors and prevent rodent infiltration.
- B. Special Exception.** Brewpubs shall require special exception approval in the following cases:
 1. The proposed brewpub does not comply with all four of the standards for a by right brewpub set forth in Sec. 9.3.2.1.A.
 2. Storage silos may only be permitted by special exception.

9.3.3 Car Washes

- A.** Car washes shall be located and designed so that vehicular circulation shall not conflict with traffic movements in adjacent streets, service drives, driveways and/or parking areas.
- B.** Car washes (as an accessory use) shall have no separate and exclusive curb cut access to the abutting roadway.

9.3.4 Child Care Center

- A. Licensing & Registration.** A Child Care Center shall comply with any and all requirements of the Town and State Codes, including without limitation, obtaining a Zoning Permit, maintenance of a Town Business License, and maintaining a State License in accordance with the State Code, as applicable.
- B. Compliance.** The Child Care Center shall comply with any and all requirements of the County and State Building Codes.
- C. Recreation Area.** A minimum of 75 square feet of usable outdoor recreation area shall be provided for each child that may use the space at any one time. Such area shall be delineated on a plat submitted with the special exception application. For the purpose of this section, usable outdoor recreation area shall be limited to:
 1. The area not covered by buildings or required on-site parking spaces.
 2. The area outside the limits of the required front yard.
 3. Only that area which is developable for active outdoor recreation purposes.

4. An area that occupies no more than eighty percent (80%) of the combined total areas of the required side and rear yards, exclusive of any minimum required buffer yards.
- D. Fencing.** A fence at least four (4) feet in height shall completely enclose the outdoor recreation area so that children are safely contained inside and that all persons entering the recreation area are within direct line of sight from the childcare center classroom areas or from inside the building.
- E. Play Equipment.** No play equipment shall be located within the required yard setbacks. However, the Council may approve an alternate location for smaller childcare centers with existing play equipment in residential zoning districts only.
- F. Recreation Location.** Outdoor recreation areas shall be safely separated from parking, loading and service areas such as dumpster pads.
- G. Parking.** Parking areas shall be designed to enhance the safety of children as they arrive and depart the center. A designated arrival and departure zone shall be located adjacent to the childcare center in such a manner that children do not have to cross vehicle travel aisles to enter or exit the center.

9.3.5 Places of Worship – Child Care Center.

A childcare center is permitted as an accessory use for a place of worship if it meets the following conditions:

- A. Recreation Area.** A minimum of 100 square feet of usable outdoor recreation area shall be provided for each child that may use the space at any one time. For the purpose of this section, usable outdoor recreation area shall be limited to:
1. The area not covered by buildings or required on-site parking spaces.
 2. The area outside the limits of the required front yard.
 3. Only that area which is developable for active outdoor recreation purposes.
 4. An area that occupies no more than eighty percent (80%) of the combined total areas of the required side and rear yards, exclusive of any minimum required buffer yards.
- B. Fencing.** A fence at least four (4) feet in height shall completely enclose the outdoor recreation area so that children are safely contained inside and that all persons entering the recreation area are within direct line of sight from the childcare center classroom areas or from inside the building.
- C. Play Equipment.** No play equipment shall be located within the required yard setbacks. However, where the childcare center is in a residential zoning district, the Zoning Administrator may approve an alternate location if it is a small childcare center, which has a maximum enrollment of twenty (20) children, with existing play equipment.
- D. Recreation Location.** Outdoor recreation areas shall be separated, by a minimum of fifty (50) feet, from parking, loading and service areas such as dumpster pads.
- E. Parking.** The number of existing parking spaces on-site must comply with this Zoning Ordinance and be sufficient to handle the use as a childcare center. A designated arrival and departure zone shall be located adjacent to the childcare

center in such a manner that children do not have to cross vehicle travel aisles to enter or exit the center.

F. Hours of Operation. The hours of operation shall be limited to 6:00 a.m. to 7:00 p.m., Monday through Friday.

G. Enrollment. The number of children enrolled shall not exceed forty (40).

9.3.5.1 Commuter Parking Lot

- A.** A Commuter Parking Lot shall be permitted by right in the I-1 zoning district and by special exception in the B-3 zoning district in accordance with the use standards provided below.
1. The location is consistent with the policies of the Town Plan.
 2. The site has direct access to a road with a classification of Minor Arterial or Through Collector and is located within on-half mile of a road classified as a Major Arterial or Limited Access Highway.
 3. Parking spaces shall not exceed 500 in number.
 4. The site must be encumbered by multiple utility easements for major utility transmission lines (such as electric, natural gas, and raw water).
 5. Bus shelters and designated bus pick-up and drop-off areas sufficient for the number of parking spaces and bus spaces available shall be provided onsite.
 6. The parking of commercial vehicles shall be prohibited. This provision shall not be interpreted to prohibit the parking of vehicles actively engaged in providing emergency service, commercial vehicles that may be otherwise permissible during permitted special events, or the commercial vehicle of a commuter.
 7. Such parking facilities shall be used solely for the parking of vehicles in operating condition. No motor vehicle repair work except emergency service shall be permitted in association with such a parking facility.
 8. In order to provide enhanced screening adjacent to public roads the perimeter parking lot landscaping area as well as the number of shrubs required by TLZO Sec. 12.5 shall be increased by 50% except where otherwise prohibited by existing easements on the site. In addition, at least half of the shrubs shall be evergreen. All shrubs shall be a minimum of 24-inches in height at the time of planting. The screening may have openings between the landscaping groupings at random intervals to provide opportunity for surveillance.
- B.** Special Exception in I-1 Zoning District: A Commuter Parking Lot shall require special exception approval in the I-1 zoning district if the proposed use fails to comply with any applicable standard for by-right use as set forth in Sec. 9.3.5.1.A. above.

9.3.6 Condominiums

- A. Applicability.** The condominium regulations of this section shall apply only to residential developments. All such condominium developments shall comply with the density limitations and other provisions of the zoning district in which it is located.

B. Condominium Conversion. For the purpose of this section, “elderly” means a person not less than 55 years old in accordance with the Fair Housing Act of 1968, as amended, and the Virginia Fair Housing Law of 1972, as amended. The term “disabled”, refers to a person suffering from a severe, chronic physical or mental impairment which results in substantial functional limitations. Residential condominium conversions shall provide an offer of lease to elderly and disabled tenants as follows:

1. The declarant of a condominium conversion shall file concurrently with the Zoning Administrator, the general notice of conversion required by Subsection 55-79.94(b) of the Code of Virginia, 1950, as amended.
2. The declarant of a condominium conversion shall provide any existing tenants a copy of the general notice of conversion required by Subsection 55-79.94(b) of the Code of Virginia, 1950, as amended. An offer shall be provided to the elderly and disabled tenants' leases or extensions of leases, or the provision of other units of equal size and overall quality shall be afforded.
3. Offers of leases or extensions of leases required by this section shall include no more than twenty percent (20%) of the apartments or units in the proposed condominium conversion and shall be offered for a term of up to three (3) years from the date the general notice of conversion is served. The terms and conditions thereof shall be as agreed upon by the leaser and the lessee. Such offers of leases or extensions of leases shall not apply to apartments or units which will, in the course of conversion, be substantially altered in the physical layout, restricted exclusively to nonresidential use, or rendered legally uninhabitable because of renovations or rehabilitation which the declarant intends to perform in good faith.

9.3.6.1 Crematorium (Accessory to a Funeral Home)

- A.** The Virginia Department of Environmental Quality Air Permit Local Governing Body Certification must be completed prior to submission to the Town for sign off.
- B.** External storage of fuels shall comply with all applicable federal, state and/or county regulations, such as 40 CFR 112 or its state/local equivalent.
- C.** Minimum setback for outdoor fuel storage containers shall be 50 feet from residential districts; 25 feet from non-residential districts.
- D.** All outdoor fuel storage containers shall be screened from public view on three sides by a solid wall at least six (6) feet in height and on the fourth side by a solid gate at least five (5) feet in height. The gate and wall shall be maintained in good working order and shall remain closed except when refueling occurs. The wall and gate shall be architecturally compatible with other buildings and structures on site.
- E.** The facility shall be used solely for the cremation of human corpses and shall not be used for disposition of animal remains or medical waste.
- F.** Crematorium facilities shall be limited to no more than 25% of the total gross floor area of the funeral home.

9.3.6.1.1 Continuing Care Facility.

A continuing care facility offers a mix of accommodation styles and support services allowing opportunities to age-in-place within the development and facilitates movement between levels of support as care needs change.

- A. Procedure.** A Continuing Care Facility shall be subject to the procedural requirements of Sections 8.2 and 8.3.
- B. Uses.** A Continuing Care Facility shall include at least two (2) of the following uses:
 - 1. Elderly Housing as defined in Sec. 18.1.56.
 - 2. Assisted Living Residences as defined in Sec. 18.1.12. except the use shall be exempt from the requirements of Sec. 9.3.1
 - 3. Nursing Home per Sec 18.1.120
- C. Density.** The maximum density for a Continuing Care Facility shall not exceed 24 dwelling units per acre for elderly housing and assisted living residence dwelling units but this maximum can be modified by Town Council per Section 8.2.2.E and Section 3.4.14.
 - 1. **Intensity.** The number of beds for assisted living in a shared environment or a licensed skilled nursing care facility shall be calculated separately and reviewed on a case-by-case basis.
- D. Accessory Uses.** Permissible uses are intended to be subordinate and accessory to the principal Continuing Care Facility use, and may include the following:
 - 1. Permitted Accessory Uses.**
 - a. Child Care
 - b. Convenience retail
 - c. Emergency Care Facility
 - d. Medical office
 - e. Office
 - f. Pharmacy
 - g. Other similar accessory uses as determined by the Town Council
 - 2. Density.** The accessory use density shall be established and reviewed with the Continuing Care Facility proposal.
 - 3. Location.** Accessory uses shall be in the same building as the principal use.
- E. Recreation and Amenities.** A Continuing Care Facility shall include a minimum of 250 square feet of outdoor amenity space per Elderly Housing or Assisted Living dwelling unit, excluding provided buffer yards. Qualifying amenity space include gardens, greens, parks, patios, plazas, and paved trails or similar features that provide active amenities and are compatible with the design of the facility.

- F. Parking.** Continuing Care Facilities shall be parked according to the following ratios:
1. Elderly Independent Living: 0.5 spaces per unit
 2. Assisted Living, Nursing Home and all Accessory uses, cumulatively: 0.75 spaces per 1,000 square feet
 3. The Town Council may modify the required off-street parking spaces pursuant to Section 3.18 Interim Waivers.
- G. Off-Street Loading Spaces.** The number of loading spaces required for the various uses proposed for a Continuing Care Facility may be combined to provide shared loading. Notwithstanding the preceding, at least one (1) loading space will be required.

9.3.6.1.1 Congregate Housing Facility

- A. Purpose.** Congregate housing facilities offer temporary supportive housing or transitional housing with integrated support services for unrelated persons. Congregate housing facilities are not appropriate in residential neighborhoods and should be in zoning districts served by public transportation services. These facilities are not dwelling units as defined in Sec. 18.1.52, nor are they subject to the definition of Family in Sec. 18.1.61.
- B. Procedure**
1. By-right. Congregate housing facilities are permitted by-right in the following zoning districts: CD-C, CD-CC, and CD-I, subject to the requirements of Sec. 7.10, Crescent Design District.
 2. Minor Special Exception. Congregate housing facilities are permitted by Minor Special Exception in the B-4 zoning district.
- C. Density/Intensity**
1. **Beds.** The maximum housing density for a Congregate Housing Facility shall not exceed 50 beds. Town Council may approve a higher density subject to a Minor Special Exception.
- D. Support Services.** Congregate housing facilities shall provide staffing and dedicated areas for voluntary support services such as. But not limited to, benefits advocacy, case management, and other placement services or placement referrals. Other accessory uses may include childcare center, retail, and office.
1. Location. Support services shall occupy the ground floor of the Congregate Housing Facility.
 2. Reception Area. Congregate Housing Facilities shall include an area dedicated to receiving clients that is secure and located entirely within the building. Outside queuing is prohibited.
 3. Facility Manager. A facility manager, or their designee, shall be required to be on the premises during normal working hours, five

days a week, and be on-call at all times when no staff is on the premises.

- E. Recreation Facilities.** In all permitted districts, open space and amenity areas are required for Congregate Housing Facilities subject to Sec. 7.10.5.G, Usable Open Space/Amenity Area.
- F. Off-street Parking.** Congregate Housing Facilities shall be parked at a minimum ratio of one space per employee per largest shift, and no less than five visitor parking spaces; or no less than ten spaces, whichever cumulative amount is greater.
- G. Loading Spaces.** At least one (1) loading space shall be required. When combined with other uses on the property, the required loading space(s) may be shared.
- H. Bus Shelter.** An application for a Congregate Housing Facility shall document the location of bus shelters within a quarter mile (1,320 feet) of the subject property. In the event that existing bus shelters are located greater than 1,320 feet from the subject property, the owner/operator of the facility shall provide a bus shelter on the subject property in the location agreed upon by the director of Public Works and Loudoun County's Department of Transportation and Capital Infrastructure.
- I. Prohibitions.** The following uses and activities are not permitted as part of the Congregate Housing Facility:
 - 1. No outdoor storage of any goods or materials.
 - 2. No storage of any inoperable vehicles.
 - 3. No Camping.

9.3.6.2 Data Center

The following standards apply to data centers in all zoning districts. In general, data centers that visually approximate commercial office buildings are encouraged. In those instances where a subject property is situated within, or subject to, the Gateway District Overlay, or the H-2 Corridor Overlay District, the associated overlay district shall not apply. The standards established herein shall apply instead.

- A. Building Placement and Orientation.** Buildings shall be sited and oriented to:
 - 1. Minimize visual impacts of the bulk of the building when examined on a line-of-sight basis from adjacent public streets and residential uses or zoning districts.
 - 2. Provide safe and convenient vehicular access to the site, including sufficient on-site queuing area at security gate entrances.
 - 3. Accommodate adequate parking.

4. Minimize impacts to established forested areas, and
5. Incorporate appropriate stormwater management strategies.

B. Projects with Multiple Buildings. Data center campuses containing more than one building are encouraged to provide variety in building size, massing, siting, and appearance by transitioning from smaller or lower buildings along street frontages to larger and taller structures on the interior of the site. Consideration of topography shall be given to avoid placement of larger, taller, or more massive buildings in a prominent location on the property or along a public street.

C. Building Mass and Articulation. To break up the monolithic appearance of a large structure, the data center building form must avoid large, blank, unarticulated walls. Different architectural treatments shall be integrated into a Data Center Principal Building's primary façade, secondary façade, and any operational facades to mitigate the perceived size of the building.

1. Facades

- a. Primary facades are oriented to public streets and shall contain the primary building entrance. A Data Center Principal Building may contain more than one primary façade. The primary building entrance may wrap the corner of two primary facades. Primary facades shall not include any mechanical equipment.
- b. Secondary facades are oriented away from public streets and do not contain primary entrances. Mechanical equipment shall not occupy more than 33 percent of the length of the secondary façade.
- c. Operational facades are oriented away from public streets with mechanical equipment that occupies greater than 50 percent of the length of the façade.

2. Articulation and Ornamentation

- a. The horizontal plane of any primary or secondary facade must include the following elements at intervals of no less than a 4:1 ratio relative to building height. For example, a 60-foot-tall building must include required building elements every 240 horizontal linear feet.
 - i. Building step-backs, projections, recesses, or architectural elements with a minimum depth of 4 feet to create shadow lines and variations in the façade.
 - ii. A 30 percent change in pattern, color, or materials.
- b. Operational facades must integrate building elements listed in Section 2.a.i or 2.a.ii.

- c. Facades shorter in length that cannot achieve the 4:1 ratio shall include at least one change in horizontal plane.
 - d. Primary facades shall differentiate the office operations portion of the building from the remainder of the building.
 - 3. **Fenestration.** Buildings are required to include windows and/or simulated windows.
 - a. 30 percent of the primary façade shall include fenestration placements that approximate a multi-story office building.
 - b. 20 percent of the secondary façade shall include fenestration placements.
 - c. Fenestration does not always need to include transparent openings in building facades. Simulated windows shall include glazing.
 - d. Operational facades are exempt from a fenestration requirement.
 - e. When multiple primary facades exist, they shall be consistent in appearance including the number of doors and windows and general architectural treatment.
- D. **Main Building Entrance.** Entrances to data center principal buildings must be easily recognizable and appropriately scaled when viewed from off-site.
 - 1. The main building entrance located in the primary façade must either project or recess from the building plane, and/or be differentiated from the remainder of the primary façade by a change in building material, fenestration arrangement, curtain walls or other architectural treatment emphasizing the main entrance to the building.
 - 2. The main entrance located in the principal façade must not directly abut the paved parking area. Hardscaping or landscaping treatments shall be utilized to separate parking areas leading to the primary entrance of the building.
- E. **Service Area Screening.** Loading bays and service entries shall be screened from view from existing or planned public roads, residential uses and zoning districts. Screening may include year-round landscaping or a screen wall of an appropriate height to mitigate visual impacts as determined by a line-of-sight study submitted by the applicant.
- F. **Mechanical/Electrical Equipment Screening**

1. Ground Mounted

- a. Ground mounted equipment adjacent to and serving the Principal Data Center Building shall be completely screened behind an opaque wall or fence consisting of materials that are complementary in appearance and quality. When the equipment is located between buildings, a combination of walls and gates consisting of materials that are complementary in appearance and quality may be used at the openings between buildings.
- b. When adjacent to an industrial use or zoning district, ground mounted screening is only required from any existing or planned road.
- c. Ground mounted equipment is prohibited in any required yard and must be setback 100 feet from the property line if located adjacent to a residential use or zoning district.

2. Roof Top

- a. All roof top mounted equipment shall be screened by a parapet wall, equipment penthouse, or other visually solid screen on all four sides that is constructed of materials complementary with those used in the exterior construction of the Data Center Principal Building. This shall be accomplished by setting the penthouse or screened area back from the façade of the building such that the top of the penthouse or screen is below a 45-degree line drawn from the top of the parapet. Roof top equipment to be screened includes, but is not limited to, the following: cooling, ventilation, and power supply machinery.
- b. Roof top equipment that is visible above the parapet wall shall be set back from the exterior or parapet wall a distance no less than the height of said equipment.
- c. Roof top equipment may exceed maximum district building height when completely screened pursuant to 2.a above and when the maximum coverage requirements in Section 10.4.6.C.4 (i.e. 25%) is not exceeded.
- d. Roof top equipment may occupy up to a maximum of 75% of the roof area when screened per 2.a above and when combined with the height of the data center building does not exceed the maximum building height requirement.

G. Noise. Any noise generating equipment or accessory uses associated with a data center must meet the minimum noise standards of Section 7.9.3.A and B Noise Limitations and Enforcement.

H. Green Building Techniques. Data centers are encouraged to implement low impact development practices in site design and energy efficiency such as, but not limited to the following:

1. Site Design

- a. Select sites that avoid sensitive lands such as wetlands, flood plains, and steep slopes.
- b. Minimize land disturbance..
- c. Maximize tree preservation.
- d. Minimize impervious surfaces.
- e. Implement construction activity pollution prevention and waste management techniques.
- f. Minimize potential nuisance impacts (noise, glare, vibration, etc.) on adjacent properties, public roadways, and the vicinity.

2. Energy/Resource Efficiency

- a. Orient buildings to take advantage of passive cooling, and daylight opportunities.
- b. Utilize alternative energy sources (solar, wind, hydro, etc.) as much as possible.
- c. Utilize reclaimed water for cooling if available
- d. Encourage systems that limit use of finite natural resources and their disposal.
- e. Encourage fuel storage that limits impacts on the environment from potential spills.
- f. Install water-efficient landscape materials.
- g. Utilize LED exterior/interior lighting.
- h. Implement energy management best practices and carbon reduction

techniques such as, but not limited to, those promoted through the U.S. Department of Energy's Better Buildings Initiative and U.S. Green Building Council's LEED Certification system.

- I. Exterior Lighting.** All exterior lighting must be directed downward and into the interior of the property and away from adjacent roads and adjacent properties. The mounting height of lighting fixtures shall not exceed fifteen (15) feet. No pole mounted lighting on the roof.
- J. Perimeter Fencing/Security.** Fences must not exceed ten (10) feet in height above ground, must be of high-quality design and materials, and may be designed as no-climb, but in no instances shall vinyl, barbed wire or chain-link be used.

K. Additional Setbacks

- 1. **Parking.** Parking must be set back at least 50 feet from a public right-of-way.
- 2. **Residential Districts.** All principal buildings, accessory structures, and data center electric utility substations must be set back at least 150 feet from any property line immediately adjacent to residential uses or zoning districts.

- L. Landscaping/Buffering/Screening.** In addition to the buffer yard requirements of Zoning Ordinance Section 12.8.3 data center sites abutting residential property or collector/arterial roads must include an enhanced buffer yard with required plantings located on an earthen berm with a grade no steeper than 2:1. The minimum height of the berm abutting residential is fifteen (15) feet, and abutting collector/arterial roads is six (6) feet.

- 1. Linear co-location of utilities should not be located within buffer yards to protect landscaping and the preservation of open space.
- 2. Use of existing vegetation for landscaping and screening is strongly encouraged and may be substituted for new berms and plantings if determined by the Town Urban Forester to provide screening at a comparable density, depth and height equivalent to the Buffer Yard Type specified in Section 12.8.3 and Section 12,8.6.D.
- 3. The required number of plant units shall be calculated in accordance with Table 12.8.6.C. The following percentages apply to each property where the buffer yard is required.
 - a. A maximum of 30% of plantings may be large deciduous trees.

- b. A minimum of 40% and a maximum of 70% of plantings must be evergreen trees that are a minimum of eight feet in height at the time of planting.
- c. A maximum of 30% of plantings may be medium or understory deciduous trees.
- d. A maximum of 20% of required plantings may be a combination of shrubs, ornamental grasses, and perennials.

M. Power Lines and Data Center Electric Utility Substations.

- 1. Data Center electric utility substations must include year-round opaque landscaping or a screen wall minimum twelve (12) feet in height to minimize visual impact. Any such screen walls shall adhere to the articulation and ornamentation standards established in Section 9.3.6.2.C.2.a and c above and shall be constructed of materials complementary with those used in the exterior construction of the Data Center Principal Building.
- 2. Electric utility substations on the same property as the data center they serve must be located to the side or rear of a Data Center Principal Building so they are screened from public view and must not be located in a required front yard.
 - a. On-site substations do not require a buffer or screening between the Data Center Principal Building and the substation.
- 3. Burying power lines serving the property is strongly encouraged. On-site power lines 34.5kV and below must be buried.
- 4. The data center electric utility substation shall be subject to applicable zoning district setback requirements. Setbacks shall be measured from the edge of the compound containing the substation to the property boundary of the lot it occupies.

9.3.7 Dog Park Use Standards

- A.** A minimum buffer of 1,000 feet is required from residential uses;
- B.** The off-leash dog area is for dogs, their handlers and those accompanying them. No other use is allowed;
- C.** All dogs must be legally licensed and vaccinated, and shall wear a visible dog license;
- D.** Dogs under four (4) months of age and female dogs in heat are prohibited;

- E. Dogs must be on leash when entering and exiting the off-leash dog area;
- F. Dogs must be under the control of their handler and in view of their handler at all times;
- G. Spiked collars are prohibited;
- H. Children 8 years and under are not allowed in the off-leash dog area; all children up to the age of 14 must be accompanied by an adult;
- I. Handlers must be 16 years of age or older;
- J. Handlers must have possession of the dog lease at all times;
- K. Handler is limited to a maximum of two dogs;
- L. Handlers must remove any dog waste and fill any holes dug by dogs under their control;
- M. Food and drinks in glass containers are prohibited; training treats are allowed;
- N. Dogs must be removed from the off-leash dog area at the first sign of aggression;
- O. No animals other than dogs shall be permitted in the area;
- P. There shall be information posted at the dog park that clearly indicates that handlers are responsible for any injuries caused by the dog(s) under their control;
- Q. There shall be information posted at the dog park that clearly indicates users of the facility do so at their own risk and that the Town of Leesburg shall not be liable for any injury or damage caused by any dog in the off-leash area; and
- R. The park must be fully enclosed by adequate fencing that dogs cannot dig under or jump over, and gates must be secure.

9.3.8 Convenience Food Stores

- A. No convenience food store shall be located on a lot adjacent to residential dwelling units.
- B. All business services, storage and display of goods shall be conducted within a completely enclosed building.

9.3.9 Eating Establishment (without drive-in)

In the I-1 District and the Employment sub-district of the Crescent Design District, eating establishments without drive-in facilities shall be located in the same building as the principal uses primarily served and shall occupy not more than twenty-five (25%) percent of the gross floor area of the building.

9.3.10 Electric or Plumbing Supply

No materials may be stored within required setbacks, and all materials stored outside shall be adequately buffered and screened from adjoining properties and public rights-of-way.

9.3.11 Reserved

(Ord. 2022-O27 11-29-2022)

9.3.11.1 Fleet Storage, Public

- A. Fleet Storage.** This use is limited to the storage of public government fleet vehicles, as defined in Section 18.1.66.2 “Fleet Vehicle, Public”.
- B. Intensity.** The use is limited to no more than 60% of the property. Property is defined as an individual subdivided lot.
- C. Location.** This use shall be limited to the rear and side of existing buildings.
- D. Yard Requirements.** The storage site of any fleet vehicle may not be located within any buffer yard required in Section 12.8 Buffer Yards and Screening.
- E. Compatibility.** This use shall not be located closer than 500 feet to any residential use or residential zoning district.
- F. Lighting.** Light fixtures shall comply with Section 12.11 Outdoor Lighting. On-site lighting levels shall be limited to a maximum of 1.0 foot-candles.
- G. Fleet Maintenance.** Vehicle maintenance may be permitted as an accessory use to fleet storage if requested as part of the original Special Exception approval but is limited to existing buildings or within an expansion to an existing building shown on the Special Exception plat. All such vehicle maintenance shall be conducted within an enclosed building.
- H. Screening.** The fleet storage area shall be completely enclosed by an opaque screen at least six (6) feet in height.
- I. Pavement Marking.** Pavement marking is not required for individual spaces. A striped twenty-four foot (24’) wide travel-aisle through the designated storage area shall be provided to maintain adequate circulation and ingress-egress for emergency vehicles.
- J. Interior Parking Lot Landscaping.** This use is exempt from the interior parking lot landscaping requirements in Section 12.6.
- K. Stormwater Management.** This use is subject to any applicable stormwater management requirements for “Hot Spots” in the Design and Construction Standards Manual (DCSM).

9.3.11.2 Industrial, Flex

- A.** The use, storage, and disposal of hazardous materials must meet all federal, state and local codes.
- B.** Flex Industrial uses must have access to a road classified as a minor arterial or higher Town Plan transportation functional classification without having to travel through a residentially zoned district.
- C.** Accessory outdoor storage not to exceed ten percent (10%) of the building area of the primary use or 10,000 square feet (whichever is lesser of the two) is permitted by-right subject to the use standards of Sec. 9.3.17.2 Outdoor Storage. Outdoor storage greater than ten percent (10%) of the building area of the

primary use or 10,000 square feet is permissible with special exception approval per Sec. 3.4 Special Exceptions.

9.3.11.3 Homestay

- A. Description.** A homestay, or temporary short-term lodging, is the use of a residential dwelling, in whole or in part, intended for transient lodging in exchange for a fee. This use is not considered a bed and breakfast, commercial inn, dormitory, hotel/motel, or tourist home.
- B. Performance Standards.** A homestay shall be registered through a Home Occupation Permit, subject to the following performance standards:
1. **Notifications.** The property owner or Authorized Agent must be available in person or by phone during the operation of the Homestay. The property owner shall be notified in writing of failed attempts to receive timely responses from the authorized agent. Failure to respond within 24 to 48 hours shall result in a zoning complaint subject to penalties in this section.
 2. **Affordable Dwelling Unit Prohibition.** A Homestay shall be prohibited for any dwelling identified as an Affordable Dwelling, pursuant to Sec. 3.17 [Affordable Dwelling Unit Development].
 3. **Validity Period and Annual Registration.** The Home Occupation Permit authorizing a Homestay use will remain valid from January 1 (or other such date during the calendar year in which such permit is issued) through December 31 of the calendar year in which the permit was issued. Each subsequent calendar year the Town will send a request by mail to re-register (without fee) the Homestay use. The owner has thirty (30) days to resubmit the Home Occupation Permit to the Zoning Administrator, or their designee.
 4. **Number.** No more than one (1) Homestay use shall be permitted per lot or parcel.
 5. **Length of Stay.** The maximum length of stay for any one guest shall be less than one (1) 30-day period pursuant to §15.2-983 of the Code of Virginia. Multiple interrupted stays at the same location may be permitted.
 6. **Number of Lodgers.** The maximum number of Homestay lodgers per night shall not exceed six (6). This number shall be reduced to conform to occupancy requirements of the Virginia Uniform Building Code as necessary.
 7. **Parking.**
 - a. When the entire principal dwelling is used as a Homestay, no additional parking is required.
 - b. When the basement or detached accessory structure is used as a Homestay, a minimum of one (1) off-street parking space, but not more than two (2), shall be provided on the property. The Home Occupation Permit shall identify the location of all required on-site parking (principal dwelling and homestay). On-street parking shall not be used to satisfy the parking requirements for a Homestay use.

- c. Required Parking may be satisfied by residential parking permits for principal dwellings within the H-1 Overlay (Old and Historic District) where required parking for the principal dwelling was lawfully established via on-street parking, and where the entire principal dwelling is operating as a Homestay.
- d. The Zoning Administrator may modify the parking requirements of this Section if a permanent resident can demonstrate that the requirements of this Section cannot be met because of:
 - i. the exceptional size and/or shape of the lot; or
 - ii. environmental or engineering constraints on the lot; or
 - iii. special accessibility needs; or
 - iv. other extraordinary situations or conditions of the lot

The Zoning Administrator may attach conditions to any modification to ensure that the results of the modification will be in accordance with the purpose and intent of this Section.

8. Residential Appearance. There shall be no evidence or indication visible from the exterior of the dwelling that the dwelling is being utilized in part or in whole for any purpose other than residential occupancy.
 9. Accessory Structure. A Homestay may be permitted within a conforming accessory structure meeting all applicable codes, regulations, and ordinances for habitation.
 10. Signage. A homestay may not have any exterior signage.
- C. Revocation.** A homestay Home Occupation Permit may be revoked by the Zoning Administrator, or designee, for the following reasons:
1. In the event of three (3) or more substantiated zoning complaints are received within a calendar year; or
 2. The Property Owner or Authorized Agent's failure to respond in a timely manner more than twice. A timely manner is defined as within 24 to 48 hours.
 3. Failure to maintain compliance with any of the regulations set forth in this section; or
 4. A property owner whose Homestay Home Occupation Permit has been revoked pursuant to this paragraph shall not be eligible to receive any new Home Occupation Permit for Homestay use for the remaining portion of the calendar year in which the permit was revoked, and for the entire following calendar year.
- D. Minor Special Exception.** In the event a use standard in this section cannot be met, an owner may request a modification subject to the review and approval of a Minor Special Exception, which may also be subject to any reasonable condition of approval.
- E. Penalties.** Failure to register the Homestay use via Home Occupation Permit shall result in penalties as described in Sec. 17.2.2.B [Civil Violations and

Penalties]. Unless and until the property owner pays the penalty and registers such use, the unregistered homestay use shall be immediately terminated.

9.3.12 Kennels

- A.** There shall be a minimum lot size requirement of two (2) acres, and any structure used for the confinement, care or breeding of animals shall be located at least 200 feet from adjoining lot lines.
- B.** All such animals shall be kept in pens designed and maintained for humane and secure confinement.
- C.** In consideration of an application for a permit, the Town Council shall take into account the number and kinds of animals proposed to be kept and the characteristics thereof and may impose additional conditions.

9.3.12.1 Cattery

- A.** The operator shall maintain all facilities within a fully enclosed structure that is adequately soundproofed and constructed so there is no emission of odor or noise detrimental to other property in the area.
- B.** The operator shall comply with the Virginia Department of Agricultural and Consumer Services Division of Animal Industry Services laws.

9.3.12.2 Doggy Day Care

- A.** The operator shall maintain all facilities within a fully enclosed structure that is adequately soundproofed and constructed so there is no detriment to other property in the area. Prior to occupancy, the operator shall provide certification from an acoustical engineer licensed to practice in Virginia that the interior noise of the accessory kennel use has been attenuated not to exceed 65 dBA at the property line or within 25 feet of the premises, whichever is less.
- B.** An Accessory Kennel may be permitted to accommodate a limited amount of overnight boarding. The subordinate use is subject to the approval of a special exception. The amount of overnight boarding shall be established at the time of special exception review, contingent upon a demonstration that the area dedicated to overnight boarding meets applicable federal, state, and local codes, ordinances, or regulations. Overnight boarding shall include the use of appropriate enclosures and/or the appropriate amount of staff supervision.
- C.** An Accessory Kennel should not be located within a building containing residential dwellings.
- D.** A typical detail shall be provided that demonstrates all accessory kennel pens have been designated for humane and secure confinement with adequate space. "Adequate space" means sufficient space to allow each animal to (i) easily stand, sit, lie, turnabout, and make all other normal body movements in a comfortable, normal position for the animal and (ii) interact safely with other animals in the enclosure.
- E.** Prior to occupancy, the facility shall be inspected for compliance with applicable use regulations and/or additional conditions of approval.
- F.** A waste containment system shall be provided and connected to the sanitary sewer system. The dog play area and kennels shall be designated to prevent

illicit discharge (described in Town Code Section 14-23(b)(1) into the stormwater management system.

- G. Heating, ventilation, and air conditioning for Doggy Day Care shall be designated to be independent from any other use(s) in a multi-tenant building.
- H. The operator shall comply with Code of Virginia, Chapter 65 Comprehensive Animal Care.

9.3.13 Lumber or Building Material Sales Facilities

No lumber or building materials may be stored within required setbacks, and all lumber and building materials stored outside shall be adequately buffered and screened from adjoining properties and public rights-of-way.

9.3.13.1 Microbrewery

- A. By Right. Microbreweries are permitted by right in accordance with the use standards provided below:
 1. The Microbrewery prepares handcrafted beers, and/or other malt beverages, distributed for off-premises consumption in hand-capped or sealed containers in quantities up to one-half barrel (15.5 gallons), up to a maximum of 5,000 barrels (31 gallons per barrel) per year.
 2. All brewing ingredients shall be stored indoors, in sealed containers, off the floor, and in accordance with all applicable Health Department regulations.
 3. All exhaust from the brewing process shall be collected in a non-venting, stack condenser-type system and not vented directly into the atmosphere.
 4. Any spent grains intended for pick-up or delivery for use as feed shall be stored in sealed containers and kept indoors prior to pick-up/delivery.
 5. Any dumpsters where spent grains or other biproduct of the brewing process are disposed of shall be secured so as to block odors and prevent rodent infiltration.
 6. A microbrewery shall be separated from a public school by a minimum of 200 feet.
- B. Special Exception. Microbreweries shall require special exception approval in the following cases:
 1. The proposed microbrewery does not comply with all four of the standards for a by right microbrewery set forth in Sec. 9.3.2.1.A.
 2. Storage silos may only be permitted by special exception.

9.3.14 Mini-warehouse Facilities

- A. Storage units shall be provided for long-term storage only, and all storage shall be within completely enclosed buildings.
- B. Except for the purposes of loading and unloading, there shall be no incidental parking or storage of trucks and/or moving vans.
- C. No office, retail or wholesale use of the storage units shall be permitted.

- D. One accessory residential unit may be permitted solely for the use of a caretaker or watchman. (See 9.4.2 Caretakers Residences)
- E. The outdoor storage area, loading or parking shall be limited to areas designated on an approved site plan, and adequately screened from adjacent properties and roadways. Such areas shall not be used for the storage or display of inoperable vehicles as defined in Section 32-147 of the Town Code.

9.3.15 Multi-family Development and Attached Single-Family Development

The standards of this section shall apply to all multi-family development and all single-family attached (townhouse) development exceeding a density of 8 dwelling units per acre.

- A. All structures shall be separated by a minimum horizontal distance of twenty (20) feet.
- B. A minimum of thirty percent (30%) of the gross acreage of a site developed for multi-family or qualifying single-family attached residential use shall be maintained as open space. For developments with overall density exceeding eight (8) units per net acre, active recreation facilities such as playgrounds, tennis courts, swimming pools and clubhouses shall be provided at a rate of at least two hundred fifty (250) square feet per dwelling unit. "Active recreation" is defined as activities that allow physical participation by an individual or group. The size, type, and number of facilities provided shall be commensurate with the anticipated needs of the residents.
- C. Construction of recreation facilities described in the site plan shall be in accordance with a schedule approved as part of the plan and shall be at a rate equivalent to or greater than the rate of construction of dwellings. At a minimum, a phasing plan must assure that major recreation facilities, such as pools, clubhouses and tennis courts, are constructed prior to completion of fifty percent (50%) of the total units.
- D. Recreation facilities shall be adequately soundproofed and constructed so that there will be no noise detrimental to other properties. Lighting of any outdoor recreation facility must be directed so as to eliminate or mitigate glare onto any residential use or roadway. The hours of operation for outdoor recreation facilities shall not exceed 7 a.m. to 11 p.m.
- E. Recreation space is that part of the open space which is specifically designed to serve the needs of residents of the district concerning active recreation. (Activities may include, but not be limited to swimming, tennis, golf, ball field. Small children's play areas may be counted as recreation space if the area's shortest dimension is fifty (50) feet, and the area contains at least 2,500 square feet.)
- F. The following locations requirements shall apply to recreation space insofar as reasonably practicable:
 - 1. Recreation areas intended for general use and for pedestrian access shall be accessible from dwellings without crossing streets, or with a minimum of street crossings.
 - 2. Walkways and recreational areas shall form an interconnected system, serving also as routes to schools, churches and other major pedestrian destinations.

3. The recreation and walkway system shall be located in block interiors and oriented away from exposure to automotive traffic.
 4. At least ninety (90) percent of all dwelling units shall be within 600 feet (by normal pedestrian routes) of countable recreation space.
- G.** If the street to which the multi-family or single-family attached development takes access serves fifty (50) dwelling units or less, vehicular access from off-street parking and service areas may be directly to the street from individual dwelling units. Determination of number of dwelling units served shall be based on normal route of traffic anticipated in the development.
- H.** Architectural treatment shall avoid massive, monolithic and repetitive building types, facades and setbacks, and shall be compatible with surrounding areas. Building elevations and architectural details sufficient to show compliance with this standard shall be submitted for approval.

9.3.15.1 Natural Spring Water Extraction and Bottling Plant

- A.** Natural Spring Water Extraction and Bottling Plant is permissible as part of a Farming use when approved by special exception pursuant to TLZO Sec. 3.4 Special Exceptions.
- B.** Source water for Natural Spring Water Extraction and Bottling Plant operations shall come exclusively from naturally occurring sources on the subject property.
- C.** No vibration, odor, smoke, radiation, particulate matter, or other adverse impacts to adjacent land uses shall be detectable at the property boundary.
- D.** No outdoor activity, including loading, unloading, maintenance, truck idling, or related activity shall occur between the hours of 9:00 pm and 7:00 am.
- E.** All accessory storage shall be limited to interior storage. However, outdoor storage may be permitted when approved as part of the initial special exception approving the Natural Spring Water Extraction and Bottling Plant, or a subsequent application revising the initial approval pursuant to TLZO Sec. 3.4 Special Exceptions. Any such outdoor storage areas shall be identified on the Special Exception Plat and shown to be completely screened from view from off-site.
- F.** All bottling plant operations shall be limited to existing buildings only; shall be fully enclosed; and shall be soundproofed to prevent noise levels from exceeding 55 dB (SLOW meter response) at the property line.

9.3.16 Neighborhood Retail Convenience Center

- A.** Centers may be comprised of a collection of stores including a mix of retail, service, and office uses and may include, but are not limited to, cattery, convenience food store, pharmacy (without drive-through facility), grocery store, eating establishment, eating establishment fast food (without drive-through facility), child care center, recreation facility (gymnasium, exercise and weight room facilities, martial arts studio, etc.), exercise studio, dance studio, retail use, mailing services, personal service establishment, and bank (without drive-through facility).

1. Total building floor area of a Neighborhood Retail Convenience Center shall be established at the time of rezoning and shall not exceed 40,000 square feet gross floor area.
 2. No single use or business shall occupy more than 15,000 square feet of the total gross floor area of a Neighborhood Retail Convenience Center.
 3. Any use proposed in excess of the maximum gross floor area provided herein must be approved by special exception.
 4. No drive-through uses shall be permitted in a Neighborhood Retail Convenience Center. Other uses not permitted include: appliance repair stores, variety department stores, radio and television repair shops, veterinary hospitals, emergency care facilities, movie theatres, furniture repair, outdoor storage, vehicle sales and/or rental facility, and vehicle and or equipment service facility.
- B.** Automobile service stations shall only be permitted in conjunction with other non-automobile related commercial uses.
- C.** The center shall provide landscaped open space necessary to effectively buffer parking, service areas and building mass from adjacent residential uses and public roads.

9.3.17 Nursing Homes

A nursing home shall be designed to accommodate service vehicles with access to the building at a side or rear entrance.

9.3.17.1 Office

- A.** Incidental and subordinate accessory research & development and production uses not to exceed 35% of the gross floor area are permitted by-right subject to meeting the performance standards of Sec. 9.3.22 Research & Development and/or Production.
- B.** Office uses must be wholly enclosed within a building except as otherwise approved for outdoor storage allowable by zoning district regulations.
- C.** Accessory research & development and production uses shall not create air pollution, fire or explosion hazard, radiation hazard, electromagnetic radiation or interference, noise, vibration, smoke, dust, odor, heat or glare beyond what is typically associated with an office use.
- D.** Accessory research & development and production uses are permitted to the extent that they do not substantially change the visible front or side elevations of the office building in a manner that is inconsistent with typical appearance of an office building.
- E.** Home Occupation offices are excluded from these use standards and may not have accessory uses as listed in Sec. 9.3.17.1.A. Additionally, Home Occupation offices must meet the requirements of Sec. 9.4.3 Home Occupations.

9.3.17.2 Outdoor Storage

- A.** Outdoor Storage shall be limited to the rear or side of a building adjacent to other commercially zoned property.

- B.** All outdoor storage shall be required to be fully screened by a fence, wall, landscaped berm, or other suitable method as deemed appropriate by the Zoning Administrator.
- C.** All outdoor storage shall be required to be located on a paved surface.
- D.** Outdoor storage must be located in such a manner as to not impede safe vehicle and pedestrian circulation by blocking travel aisles or pedestrian areas.
- E.** Outdoor storage areas cannot exceed eight (8) feet in height.
- F.** Outdoor storage areas may not be located in required parking as established by Sec. 11.3 Number of Parking Spaces Required.
- G.** A special exception shall be required for outdoor storage when it is intended as the primary use.

9.3.17.3 Pad Site (Use Standards)

Pad sites shall not have direct access to abutting public streets. Pad sites shall locate within 300 feet of the primary building within the center.

9.3.18 Parking Structures (Public or Private)

Such parking facilities shall be used solely for the parking of vehicles in operating condition. No motor vehicle repair work except emergency service shall be permitted in association with such a parking facility.

9.3.19 Personal Service

- A.** Personal services include but are not limited to the following: Appliance repair and rental stores; arts and crafts studio or store; barber shop and beauty shop; bicycle repair store; caterer; dressmaker shop; dry-cleaning and/or laundry pickup station; furniture repair and/or restoration; locksmith shop; musical instrument repair shop; office supply store; and photographer's studio; photostat shop; shoe repair shop; tailor shop; travel agency; and watch repair shops.
- B.** In the O-1 District, personal service uses that are accessory to office uses shall be located in the same building as the permitted uses and shall not constitute more than 25% of the gross floor area of the building. Personal service uses accessory to office use also include, in addition to uses listed in 9.3.16.A, bank without drive-in facility and eating establishment without drive-in facility.

9.3.20 Repair Garages

No permit shall hereafter be issued for a public garage, automobile repair shop or service station if the entrance or exit for vehicles is (a) in the same block front within two hundred (200) feet of any school, public playground, hospital, church, or public library, or, (b) if such entrance or exit shall be located within twenty (20) feet of an "R" District within the same block front; and, no permit shall be issued hereafter for public garage, automobile repair shop or service station if any part of any structure, including underground gasoline tanks and/or service aisles are to be located within one hundred (100) feet of any building or grounds of any of the aforesaid public or institutional uses or any "R" District.

9.3.21 Recreation Facilities

- A. No building used for or in conjunction with a recreation facility shall be located within fifty (50) feet of any property line except within the Crescent Design District.
- B. All lighting fixtures used to illuminate outdoor areas shall be designed to avoid glare in surrounding areas. The facility shall be lit only during the hours that the facility is open for business, except for necessary security lighting.
- C. A lighting plan shall be submitted to verify that all lighting fixtures are directed onto the site and will not impact adjacent properties or roadways.
- D. The hours of operation for outdoor recreation facilities shall not exceed 7 a.m. to 11 p.m.
- E. Outdoor recreation facilities shall be located and screened to minimize impact on adjacent properties.
- F. Indoor recreation facilities shall be soundproofed to prevent noise levels from exceeding 55 dB (A) (SLOW meter response) at the property line of any lot containing a residential use.
- G. Within the Crescent Design District all recreation facilities must be completely enclosed within a building.

9.3.22 Research and Development and/or Production

- A. By Right. Research & Development and/or Production uses are permitted by right in accordance with the use standards provided below.
 - 1. All operations, activities and storage shall be conducted within a completely enclosed building, except research requiring solar exposure and uses which by their nature must be conducted outside a building; or as otherwise approved for outdoor storage in accordance with use standards provided in Section 9.3.17.2 Outdoor Storage.
 - 2. The use, storage, and disposal of hazardous materials must all federal, state, and local codes.
 - 3. No vibration, odor, smoke, radiation, particulate matter or other adverse impacts that create significant negative impacts to adjacent land uses shall be detectable at the property boundary.
 - 4. Accessory outdoor storage in the B-2, B-3, B-4 and I-1 Zoning Districts, no greater than 250 square feet, is permitted by-right subject to the use standards of Sec. 9.3.17.2 Outdoor Storage. Outdoor storage shall not be allowed in the B-1 Zoning District. Outdoor storage greater than 250 square feet in the B-2, B-3, B-4 and I-1 Zoning Districts is permissible with special exception approval per Sec. 3.4.
 - 5. Additional standards where Research & Development, and/or Production uses are located within 250 feet of residentially zoned property:
 - a. No outdoor activity, including loading, unloading, maintenance, truck idling, or related activity shall occur between the hours of 7:00pm and 7:00am.
 - b. Fences, walls, and/or berms shall be used in combination with vegetative screening to interrupt the view of adjacent residential districts. Use of a decorative, opaque fence or wall with a minimum height of six

(6) feet, or berms with a minimum height of four (4) feet with hedges, and/or shrubs within the buffer yard can reduce some of the required screening as determined by the Land Development Official. The design of fences or walls shall avoid long stretches to the point of visual monotony and shall be varied by using changes in height, different material combinations, offset angles, or other types of articulation. An architectural elevation detail of the screening treatment type shall be submitted for review when a fence or wall is utilized and shall demonstrate that attractive visual continuity has been achieved.

- B. Special Exception.** Research & Development and/or Production uses shall require special exception approval if the proposed use does not comply with all applicable standards for by-right use as set forth Sec. 9.3.22.A. Research and Development and/or Production.

9.3.23 Schools of Special Instruction

Schools of special instruction shall not be located within four hundred (400) feet of a residential zone unless all such uses are located within a completely enclosed building and the building is adequately soundproofed and constructed so that there will be no noise detrimental to other properties.

9.3.23.1 School, Technical

- A. By Right.** Technical Schools are permitted by right in accordance with the use standards provided below:
 1. All instruction shall be provided within a fully enclosed structure.
 2. The building shall be adequately soundproofed and constructed so that there will be no noise, vibration or odors detrimental to other properties.
 3. No modifications of the zoning ordinance shall be required.
- B. Special Exception.** Technical schools shall require special exception approval in the following cases:
 1. Where the proposed technical school does not comply with all of the standards for a by right technical school set forth in Sec. 9.3.23.1.A; or
 2. Where Instruction involves motorized vehicles; or
 3. Where materials used for instruction purposes requires specialized ventilation or hazardous material disposal; or
 4. Where the likelihood of noise, vibration, and/or odors, which cannot be mitigated within the structure, affects neighboring property during the instructional period.

9.3.24 Service Stations

- A.** Service stations shall not include ancillary uses such as vehicular or tool rental (including moving vans) and shall be limited to the servicing of vehicles and non-automotive accessory retail sales of snacks, convenience foods, and similar products.
- B.** Service stations shall not include an outdoor storage area for more than three (3) abandoned, wrecked or inoperable vehicles on the site for more than one week,

subject to the limitation that there shall be no dismantling, wrecking, or sale of said vehicles or part(s) thereof.

- C. Outside sales and display areas shall be shown on the plan to be reviewed by the Planning Commission and Town Council.
- D. The parking of commercial vehicles shall be prohibited on the site of a service station. This provision shall not be interpreted as prohibiting the parking of vehicles actively engaged in delivering fuel or other supplies to the service station.
- E. No permit shall be issued for a service station if the entrance or exit for vehicles is:
 - 1. In the same block front within two hundred (200) feet of any school, public playground, hospital, church, or public library; or
 - 2. If such entrance or exit is located within twenty (20) feet of an "R" District within the same block front.
 - 3. No permit shall be issued for a service station if any part of any structure, including underground gasoline tanks or service aisles, is located within one hundred (100) feet of any building or grounds of a school, public playground, hospital, church, or public library or any "R" District.
- F. Canopy Height as measured from the finished grade to the lowest point on the canopy fascia should not exceed 14'0". The overall height of canopies shall not exceed 17'3".
- G. Canopy lighting shall be fully recessed in the ceiling of the canopy.
- H. All sides of a building should express consistent architectural detail and character. All site walls, screen walls, garage doors and canopies should be architecturally integrated with the building by using similar materials, color and detailing.

9.3.25 Single-family Attached (Townhouse) Development

In the R-8 district, single-family attached dwelling units shall not be constructed to a greater density than eight (8) dwelling units per net acre. Townhouse development in the R-16 district in excess of eight (8) dwelling units per acre shall comply with the standards of Sec. 9.3.15.

9.3.26 Telecommunication Facilities

All future telecommunications structures, including transmission lines, should be placed underground per the Town's under grounding policy if possible. The following standards have been established to permit the establishment of telecommunications facilities above ground if under grounding is not feasible in a manner that minimizes the visual impact of towers through careful siting, design, and screening; reduces the potential for damage to adjacent properties caused by tower failure or falling ice; and maximizes the use of any transmission towers and structures through the promotion of co-location so as to minimize the need to construct new towers.

Mobile and land-based telecommunication facilities shall be permitted on any lot in the zoning districts where indicated in this Ordinance when such a use is in accordance with the following limitations and when such use is not specifically precluded or regulated by any applicable proffered conditions, development conditions or special exception condition which

limits the number, type and location of antenna and/or related equipment structure. Further provided; however, such use shall be in substantial conformance with any proffered conditions, development condition or special exception condition. In addition, such uses shall be subject to the requirements of Sec. 15.2-2232 of the Code of Virginia, 1950, as amended.

The standards of this section shall apply to all telecommunication uses and structures as provided below.

A. Standards Applicable to all Telecommunications Facilities:

1. No commercial advertising or signs shall be allowed on a tower or monopole, including manufacturer's logo or brand name.
2. Signals or lights or illumination shall not be permitted on any antenna, tower or monopole unless required by the Federal Communications Commission, the Federal Aviation Administration, State or Federal authorities, or the Town. When signals or lights are required, shields shall be installed that screen the signals or lights from ground view.
3. The related unmanned equipment structure(s) shall not contain more than seven hundred fifty (750) square feet of total gross floor area on each site. Structures shall not exceed twelve (12) feet in height. If located within the structure upon which the antennas are mounted, they may be located in the areas which are excluded from the determination of net floor area without changing the exclusion of those areas from the calculation of the density of the structure. The structure shall be of a material or color which matches the exterior of the building or structure.
4. Equipment buildings located on the grounds shall meet the minimum yard requirements of the zoning district where located.
5. Satellite and microwave dish antennas shall not exceed one and eight tenths (1.8) meters or six (6) feet in diameter.
6. A security fence at least six (6) foot high shall completely surround the tower (and guy wires if used) and equipment building. It shall be constructed in colors and materials to blend into the immediate surrounding environment.
7. All equipment and facilities from a telecommunications facility site shall be removed within ninety (90) days of cessation of telecommunications use and the site shall be restored as closely as possible to its original condition.

B. Antennas. Roof top mounted dipole/whip or panel antennas and related unmanned equipment may be installed in those districts where permitted subject to the minimum standards provided below. Note that these provisions do not apply to antenna installed on utility transmission towers. (See power-mount facilities in C. below):

1. Such antennas and related equipment may exceed the maximum building height limitations, provided the use is in accordance with the development criteria herein.
2. Dipole or whip antennas shall not exceed twenty (20) feet in height or seven (7) inches in diameter and shall be of a material or color which matches the exterior of the building or structure.
3. Directional or panel antennas shall not exceed five (5) feet in height or two (2)

feet in width and shall be of a material, color, or finish that minimizes the visual impact of the structure and emulates the exterior of the building or structure on which it is mounted.

4. Equipment structures located on the roof of a building shall not occupy more than twenty-five (25%) percent of the roof area.
5. Antennas and related unmanned equipment are permitted in any zoning district on buildings and structures owned or controlled by a federal, state, county, or Leesburg Town governmental unit.
6. Structures upon which an antenna is mounted/co-located, that were not constructed solely or primarily to support antennas, shall not be deemed to be a telecommunications facility per Sec 6409(a) of the Spectrum Act.

C. Monopoles and Power Mount Facilities. Monopoles, Power Mount Facilities (antenna mounted on utility transmission towers) and related unmanned equipment may be developed subject to the standards below to the extent permitted by special exception and with Commission Permit in the districts where permitted.

1. The Applicant shall demonstrate to the satisfaction of the Zoning Administrator that there is not an existing alternative structure which will reasonably meet the engineering and service needs of the proposed telecommunications facility.
2. The height of such monopole shall not exceed one hundred fifty (150) feet, including antennas. Power Mount Facilities may exceed 150 feet in height if the existing transmission tower exceeds 150 feet and the height of the facility is approved as part of the special exception.
3. All lots where a monopole facility is located shall comply with the required setbacks in the underlying zoning district between the base of the tower, accessory structures and uses, and guy anchors to all property lines as well as the following setback requirements:
 - a. The minimum setback between monopoles and all property lines shall be a distance equal to fifty percent (50%) of the height of the tower, or the minimum required setback of the district, whichever is greater.
 - b. Monopoles shall be setback a minimum of 50 feet from any existing or planned right-of-way, and
 - c. Monopoles shall be set back a minimum of 100 feet, or fifty percent (50%) of the tower height, whichever is greater, from the lot line of any adjacent residential use or district.
4. Unless otherwise required by the Federal Communications Commission or the Federal Aviation Administration, monopoles shall be designed to minimize visibility through materials, colors, or other camouflage techniques.
5. No monopole shall be located within one-half mile of the H-1 Overlay District within the Town.
6. No monopole shall be located within a PRN or PRC District.
7. New telecommunications monopoles shall be designed to accommodate at least three (3) providers. The applicant shall identify the conditions under which future co-location by other service providers are permitted. Co-location may be waived if the Town Council determines, based on substantial evidence produced by the applicant at the time of application, that:

- a. The accommodation would cause the size of the monopole to significantly exceed the size of existing towers in the area resulting in an unnecessary visual impact on the surrounding area; or
 - b. There exists valid technological or physical justification making co-location impossible.
 - c. The Federal Communications Commission (FCC) has issued a written statement that no more licenses for those broadcast frequencies that are eligible to use the monopole will be issued in the foreseeable future.
8. The monopole shall be designed and constructed to all applicable standards of the American National Standards Institute, ANSI/EIA-222-E manual, as amended. All applications for development of a monopole facility shall verify compliance with these standards.
 9. A soil report compliant with the standards found in Appendix I: Geotechnical Investigations, ANSI/EIA-222-E, as amended, shall be submitted to the Town, sealed by a registered soils engineer, to document and verify the design specifications of the foundation for the monopole, and anchors for guy wires if used.
 10. Monopoles and antenna shall be designed to withstand wind gusts of up to 100 miles per hour.

D. Transmission towers. Transmission Towers (free-standing or guyed lattice-type towers) with related unmanned equipment may be developed in those districts where permitted when approved by special exception and with Commission Permit and the minimum standards provided below:

1. The Applicant shall demonstrate to the satisfaction of the Zoning Administrator that there is not an existing alternative structure which will reasonably meet the engineering and service of the proposed telecommunications facility.
2. The height of such tower shall not exceed one hundred fifty (150) feet, including antennas.
3. All lots where a transmission tower facility is located shall comply with the required setbacks in the underlying zoning district between the base of the tower, accessory structures and uses, and guy anchors to all property lines as well as the following setback.
 - a. The minimum setback between transmission towers and all property lines shall be a distance equal to fifty percent (50%) of the height of the tower, or the minimum required setback of the district, whichever is greater.
 - b. Transmission towers shall be setback a minimum of fifty (50) feet from any existing or planned right-of-way, and
 - c. Transmission towers shall be set back a minimum of one hundred (100) feet, or fifty percent (50%) of the tower height, whichever is greater, from the lot line of any adjacent residential use or district.
4. No tower shall be located within one-half mile of the boundary of the H-1 Overlay District within the Town.
5. No tower shall be located within a PRN or PRC District.
6. New Transmission Towers shall be designed to accommodate at least three

- (3) providers. The applicant shall identify the conditions under which future co-location by other service providers are permitted. Co-location may not be required when the Town Council determines based on substantial evidence produced by the applicant that
 - a. Doing so would cause the size of the tower to significantly exceed the size of existing towers in the area and would create unnecessary visual impact on the surrounding area; or
 - b. No additional need is anticipated for any other potential user in the vicinity; or
 - c. There is valid technological or physical justification as to why co-location is not possible.
 - d. The Federal Communications Commission (FCC) has issued a written statement that no more licenses for those broadcast frequencies that are eligible to use the tower will be issued in the foreseeable future
7. The transmission tower shall be designed and constructed to all applicable standards of the American National Standards Institute, ANSI/EIA-222-E manual, as amended. All applications for development of a transmission tower facility shall verify compliance with these standards.
8. A soil report compliant with the standards found in Appendix I: Geotechnical Investigations, ANSI/EIA-222-E, as amended, shall be submitted to the Town, sealed by a registered soils engineer, to document and verify the design specifications of the foundation for the transmission tower, and anchors for guy wires if used.
9. Transmission towers and antenna shall be designed to withstand wind gusts of up to one hundred (100) miles per hour.

E. Temporary and Mobile and Land Based Telecommunication Testing Facilities

Temporary and Mobile and Land Based Telecommunication Testing Facilities consisting of antennas and related equipment may be permitted in any zoning district subject to the following performance standards:

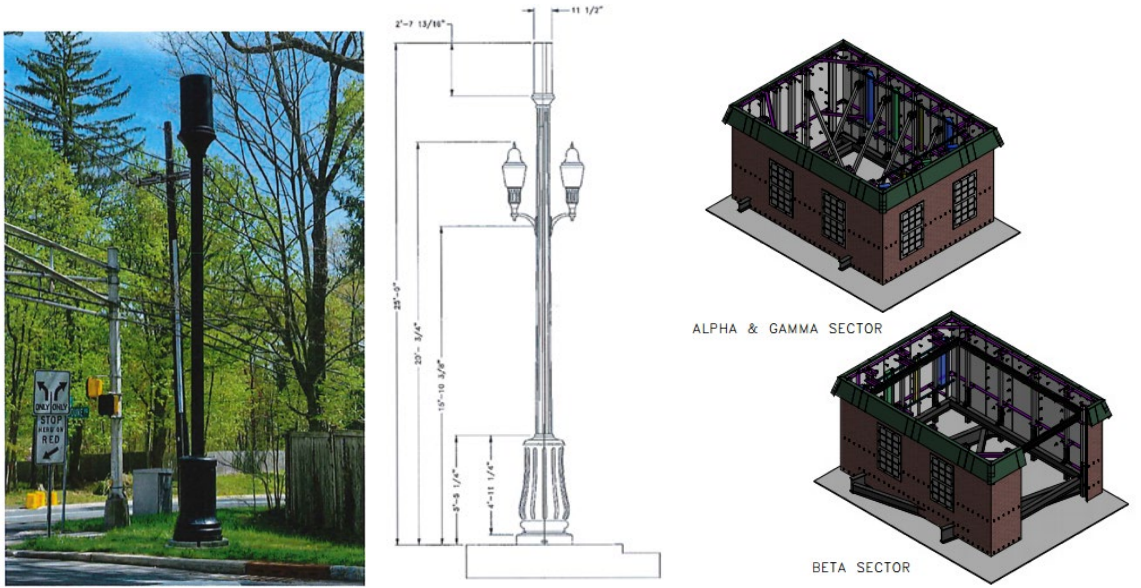
1. A temporary special permit may be issued by the Zoning Administrator for a period not to exceed six (6) months, provided, however, that the Zoning Administrator may approve an extension for up to an additional six (6) months upon written request by the applicant, submitted prior to the expiration date which documents the need for further testing.
2. Such temporary use must comply with all federal, state and county regulations, including but not limited to regulations by the Federal Aviation Administration, the Federal Communications Commission and the Environmental Protection Agency.
3. The temporary testing equipment for the antenna shall be located either in an existing structure or in a construction trailer or in a "cell on wheels trailer" with a valid zoning permit. No construction trailer shall be located in any required parking space.

4. Any clearing or grading of a site for the installation of the construction trailer or antenna shall be the minimum necessary for the proposed use, but in no event shall the disturbed area, excluding an access road, exceed 5,000 square feet in area. The permit shall include a condition requiring that any disturbed area be restored as close as possible to its original condition.
5. If an existing structure does not provide sufficient height for the antenna, the applicant may erect a temporary pole not to exceed one hundred (100) feet in height.
6. There shall be not more than two (2) vehicles parked on the site at any time. The Zoning Administrator shall require that the use will be appropriately screened from adjacent properties and may require the addition of plantings or the retention of existing vegetation.

F. Distributed Antenna Systems (DAS) and/or Small Cells. Distributed Antenna Systems (DAS) and/or Small Cells with related unmanned equipment may be installed on non-residential buildings or structures, existing or replacement of existing utility distribution poles or existing or replacement of existing light standards in those zoning districts where permitted by right with the minimum standards provided below. Failure to meet anyone, or more, use standard shall require special exception review and approval in accordance with Section 3.4 Special Exceptions.

Permissible antenna types in a DAS or Small Cell application include: 1.) omnidirectional/whip antennas; 2.) panel antennas; and 3.) antennas enclosed in a cylinder subject to the following minimum use standards:

- 1. Local Collector Rights-of-Way:** Utility distribution pole installations, where permitted, shall be limited to rights-of-way of roads having a Local Collector classification or higher on the Roadway Network Policy Map in the Leesburg Town Plan.
- 2. Camouflage:** Every effort shall be made by the applicant to utilize stealth and/or camouflage technologies/techniques on each DAS/Small Cell node and all appurtenant ground-mounted, pole-mounted and/or roof-mounted and/or roof-mounted equipment in order to minimize or eliminate potential visual impacts on surrounding properties. Examples of stealth solutions include, but are not limited to, the following:



In any instance where stealth and/or camouflage technologies cannot be employed, the applicant shall provide evidence satisfactory to the Zoning Administrator justifying why it is impossible to employ such measures.

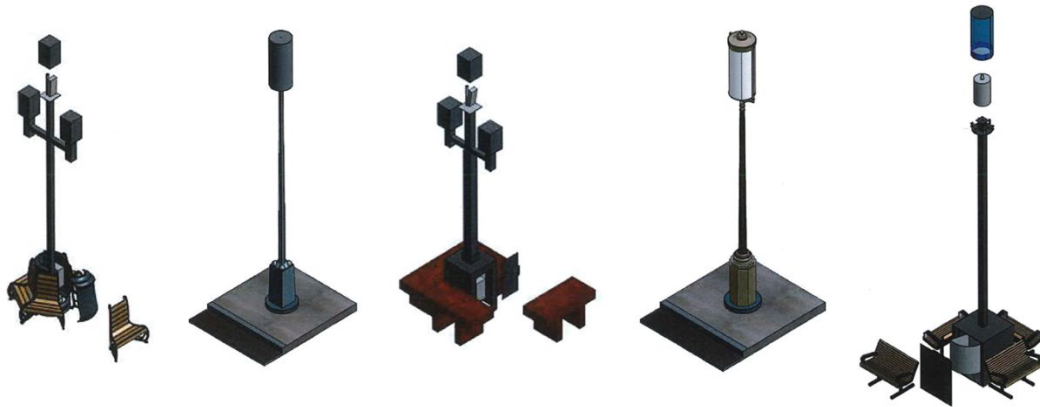
3. Maximum size and Height for Roof-Mounted Small Cell and/or DAS:

- a. Any antennas used in a Small Cell application shall not exceed 60”H x 24”W x 8”D.
- b. Any DAS node antenna shall not exceed six feet (6’) in height or thirty inches (30”) in diameter.
- c. Overall height of any roof-top or building mounted Small Cell or DAS antennas with supports shall not exceed 10 feet in height above the top of parapet for flat-roofed buildings or the roof line of pitched roof buildings unless an acceptable stealth solution is used, and approved by the Zoning Administrator and/or the BAR, when applicable, that is architecturally suitable and effectively camouflages the facility from adjacent properties. Examples include, but are not limited to, the following types of stealth solutions:





- 4. Maximum Number:** There shall be a maximum of three (3) omnidirectional/whip antennas, or panel antennas, or any number antennas within a single canister enclosure on any single utility pole or light standard.
- 5. Maximum Extension:** Antennas shall be mounted so that the antenna with supporting mount does not extend more than eight and one-half (8 ½) feet above the existing utility pole or light standard or one (1) foot from the utility pole or light standard.
- 6. Maximum Replacement Pole Height/Diameter:** The height of a replacement utility distribution pole or light standard, including antennas, shall not exceed sixty-four (64) feet in height. The diameter of a replacement utility distribution pole or light standard shall not exceed eighteen (18) inches. The height of the light fixture shall not be higher than the height of the fixture prior to the replacement of the light standard.
- 7. Ground-Mounted Equipment:** When appurtenant equipment cabinets are located on the ground in any yard or street right-of-way, the following minimum standards shall apply:
 - a.** No ground-mounted equipment associated with any antenna nodes shall be permitted on the property of, or in the right-of-way in front of, a residential use;
 - b.** Ground-mounted equipment may be permitted inside of the Route 7/15 Bypass when an acceptable stealth solution is used and approved by the Zoning Administrator and/or the BAR, when applicable, that is architecturally suitable and effectively camouflages the facility from adjacent properties. Examples include, but are not limited to, the following types of stealth solutions:



Ground-mounted equipment appurtenant to power-mount facilities on existing electric transmission poles shall be permitted when in accordance with Sec. 9.3.26.A.3 Standards Applicable to all Telecommunications Facilities;

- c. Any ground-mounted equipment cabinet shall not exceed five (5) feet in height or a total of seventy (70) cubic feet in volume, except within the H-1 Overlay where the maximum volume shall be limited to twenty (20) cubic feet;
- d. Any ground-mounted equipment cabinet shall be located a minimum of ten (10) feet from all lot lines when located outside of a street right-of-way;
- e. Any ground-mounted equipment cabinet shall be located so as not to obstruct any applicable sight distance and/or visibility standards required by the Town or the Virginia Department of Transportation;
- f. Any ground-mounted equipment installed within a public right-of-way shall be located so as to provide a minimum of four (4) feet of clearance along the sidewalk in order to maintain adequate pedestrian circulation;

- g.** Any Small Cell and/or DAS equipment installed at ground level internal to a light pole as part of a stealth solution will be considered to be ground-mounted.
- 8. Maximum Roof Area:** Roof-mounted antennas or equipment related to DAS/Small Cells shall not occupy more than 25% of the area of the roof.
- 9. Lighting Prohibited:** Unless otherwise required by the Federal Communications Commission or the Federal Aviation Administration, no artificial lighting shall be permitted.
- 10. Advertising Prohibited:** No advertising of any type may be placed on the facility.
- 11. H-1, H-2 and Gateway Review Required:** Any Small Cell and/or DAS application proposed in the H-1, H-2 or Gateway Overlays shall require a Certificate of Appropriateness from the Board of Architectural Review.
- 12. Removal of Abandoned Equipment:** All antennas and related unmanned equipment shall be removed within ninety (90) days after such antenna or related unmanned equipment are no longer in use.

9.3.27 Temporary Commuter Parking Lot

Because this parking facility is an interim use of limited duration which benefits the public the following standards shall apply:

- A.** The temporary use may be exempt from otherwise applicable Zoning Ordinance standards to the extent Council determines such exemptions shall have no adverse impact on adjacent properties, except as provided below.
- B.** The temporary commuter parking lot shall provide adequate circulation within the site and safe and convenient access onto adjoining streets. The circulation plan shall include stripping, number and location of entrances and travel aisles, provisions for the handicapped and necessary traffic control improvements. Wheel stops must be provided for parking spaces on existing graveled areas.
- C.** A plan must be provided which demonstrates safe and adequate lighting in accordance with the requirements of the Design and Construction Standards Manual.

9.3.28 Vehicle Sales or Rental Facilities

- A.** Sales rooms, rental offices, or service facilities shall be located within an enclosed building.
- B.** The outdoor area devoted to storage, loading, parking and display of goods shall be limited to that area so designated on an approved site plan. Such areas shall not be used for the storage or display of vehicles in inoperable condition as defined in Section 32-147 of the Town Code.
- C.** All outdoor areas used for parking, storage, loading display and driveways shall be constructed and maintained with an all-weather dustless surface.

- D. All lighting fixtures used to illuminate outdoor areas shall be designed to avoid glare in surrounding areas. The facility shall be lit only during the hours that the facility is open for business, except for necessary security lighting.
- E. A lighting plan shall be submitted to verify that all lighting fixtures are directed onto the site and will not impact adjacent properties or roadways.

9.3.29 Vehicle or Equipment Service Facilities

- A. Facilities shall not include an outdoor storage area for any more than four (4) abandoned, wrecked or inoperable vehicles on the site for more than one week, subject to the limitation that there shall be no wrecking, or sale of said vehicles or part(s) thereof. The outdoor areas devoted to storage, loading and/or parking shall be limited to the area so designated on an approved site plan, and shall be screened from the adjacent properties and roads.
- B. All lighting fixtures used to illuminate outdoor areas shall be designed to avoid glare to the surrounding areas. The facility shall be lit only during the hours that the facility is open for business, except for necessary security lighting.
- C. A lighting plan shall be submitted to verify that all lighting fixtures are directed onto the site and will not impact adjacent properties or roadways.

9.3.30 Veterinary Hospitals

All such facilities shall be within a completely enclosed building. The building shall be adequately soundproofed and constructed so that there will be no emission of odor or noise detrimental to other properties in the area.

9.3.31 Utility Uses

- A. Utility special exception uses shall not be required to comply with the height requirement set forth for the zoning district in which located. However, alternative height requirements may be established in the conditions under which such a special exception is granted.
- B. In all zoning districts, all equipment, and machinery shall be effectively screened. In residential districts, where buildings are proposed, the form and materials shall be as harmonious as practical with adjacent residential architecture.

9.3.32 Warehouse/Distribution

- A. Warehouse and Distribution uses must have access to a road classified as a minor arterial or higher Town Plan transportation functional classification without having to travel through a residentially zoned district.
- B. Fences, walls, and/or berms shall be used in combination with vegetative screening to interrupt the view of adjacent residentially zoned districts and public roads. Use of a decorative, opaque fence or wall with a minimum height of six (6) feet, or berms with a minimum height of four (4) feet with hedges, and/or shrubs within the buffer yard can reduce some of the required screening as determined by the Land Development Official. The design of fences or walls shall avoid long stretches to the point of visual monotony and shall be varied by using changes in height, different material combinations, offset angles, or other types of articulation. An architectural elevation detail of the screening or

treatment type shall be submitted for review when a fence or wall is utilized and shall demonstrate that attractive visual continuity has been achieved.

Sec. 9.4 Accessory Uses

9.4.1 Accessory Dwellings

An Accessory Dwelling Unit shall be permitted by right when all the following regulations are met.

- A. Description.** An Accessory Dwelling is an accessory and subordinate living space to a Single Family Detached Principal Dwelling. Accessory Dwellings are not permitted in conjunction with Multifamily and Single Family Attached units. An Accessory Dwelling may be used as a Homestay use provided the requirements of Sec. 9.3.11.3 are met.
- B. Density.** Allowable density shall not be affected by the development of an Accessory Dwelling.
- C. Permits Required.** Pursuant to Sec. 3.7.1 [When Permits Required], the approval of an Accessory Dwelling is subject to the review and approval of a one-time Zoning Permit. The owner shall also be responsible for securing applicable Building, Electrical, Gas, Mechanical, and Plumbing permits from the County of Loudoun.
- D. Lapse of Approval.** When the Accessory Dwelling is no longer used as an accessory and subordinate living space, the Principal and Accessory Dwellings may not be occupied by more than one (1) family as defined in Sec. 18.1.61 [Family].
- E. Number.** No more than one (1) Accessory Dwelling shall be permitted on a lot or parcel.
- F. Residency.** The owner of the property shall maintain their permanent residency in either the Principal or Accessory Dwelling. For the purposes of this section, a permanent resident is a person who occupies a dwelling for a minimum of 185 days out of the calendar year as their primary residence. The property may not be subdivided, nor shall any condominium be created for the purpose of establishing separate ownership of the Accessory Dwelling.
- G. Occupancy.** The Accessory Dwelling shall be occupied by persons in accordance with Section 18.1.61 Family. An Accessory Dwelling shall contain no more than two (2) bedrooms.
- H. Location.** An Accessory Dwelling may be located within the footprint of the Principal Dwelling or within a detached accessory structure subject to the following yard requirements or setbacks.
 - 1. Front Yard.** Accessory Dwellings are not permitted in the front yard area forward of the Principal Dwelling or the required front yard setback.
 - 2. Side Yard.**
 - a.** An accessory structure used as an Accessory Dwelling may encroach into a required side yard but shall be no closer than ten feet (10') to a side property line.

2. The chassis is immobilized by placement upon a foundation wall constructed pursuant to a Building Permit issued and inspected by Loudoun County.
- L. Separate Facilities.** The Principal and Accessory Dwellings shall each have separate living, cooking, and sanitary facilities.
- M. Separate Meters.** The Accessory Dwelling shall not be separately metered from the Principal Dwelling for Town water service.
- N. Parking.** Parking for Accessory Dwellings shall not displace any required parking for the Principal Dwelling on the property. At least one off-street parking space dedicated for the Accessory Dwelling shall be required on the property. Access to required on-site parking shall be shared with the Principal Dwelling. A separate driveway for the Accessory Dwelling is expressly prohibited. A residential parking permit program approved by the Town may qualify for the required parking for an Accessory Dwelling in the H-1, (Overlay), Old and Historic District.
- O. Appearance.**
1. **Generally:** The Accessory Dwelling shall incorporate architectural features that match the style and form of the Principal Dwelling. The materials of the Accessory Dwelling shall match the materials of the Principal Dwelling.
 2. **Entrance:** An Accessory Dwelling that is part of the Principal Dwelling shall have its own separate entrance. The entrance shall be located on a side or rear façade to maintain the appearance of a single-family detached dwelling.
- P. Certificates of Appropriateness.** For only those properties located in the Old and Historic District (H-1), a Certificate of Appropriateness shall be reviewed and approved by Board of Architectural Review (BAR) pursuant to Sec. 7.5 of this Ordinance. The BAR may make minor modifications to the location, size, and height of the Accessory Dwelling to maintain compatibility with historic resources on the property.
- Q. Code Compliance.** The Accessory Dwelling shall comply with the Virginia Uniform Statewide Building Code for residential units.
- R. Revocation.** The zoning permit for an Accessory Dwelling may be revoked by the Zoning Administrator in the following instances.
1. After written notice of a zoning violation by the Zoning Administrator, no abatement of the violation, and after expiration of the thirty (30) day appeal period, pursuant to Sec. 3.14 [Appeals of Administrative Decisions].
 2. More than two (2) zoning violations issued in a calendar year.

9.4.1.1 Accessory Kitchen

- A. Definition.** See Sec. 18.1.88.1.
- B. Use Standards.**
1. Location:
 - a. An accessory kitchen may not be separated from the rest of the building by doors, walls, or windows.

2. **Side Yard.** A Guest House may encroach into a required side yard but shall be no closer than ten feet (10') to a side property line.
3. **Rear Yard.** A Guest House may encroach into a required rear yard but shall be no closer than ten feet (10') to a rear property line.
- J. Height.** An Accessory Structure used as a Guest House may have a building height of no more than twenty-four feet (24') as measured per Sec. 10.4.6.B [Measurement of Height].
- K. Appearance.** A Guest House shall incorporate architectural features that match the style and form and include similar materials to the Principal Dwelling.
- L. Certificates of Appropriateness.** For only those properties located in the Old and Historic District (H-1), a Certificate of Appropriateness shall be reviewed and approved by the Board of Architectural Review (BAR) pursuant to Section 7.5 of this Ordinance. The BAR may make minor modifications to the location, size, and height of the Accessory Dwelling to maintain compatibility with historic resources on the property.
- M. Parking.** Parking for Guest Houses shall not displace any required parking for the Principal Dwelling on the property. At least one off-street parking space dedicated for the Guest House shall be required on the property. Access to required on-site parking shall be shared with the Principal Dwelling. A separate driveway for the Guest House is expressly prohibited. A residential parking permit program approved by the Town may qualify for the required parking for a Guest House in the H-1 (Overlay), Old and Historic District.
- N. Separate Meters.** A Guest House shall not be separately metered from the Principal Dwelling for Town water service.
- O. Code Compliance.** The Guest House shall comply with the Virginia Uniform Statewide Building Code for residential units.
- P. Permits Required.** Pursuant to Sec. 3.7.1 [When Permits Required], the approval of a Guest House is subject to the review and approval of a one-time Zoning Permit. The owner shall also be responsible for securing applicable Building, Electrical, Gas, Mechanical, and Plumbing permits from the County of Loudoun.
- Q. Conversion to Accessory Dwelling.** A Guest House may be converted to an Accessory Dwelling so long as all requirements, including separate cooking facilities, in Sec. 9.4.1 are met.

9.4.2 Caretaker's Residences

- A. Standards.** The standards applicable to caretaker's residences shall be the same as those imposed by this Zoning Ordinance on any other accessory structure in the underlying zoning district, except that no landscaping shall be required between the accessory structure and the principal structure.
- B. Maximum Number of Units.** No more than one (1) caretaker's residence shall be allowed on a lot unless otherwise expressly allowed by this Zoning Ordinance.

- C. Occupancy.** Caretaker's residences may be occupied exclusively by the caretaker and their immediate family.
- D. Size.** A caretaker's residence may contain a maximum of 1,000 square feet of gross floor area.

9.4.2.1 Donation Box

- A. Intent and Purpose:** These standards are intended to address potential attractive nuisances sometimes created by accessory uses. These standards do not apply to collection areas/structures associated with a principal permitted use. For example, a Salvation Army Thrift Store or Goodwill Store where a Zoning Permit has been issued as a community commercial/institutional use. These standards apply to a donation box as an accessory use.
- B. Restricted Districts:** Donation boxes are not permitted in the following districts: B-1 (Community (Downtown) Businesses), CD-RH (Crescent District-Residential High), CD-RM (Crescent District-Residential Medium), PRN (Planned Residential Neighborhood), and all residential districts and subdistricts.
- C. General Standards:** A donation box is an accessory use subject to the following standards:
 - 1. Property Owner's consent. Written consent shall be provided from the owner or authorized representative. Such written consent shall be provided with the required zoning permit.
 - 2. Location. Donation boxes are not permitted in the following areas:
 - a. Public rights-of-way; and
 - b. A required front or side yard, or within twenty feet (20') from the right-of-way, whichever is greater; and
 - c. Within a required off-street parking space; and
 - d. A required landscape area, open space area, or buffer yard; and
 - e. Any pedestrian path or vehicular access; and
 - f. Any sight distance requirements; and
 - g. Any area restricted by the USBC and Fire Code regulations.
 - 3. Number. No more than two (2) donation boxes may be permitted on any property.
 - 4. Size.
 - a. The footprint of individual containers shall be limited to no more than twenty (20) square feet; and
 - b. The height of individual containers shall not exceed six (6) feet in height.
 - 5. Maintenance.
 - a. Donation boxes shall be maintained in good repair; and
 - b. The property owner shall be responsible for ensuring all items advertised for collection are located completely within the container.
 - 6. Signage. No additional signage is permitted for donation boxes.
 - 7. Collection Schedule.

- a. Collection of donated items shall occur on a bi-weekly basis, unless otherwise agreed upon by the Zoning Administrator.
- b. The schedule for collection of donated items shall be noted on the zoning permit.

D. Modifications and Conditions. The Zoning Administrator may modify the General Standards in Sec. 9.4.2.1.D and apply reasonable conditions due to unusual or unforeseen site constraints.

E. Exceptions.

1. Districts. Donation boxes may be permitted in a residential district if the principal use is a permitted Institutional and Community Use.
2. Enclosure. The size limitation of a donation box may be increased to no more than 160 square feet if the enclosure is designed as a single unit and sufficiently architecturally embellished.

F. Zoning Permit.

1. Donation boxes shall require a Town of Leesburg Zoning Permit and are exempt from any architectural overlay standards.
2. The permit fee for donation boxes is \$250.

G. Enforcement/Revocation. The Zoning Administrator may revoke the zoning permit for violation of this subsection, conditions of the permit, and all applicable Town of Leesburg or County of Loudoun codes, regulations or ordinances. Notice of such revocation must be provided in writing by certified mail, setting forth the reasons for the revocation, the date upon which the revocation is effective, and the appeals procedure.

H. New Development. The location of potential donation box locations should be considered with any new development.

9.4.3 Home Occupations

A. Purpose and Intent. Home occupations are permitted in any dwelling unit subject to the limitations established herein. It is the intent of this section to ensure the compatibility of home occupations with other permitted uses, to preserve the character of residential neighborhoods, and to prevent excessive noise, traffic, nuisance, safety hazards and other potential adverse impacts of commercial uses conducted in residential areas.

B. Application, Review, and Enforcement Procedures. Any person desiring to establish a home occupation shall submit a Home Occupation Permit application to the Zoning Administrator on a form provided by the town. The Zoning Administrator shall review the application for compliance with this article and other applicable provisions of law and shall make a decision to approve, approve with conditions or disapprove the application within two weeks of the date a complete application is received. The Zoning Administrator may impose reasonable conditions on the conduct of the home occupation use.

1. Duration of Permit. All home occupation permits shall remain valid unless the following occurs:
 - a. Violation of this section, or the conditions of the permit.

- b. Failure to maintain a current Town of Leesburg business license.
 2. Renewal. Home occupation permits may be renewed annually by application to the Finance Department for a business license.
 3. Inspection. Home occupation applicants shall permit reasonable inspections of the premises by the Zoning Administrator or the Zoning Administrator's designee to determine compliance with this subsection and the conditions of the home occupation permit.
 4. Notice of Violation. The Zoning Administrator upon becoming aware of any violation of this subsection or conditions of the permit shall serve a notice of violation to the operator of the home occupation in accordance with the provisions of Sec. 17.3.2.
 5. Revocation of Permit. The Zoning Administrator may revoke a home occupation permit for violation of this subsection or the conditions of the permit. Notice of such revocation shall be given in writing by the Zoning Administrator to the operator of the home occupation, by hand-delivery or certified mail, setting forth the reasons for the revocation, the date and time upon which the revocation is effective, and the appeals procedure. This provision shall not preclude the use of any other remedy prescribed by law with respect to violations of the provisions of the Zoning Ordinance.
- C. Permitted Home Occupations.** The following uses may be permitted as home occupation uses, subject to the use limitations of this subsection.
1. Artist and sculptor
 2. Author and composer
 3. Barber shop and beauty shop
 4. Caterer
 5. Computer programming, data processing, typing and word processing service
 6. Direct sale product distribution
 7. Dressmaker, seamstress and tailor
 8. Family Day Home
 9. Home crafts, such as model making, rug weaving, lapidary work, and ceramics, for sale off-site
 10. House cleaning service, laundry and ironing service
 11. Jewelry making and jeweler
 12. Licensed Massage Therapy
 13. Locksmith
 14. Music lessons
 15. Office for professional in fields such as, but not limited to, architecture, drafting and graphics, interior design, engineering, financial planning, and other consulting services
 16. Office of a minister, rabbi, priest or other similar person associated with a religious organization

17. Office of a salesman, sales representative, or manufacturer's representative, provided that no retail or wholesale transactions are made in person on the premises
18. Similar use which does not involve retail or wholesale sales transactions in person on the premises or employment of persons other than members of the family occupying the dwelling
19. Telephone answering services and solicitation work
20. Tutoring
21. High-speed Internet access provider
22. Office of real estate broker
23. Office of mobile pet-grooming service
24. Dance Lessons
25. Personal Trainer
26. Other uses determined by the Zoning Administrator to be similar in scope and impact (on the surrounding neighborhood) to those permitted home occupations listed above.

D. Prohibited Home Occupations

The following shall be prohibited as home occupations:

1. Automotive detailing, repair or paint shop
2. (Reserved)
3. (Reserved)
4. Dog grooming service
5. Funeral chapel, funeral home
6. Gift shop
7. Landscape contractor
8. Limousine, hearse, ambulance or taxi service
9. Massage parlors
10. Medical or dental laboratory and/or office
11. Nursing homes
12. Outdoor repair or service
13. Palm reader/clairvoyant
14. Psychiatrist
15. Rental of any equipment or other items
16. Restaurant
17. Veterinary hospital and/or office
18. Welding or machine shop
19. Wrecking, repossession and/or towing service

20. Other uses determined by the Zoning Administrator to be similar in scope and impact (on the surrounding neighborhood) to those prohibited home occupations listed above.

E. Use Limitations

In addition to the regulations applicable in the zoning district in which located, all home occupations shall be subject to the following limitations and requirements.

1. Location. A home occupation shall be conducted entirely within a dwelling which is the bona fide residence of the principal practitioner or in any building accessory thereto which is normally associated with a residential use; provided, however, that no home occupation requiring water and/or sewer facilities (other than an artist) shall be conducted within an accessory structure other than a permitted accessory dwelling.
2. Merchandise Sales and Storage. No storage or display of goods shall be visible from outside the structure. In addition, no direct sales of products off display shelves or racks are permitted, but orders made by telephone or at a sales party may be filled on the premises.
3. Exterior Alterations. No alterations to the exterior appearance of the principal residential building, any accessory structure, or premises shall be made which changes the residential character of the property except that one (1) transmission antenna not to exceed five feet (5') in height, including the mounting apparatus, may be erected on the roof of the principal structure in the case of a high-speed internet access provider. Freestanding antennas are not permitted. Panel antennas are not permitted. Width of the antenna shall be no more than two inches (2").
4. Heavy Equipment and Toxic Materials Use or Storage. No use or storage of heavy vehicles or heavy equipment shall be permitted. Furthermore, no toxic, explosive, flammable, combustible, corrosive, radioactive or other dangerous or hazardous materials shall be used or stored on the site.
5. Limitation of Floor Area. No home occupation shall be permitted which comprises more than twenty-five (25%) percent of the gross floor area of the residence, nor more than four hundred (400) square feet of a permitted accessory structure, except that artists may use up to seven hundred (700) square feet of gross floor area.
6. Employees. (a) Members of the family occupying such dwelling may be employed on the premises in connection with the home occupation. (b) One employee, other than members of the family occupying such dwelling, shall be permitted to work on-site given one additional off-street parking space is provided.
7. Level of Activity. The use of the dwelling unit for a home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and shall under no circumstances change the residential character thereof. The Zoning Administrator may add, as a condition of the permit, limitations on the number of business-related visitors per day and/or the frequency of product or material deliveries.
8. Traffic, Parking. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood. Any need for parking generated by the home occupation is

required to be on-site and shall be done in a manner which protects the residential character of the area and the visual appearance of the residence.

9. Equipment Processes. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the premises. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises.
10. Signs. No signs accessory to such home occupation shall be displayed except as otherwise permitted or authorized by town regulations.
11. Licenses, Permits. A home occupation shall comply with all applicable town laws and regulations, including the need to obtain applicable business licenses and permits. In addition, home occupations shall comply with all applicable county, state or federal regulations governing the activity.
12. Family Day Home subject to the requirements of section 9.3.11.1
13. Office of Mobile Pet Grooming Service. No boarding of animals shall be permitted on-site.
14. Dance Lessons. Limited to three (3) instructional sessions per day with no more than four (4) students per session and may operate no more than five (5) days per week.

9.4.4 Emergency Shelters

A. Emergency Shelters shall be allowed as accessory uses to churches, middle and high schools, and public buildings serving government or social service functions, subject to the limitations established herein.

B. Use Standards:

No accessory emergency shelter use shall be permitted unless it is determined that the following requirements are met. It shall be the applicant's responsibility to demonstrate compliance with these standards in a plan to be submitted with the Zoning Permit application. The Zoning Administrator may impose reasonable conditions to include neighborhood community outreach on the proposed use to ensure compliance with these standards or other applicable provisions of law. The plan must demonstrate compliance with the following standards. Upon approval of the applicant's plan, and prior to operation of the shelter, a zoning permit will be issued by the Town of Leesburg. The permit shall be renewed by July 1 of each year provided that the shelter has operated according to the approved plan and all conditions set forth below. If the shelter has not maintained compliance, the zoning permit may be revoked pursuant to subsection 9.4.4.C, below.

1. Adjacent uses shall be suitably protected from any adverse effects of the use including noise and glare. The use shall not create hazardous conditions for vehicular or pedestrian traffic or result in traffic in excess of the capacity of streets serving the use.
2. Adequate refuse management, security, emergency services, and similar necessary facilities and services shall be available for the temporary use, and

all necessary sanitary facilities shall be approved by the appropriate health agency.

3. The site is suitable for the proposed use and the use shall not have a substantial adverse impact on the surrounding neighborhood.
4. Emergency Shelters shall be accessory uses to churches, middle and high schools, and public buildings serving government or social service functions.
5. Air temperature, wind chill and/or heat index must be forecast at a level below 45 degrees or above 95 degrees to open the emergency shelter.
6. Accessory Emergency Shelter hours of operation shall not exceed 12 hours in a 24-hour day.
7. Upon issuance of a Wind Chill Advisory, Winter Storm Warning, Blizzard Warning, or Excessive Heat Advisory by the National Weather Service Office in Sterling VA, or other similar alert, the Emergency Shelter shall be permitted to remain open in excess of the time regulations set forth in 9.4.4.B.1.f.
8. All facilities shall have trained volunteer(s) or staff overseeing the Accessory Emergency Shelter at all times.
9. Emergency Shelter Sign. One sign not to exceed four (4) square feet in area with the message content limited to the name of the shelter and information that the shelter is open for business. The sign shall be permitted and displayed on the lot only when the conditions set forth in Sections 9.4.4.B.1.e and 9.4.4.B.1.g are forecast. A sign permit shall not be required but all other applicable regulations of this Zoning Ordinance shall apply.
10. To help ensure protection of neighboring properties, the Emergency Shelter shall have written rules of conduct for residents as well as a written plan for handling complaints.
11. Existing parking shall be sufficient to handle the use as an Emergency Shelter.
12. The plan shall demonstrate that no loitering at the site will occur once the accessory emergency shelter closes. The submitted plan shall also contain provisions for dispersal of patrons arriving on foot and patrons driving or transported to the facility upon closure of the facility.
13. The shelter shall agree in writing to abide by rules and regulations of the Loudoun County Continuum of Care Policy and Procedures Manual.
14. Prior to issuance of the Zoning Permit, the applicant must post the property at all street frontages notifying the neighborhood of the pending application for an Emergency Shelter. The property must be posted for fourteen (14) business days prior to the issuance of the Zoning Permit. Should written objection to the issuance of the Zoning Permit be received by the Zoning Administrator within this mandatory notice period the application for the Emergency Shelter shall appear on the next available Town Council docket for review. Should no written objections be received by the Zoning Administrator within fourteen (14) business days and all other use conditions are met, the Zoning Administrator shall issue the Zoning Permit for the Emergency Shelter.
15. Applicants seeking to open an Accessory Emergency Shelter not meeting the above Use Standards may apply for Special Exception approval from Town Council.

C. Revocation of Permit

The Zoning Administrator may revoke the zoning permit at any time upon the failure of the owner or operator of the use covered by the permit to observe all requirements of the permit, this article, and other relevant provisions of law. Notice of such revocation shall be given in writing by the Zoning Administrator to the owner or operator of the use, by hand-delivery or certified mail, setting forth the reasons for the revocation, the date and time upon which the revocation is effective, and the appeals procedure. This provision shall not preclude the use of any other remedy prescribed by law with respect to violations of the provisions of this Zoning Ordinance.

D. Appeal

In the case of an appeal from the Zoning Administrator decision of revocation or denial of a zoning permit, the aggrieved party shall request a meeting with the Zoning Administrator. Within two (2) business days of the meeting, the Zoning Administrator shall inform the aggrieved person, in writing, of the decision to affirm, modify, or rescind revocation of the permit. Any person aggrieved by the action of the Zoning Administrator in the revocation or denial of a zoning permit may appeal the decision to the Town Council. The aggrieved shall submit a written narrative providing reasons behind the appeal along with the date and reasons for the Zoning Administrator's revocation or denial of the zoning permit. The request will be placed on the next available Town Council docket for discussion and action.

E. Emergency Preparedness

Nothing contained herein shall supersede language found in the Town Emergency Preparedness Ordinance.

9.4.5 Electric Vehicle (EV) Charging Station

- A.** EV charging station may be permitted as an accessory to a parking facility when the minimum standards provided below are met:
 - 1. EV charging station spaces may be identified by non-illuminated signs measuring no more than two (2) square feet, posted directly in front of each space at heights between 42 inches and no more than 72 inches; and
 - 2. Commercial signage shall be limited to wrapping the charging station "pumps" with cling-type appliques, paint or one non-illuminated, ground mounted sign measuring no more than two (2) square feet.
 - 3. If no existing parking lot lighting is available to provide adequate illumination for the EV charging station, supplemental lighting may be provided in accordance with the minimum lighting standards provided in Section 12.11 Outdoor Lighting.

9.4.6 Display of Merchandise

- A.** Business within the *H-1 Overlay, Old and Historic District* and within the public right-of-way shall comply with the requirements of Town Code Chapter 30 Streets, Sidewalks and Other Public Places.
- B.** Outside of the *H-1 Overlay, Old and Historic District*, business merchandise may be displayed in the pedestrian travel aisle immediately adjacent to the front of the building, provided that such area be limited to a depth of 6 feet measured from

the wall of the building and that the pedestrian travel aisle maintains sufficient width, as required by the Americans with Disabilities Act (ADA).

- C.** Seasonal outdoor display of merchandise such as, but not limited to, summer garden products, plants, and similar products may be permitted in a commercial parking lot on the same lot as the business selling such wares. The outdoor display may only be permitted in parking spaces in excess of the minimum required by Article 11 (Parking, Loading, and Pedestrian Access) of this Ordinance. Seasonal outdoor display of merchandise in parking lots shall be limited to a period of three (3) consecutive months with a maximum of two (2) zoning permits within a calendar year. Prior to the issuance of a zoning permit, in accordance with Sec. 3.7 (Zoning Permits), the applicant must demonstrate that the seasonal outdoor display area(s) shall comply with the following:
1. Vehicle travel aisles will be kept clear for vehicular traffic;
 2. Parking lot display areas must be located in such a manner as to provide safe pedestrian circulation;
 3. Merchandise displayed cannot exceed eight (8) feet in height;
 4. Display areas shall not exceed the area of eight (8) standard size parking spaces (i.e., 9'x18') and display areas shall be enclosed on at least three sides and not exceed eight (8) feet in height.

9.4.7 Family Day Home

A. Definition. See Section 18.1.61.1.

B. When Permits Required.

1. Application: A Home Occupation Permit is required for a Family Day Home of six (6) to twelve (12) children.
2. Required notice: As required by Code of Virginia Section §15.2-2292, upon receipt of an application for a Family Day Home for six (6) to twelve (12) children, the Zoning Administrator shall send notice by registered or certified letter to the last known address of each adjacent property owner.

C. Exemption. A Family Day Home for one to five (1 to 5) children shall be permitted by-right and shall be exempt from a Home Occupation Permit and the use standards contained therein.

D. Approval. If the Zoning Administrator receives no written objection from a person so notified within thirty days of the date of sending the letter and determines that the Family Day Home otherwise complies with the provisions of the ordinance, the Zoning Administrator shall issue the permit sought.

E. Referral To Town Council. The Zoning Administrator may refer the application to the Town Council for consideration when sufficient evidence has been provided in the form of a written objection from an adjacent property owner that the Family Day Home does not otherwise comply with the provisions of this ordinance.

F. Denial. The Zoning Administrator may deny a Home Occupation Permit for a Family Day Home if:

1. The use standards contained herein have not been met; or

2. Sufficient evidence has been provided in the form of a written objection from an adjacent property owner that the Family Day Home does not otherwise comply with the provisions of this ordinance.

The Zoning Administrator shall set forth reasons for denial in writing and transmit to the applicant via First Class Mail.

G. Appeal. An applicant may file a petition with the Clerk of Council, setting forth the basis of the appeal within thirty (30) days after the date of the administrative denial letter. Upon receipt of the appeal, the Clerk of Council shall promptly schedule a public hearing, subject to the advertising requirements in Sec. 3.1.9 Public Hearing Notices. In any appeal, the Town Council shall consider the written appeal and the criteria set forth in Sec. 9.4.7.1 Performance Standards. Upon such hearing, the Town Council may approve such permit, subject to such conditions agreed upon by the applicant and the locality or affirm the denial of the permit.

H. Performance Standards.

1. The Family Day Home shall comply with any and all requirements of the Town and State Codes, including without limitation, procurement and maintenance of a Home Occupation Permit, a Town Business License, and a State Family Day Home License in accordance with the State Code, as applicable.
2. The Family Day Home shall comply with any-and-all requirements of the County and State Building Codes.
3. If the proposed location of the Family Day Home is subject to a Declaration of Covenants, Conditions, and Restrictions for a Homeowners Association (HOA), then prior to the issuance of the Home Occupation Permit, the Family Day Home provider shall provide the Town with documentation whether or not the use is allowable under applicable HOA Covenants, Conditions, and Restrictions.
4. Lot Size:
 - i. By-right: Up to five children may be permitted by-right on any size lot.
 - ii. Special Exception: A special exception is required for a Family Day Home greater than five children on a lot less than 2,000 square feet.
6. There shall be no more than two employees for a Family Day Home. The applicant shall demonstrate availability of employee parking onsite.
7. Child drop-off and pick-up locations shall be designated to enhance the safety of children as they arrive and depart. A designated arrival and departure zone shall be located adjacent to the Family Day Home in such a manner that children do not have to cross the street to enter or exit the home.
8. Family Day Homes shall stagger pick-up and drop-off times such that there are never more than two vehicles picking-up or dropping-off at one time.
9. There shall be no change in the outside appearance of the Family Day Home or lot nor other visible evidence of the conduct of a Family Day Home other than what may be required by the State Family Day Home License or provisions elsewhere in this Zoning Ordinance.
10. Seventy-five (75) square feet of outdoor play area must be provided on-site per child except as follows:

- i. No outdoor play area shall be required on-site when the applicant can demonstrate the Family Day Home is located within 1,000 feet of an existing park or play lot that is at least twice the area otherwise required for the home care service.
 - ii. The park or play lot must be public owned by the homeowners' association to which the residence belongs and must be accessed without crossing an arterial or collector road.
 - iii. The outdoor play area must be shown on a plat to scale submitted at the time of application for the permit.
11. Fencing: Outdoor play areas must be enclosed by a fence with a minimum height of four (4) feet.
 12. Play Equipment Location: No play equipment shall be located within the required yard setbacks.
 13. Pathway to Facility: There must be a continuous hard-surface pathway/sidewalk connecting the drop-off and pick-up location to the entrance of the Family Day Home. The pathway shall be kept free of any snow or ice.

9.4.8 Vending Kiosk

- A. Description.** A vending kiosk is an enclosed accessory retail structure subordinate to other permitted principal uses on the property in the following districts: B-3 (Community Retail/Commercial District), B-4 (Mixed-Use Business District), CD-C (Crescent Design-Commercial), CD-CC (Crescent Design-Commercial Corridor), CD-MUO (Crescent Design-Mixed Use Option), and PRC (Planned Residential Community).
- B. Performance Standards.** A vending kiosk is subject to the following performance standards:
 1. By Right. The total number of vending kiosks shall not exceed a maximum of eight (8) for a single unified development containing a minimum of 500,000 square feet of gross floor area.
 2. Special Exception. A special exception shall be required for more than eight (8) vending kiosks for a single unified development containing a minimum of 500,000 square feet of gross floor area.
 3. Individual vending kiosks shall not exceed more than 250 square feet in size, nor exceed 10 feet in height.
 4. Vending kiosks are prohibited within parking facilities.
 5. Vending kiosks shall maintain all adjacent pedestrian path of no less than six feet (6') and shall not create obstructions to pedestrian paths as depicted on the approved site plan for the entire property.
 6. Vending kiosks shall only operate during the normal business hours of the shopping center in which they are located.
 7. Vending kiosks shall not be connected to public water and sewer.
 8. Vending kiosks shall be required to obtain all necessary Health Department permits and display them in a prominent location.
 9. Written consent of the shopping center management or property owner, a Town of Leesburg Zoning Permit, and a Town of Leesburg Business License shall be required to operate the vending kiosk.

10. The Zoning Permit shall include a scaled drawing of the shopping center depicting the location of the vending kiosk.
11. Vending kiosks may be permitted one attached non-illuminated sign no greater than nine (9) square feet in size.
12. Additional lighting or sound amplification is prohibited.

Sec. 9.5 Temporary Uses

9.5.1 Purpose and Intent

There are certain uses that may be permissible on a temporary basis subject to the controls, limitations and regulations of this section. The following sections provide the procedures and criteria used by the Zoning Administrator in reviewing temporary use applications.

9.5.2 Permitted Temporary Uses

A. Residential Districts

1. Wayside stand
2. Christmas tree sale
3. Other similar temporary use
4. Fair in the R-1 Single-Family Residential District

B. Commercial Districts

1. Wayside stand
2. Christmas tree sale
3. Carnival, circus, festival, fair, dog show, horse show, fireworks show, tent revival or similar meetings
4. Outdoor retail sales event
5. Farmer's market
6. Fireworks Stand
7. Mobile Food Unit (on private property only within the B-2, B-3 and B-4 Zoning Districts, and the CD-C and CD-CC Sub-Districts)
8. Seasonal Weather Enclosure in the B-1 District
9. Shade Structure in the B-1 District
10. Tent in the B-1 District
11. Other similar temporary use

C. Industrial Districts

1. Meeting, rally
2. Carnival, circus, festival, fair, dog show, horse show, fireworks show, tent revival or similar meetings
3. Other similar temporary use.
4. Mobile Food Unit (on private property and in public streets)

D. Planned Employment Center (PEC) District

1. Mobile Food Unit (on private property and in public streets)

9.5.3 General Standards for Permitting Temporary Uses

No temporary use shall be permitted unless it is determined that the following requirements are met. It shall be the applicant's responsibility to demonstrate compliance with these standards. The Zoning Administrator may impose reasonable conditions on the proposed use to ensure compliance with these standards or other applicable provisions of law.

- A. Adjacent uses shall be suitably protected from any adverse effects of the use, including noise and glare.
- B. The use shall not create hazardous conditions for vehicular or pedestrian traffic or result in traffic in excess of the capacity of streets serving the use.
- C. Adequate refuse management, security, emergency services, and similar necessary facilities and services shall be available for the temporary use, and all necessary sanitary facilities shall be approved by the appropriate health agency.
- D. The site is suitable for the proposed use, considering flood hazard, drainage, soils and other conditions which may constitute a danger to life, health or property.
- E. The use shall not have a substantial adverse impact on the natural environment, including trees, ground cover and vegetation.

9.5.4 Standards for Specific Temporary Uses

A. Wayside Stand

1. Off-street Parking. Adequate provision must be made for off-street parking and safe ingress and egress.
2. Location. Such use shall be located on a lot having frontage on a major or minor arterial or a service drive for such roads or a limited access highway, as defined in the *Town Plan*.
3. Hours of Operation. The hours of operation shall be limited to daylight hours.
4. Permitted Sales. Produce sales shall be limited to seasonal or perishable produce, including flowers and plants, locally grown.
5. Signs. One (1) temporary sign may be permitted in accordance with this Zoning Ordinance.

B. Christmas Tree Sale

1. Off-street Parking. Adequate provision must be made for off-street parking and safe ingress and egress.
2. Location. Such use shall be located on a lot having frontage on a major or minor arterial or a service drive for such roads or a limited access highway, as defined in the *Town Plan*.
3. Hours of Operation. The hours of operation shall be limited to daylight hours, provided, however, night operations up to 9:00 p.m. may be permitted for Christmas tree sales in nonresidential districts with a lighting plan approved by the Zoning Administrator.

4. Signs. One temporary sign may be permitted in accordance with this Zoning Ordinance.

C. Carnival, Circus, Festival, Fair, Dog Show, Horse Show, Fireworks Show, Tent Revival or similar meetings and/or Outdoor Retail Sales Events.

1. Duration. A temporary use permit for such activities shall be issued for not more than ten (10) consecutive days, in any six (6) month period.
2. Location. No such activity shall be located closer than three hundred (300) feet to a residential use.
3. Off-street Parking and Access. Adequate provisions must be made for off-street parking; safe ingress and egress must be provided and approved by the Zoning Administrator.
4. Hours of Operation. Such activities are permitted only between the hours of 7:00 a.m. and 12:00 midnight. The Zoning Administrator may require that no activity, including set-up or knock-down of a carnival or circus, shall be permitted between 12:00 midnight and 7:00 a.m.
5. Illumination. Night operations shall be permitted only if there is a lighting plan approved by the Zoning Administrator which provides for safe lighting without excessive glare into residential areas or onto public streets.
6. Signs. One temporary on-site sign, advertising the activity and two on-site directional signs for ingress and egress may be permitted in accordance with this Zoning Ordinance.

D. Fair in the R-1 District

1. Existing Uses Only. Fairs may only be approved when located on a parcel with a pre-existing business or use on the subject R-1 zoned property. Vacant properties shall not be used for Fair uses.
2. Duration. A temporary use permit for such activities shall be issued for no more than three (3) consecutive days eight (8) times per year. The total number of days allotted for the year may be consolidated resulting in more consecutive days, fewer times per year.
3. Location. No such activity shall be located closer than three hundred (300) feet to a residential use.
4. No Outdoor Mechanical Rides. No outdoor mechanical rides such as Ferris wheels, merry-go-rounds or similar rides are permitted.
5. Outdoor Performances. No outdoor performance on the property shall be permitted after 8:00 p.m. on any day. Performances after that time must be in a fully enclosed building.
6. Off-Street Parking and Access. Adequate provisions must be made for off-street parking; safe ingress and egress must be provided as shown on a parking plan and approved by the Zoning Administrator.
7. Hours of Operation. Such activities are permitted only between the hours of 10:00 a.m. and 11:00 p.m. Monday – Saturday; 10:00 a.m. and 10:00 p.m. Sunday including set-up and knock-down. Any performance activity from 8:00 p.m. – 11:00 p.m. must be in a fully enclosed building.

8. Noise. All permitted Temporary Use Permits shall be subject to Town of Leesburg noise limitations according to Zoning Ordinance Section 7.9 Noise Limitations and Enforcement and Town Code Chapter 24 Article V Offenses Against Public Peace and Order. The use of unenclosed mechanical equipment of any kind shall not extend past 8:00 p.m. of any day.
9. Sound Amplifying Equipment. Per Town Code Chapter 24 Article V Offenses Against Public Peace and Order, use of sound amplifying equipment shall be registered with the Town Manager at least 48 hours in advance of the use; use of such equipment shall not extend past 8:00 p.m. of any day as part of a fair temporary use permit.
10. Illumination. Night operations shall be permitted only if there is a lighting plan approved by the Zoning Administrator that provides for safe lighting without excessive glare into residential areas or onto public streets in accordance with Sec. 12.11 Outdoor Lighting.
11. Signs. The subject property shall be posted by one (1) temporary on-site sign per entrance to the property having a minimum size of 12 square feet, a maximum size of 24 square feet in area, no taller than six (6) feet, installed no fewer than ten (10) days in advance of the event. When any such event is being consolidated into more consecutive days fewer times per year, temporary signs may be permitted to remain in place as determined by the Zoning Administrator. At the conclusion of any such event, all signs shall be removed within 24 hours.
12. Written Notice. All adjacent properties, including those immediately across the street, shall be provided with written notification of an application for a fair no less than ten (10) days in advance of the application for Temporary Use Permit. Such notice shall be mailed by First Class Mail. An affidavit of mailing with a listing of all addresses noticed by that mailing shall be provided as part of the application for the Temporary Use Permit.
13. Revocation. The Zoning Administrator may revoke a Temporary Use Permit for a fair in the R-1 District for violation of this subsection or the conditions of the permit. Notice of such revocation shall be given in writing by the Zoning Administrator to the operator of the Fair Temporary Use Permit, by hand-delivery or certified mail, setting forth the reasons for the revocation, the date and time upon which the revocation is effective, and the appeals procedure. This provision shall not preclude the use of any other remedy prescribed by law with respect to violations of the provisions of the Zoning Ordinance.

E. Mobile Food Unit on Public Streets in the I-1 or PEC

1. Permits: The following permits and licenses shall be required for all mobile food units:
 - a. Town of Leesburg Temporary Use Permit, Temporary Use Permits shall be issued on an annual basis and will allow vending in those districts on public streets pursuant to the minimum conditions provided in this Section;
 - b. Town of Leesburg Itinerant Vendor's License; and,
 - c. Health Department Mobile Food Unit Permit issued through the Loudoun County Health Department or other Virginia County Health Department deemed acceptable to the Loudoun County Health Department.

2. Location: Mobile food units are permitted to park in the public right-of-way within the I-1 and PEC Zoning Districts on the streets specified below:
 - a. Brown Roan Rd., SE (between Miller Dr., SE and Oaklawn Dr., SE);
 - b. Keystone Dr., SE (between Russell Branch Pkwy, SE and Cul-de-sac.);
 - c. Trailview Blvd., SE (between Lawson Rd., SE and the Dead End);
 - d. Tolbert Lane, SE (between Sycolin Rd., SE and Miller Dr., SE);
 - e. Miller Dr., SE (between Sycolin Rd., SE and Blue Seal Dr., SE);
 - f. Blue Seal Dr., SE (entire length); and
 - g. Lawson Rd., SE (between the W&OD Trail to its Dead End at E. Market St).
3. Parking Location Requirements:
 - a. Mobile food unit vendors shall not have any exclusive right to any location on public property;
 - b. Mobile food units parked in a marked parking space must fit within the width and length of the marked parking space;
 - c. Occupation of any parking space shall not interfere with the lighting, trees, overhead wires, and/or utilities;
 - d. The mobile food unit shall not block any other vehicles or pedestrian's ingress or egress, cause traffic congestion, or be parked in any drive aisles or fire lanes.
 - e. Food Pushcarts shall not be permitted to vend from the travelway portion of the public right-of-way.
 - f. Food trailers must remain connected to a properly registered motor vehicle when parked in the travelway of a public right-of-way.
4. Vending Locational Requirements:
 - a. No deliveries shall be received from another vehicle while a mobile food unit is vending in a designated on-street vending location;
 - b. Vending shall take place only from the inside of the mobile food unit;
 - c. There shall be no vending to any person who is standing in the street unless said street has been closed to the public pursuant to a special event or street closure permit issued by the town;
 - d. There shall be no vending to any driver or passenger in a motor vehicle while the motor vehicle is stopped in the street or while in a moving traffic lane; and
 - e. A mobile food unit shall not be left unattended while vending.
5. Signs: No sign shall be displayed except for a sign displaying a menu or signs that are imprinted on the exterior body of a licensed food truck. All signs shall also comply with the applicable provisions of Article 15 Signs. The applicable regulations shall include, but not be limited to, that the mobile food unit shall not:
 - a. Advertise other businesses on the mobile food unit;
 - b. Use A-frame signs or remote signs;
 - c. Attach balloons or windblown signs to the mobile food unit; or

- d. Use animated or electronic signs.
6. **Noise:** No music or other amplified announcements that are audible outside of the mobile food unit shall be allowed.
7. **Storage:** No merchandise, food, equipment, or other item related to the operation of a mobile food unit, other than a trash receptacle required by subsection 9 below, shall be stored or kept adjacent to the mobile food unit.
8. **Liquid waste:** No liquid waste used in the operation of the mobile food unit shall be discharged from the mobile food unit except into an approved sewerage system as permitted by law.
9. **Trash:** Portable receptacles for the disposal of waste materials or other litter shall be provided by the mobile food unit vendor for the use of customers. All mobile food unit vendors shall direct customers to place all waste and litter in the receptacles. All waste shall be removed and disposed of by the mobile food unit vendor. Public trash receptacles shall not be used for compliance with Town Code § 28-20 et seq.
10. **Hours:** Vending may take place between the hours of 7:00 a.m. and 8:00 p.m. A mobile food unit may not vend longer than four hours in any single location.

F. Mobile Food Unit on Private Property in the I-1 District, the Planned Employment Center (PEC District) and within the B-2, B-3 and B-4 Zoning Districts, and the CD-C and CD-CC Sub-Districts of the Crescent Design District

1. **Permits:** Mobile Food Units are permitted to locate as an accessory use on private non-residential/commercial property within the I-1, PEC, B-2, B-3, B-4, CD-C and CD-CC Zoning Districts/Sub-Districts. The following permits and licenses shall be required for all mobile food units:
 - a. The Town of Leesburg Temporary Use Permit, Temporary Use Permits shall be issued on an annual basis and will allow vending on private property in those districts pursuant to the minimum conditions provided in this Section.
 - b. Town of Leesburg Itinerant Vendor's License; and
 - c. Health Department Mobile Food Unit Permit issued through the Loudoun County Health Department or other Virginia County Health Department deemed acceptable to the Loudoun County Health Department.
2. **Location Criteria:**
 - a. Mobile food units may be located only on a lot having a minimum of 8,500 square feet and containing a principal non-residential/commercial building or use. The number of mobile food units allowed per site is limited as follows:
 - i. No more than one mobile food unit is allowed on a lot having a minimum area of 8,500 square feet.
 - ii. One lots having more than 8,500 square feet in area, one mobile food unit is allowed per every 8,500 square feet of lot area.

- b. Mobile food units may operate only during the same hours of operation of the principal use of the property where located.
 - c. Mobile food units must be removed from the lot when not in operation.
 - d. Mobile food units shall be parked in a legal parking space on the property.
 - e. Mobile food units shall not block vehicle or pedestrian ingress or egress, cause traffic congestion, or be parked in any drive aisles or fire lanes and must be setback at least five feet from the edge of any driveway or public street.
 - f. Mobile food units may not occupy parking spaces necessary to meet the minimum parking requirement for the principal use of the property where located.
 - g. Mobile food units shall not occupy any parking spaces reserved for persons with disabilities.
 - h. Vending shall take place only from inside the mobile food unit. There shall be no vending to a person standing in the public right-of-way, in the street, or on a sidewalk, and/or off the premises where the mobile food unit is operating.
 - i. A mobile food unit shall not be left unattended while in a vending location.
3. **Signs:** No sign shall be displayed except for a sign displaying a menu or signs that are imprinted on the exterior body of a licensed food truck. All signs shall also comply with the applicable provisions of Article 15 Signs. The applicable regulations shall include, but not be limited to, that the mobile food unit shall not:
- a. Advertise other businesses on the mobile food unit.
 - b. Attach balloons or windblown signs to the mobile food unit; or
 - c. Use animated or electronic signs.
4. **Noise:** No music or other amplified announcements that are audible outside of the mobile food unit shall be allowed.
5. **Storage:** No merchandise, food, equipment, or other item related to the operation of a mobile food unit, other than a trash receptacle required by subsection 7 below, shall be stored or kept adjacent to the mobile food unit.
6. **Liquid waste:** No liquid wastes used in the operation of the mobile food unit shall be discharged from the mobile food unit except into an approved sewerage system as permitted by law.
7. **Trash:** Portable receptacles for the disposal of waste materials or other litter shall be provided by the mobile food unit vendor for the use of customers. All mobile food unit vendors shall direct customers to place all waste and litter in the receptacles. All waste shall be removed and disposed of by the mobile food unit vendor. Public trash receptacles shall not be used for compliance with Town Code § 28-20 et seq.
8. **Revocation:** Any temporary use permit for mobile food units may be revoked by the Zoning Administrator because of the failure of the property owner

and/or the mobile food unit operator to comply with any of the provisions of this section.

9. Parking/Storage associated with a Commercial Kitchen: Mobile food units that utilize a legally established commercial kitchen for meal preparation may be parked/stored on the same property as the commercial when not in use, subject to the following conditions:
 - a. The owner of the commercial kitchen must demonstrate to the Zoning Administrator there are surplus parking spaces on the subject property and where they are located;
 - b. Mobile food units may only be parked in surplus parking spaces designated in the information provided to the Zoning Administrator in #a above;
 - c. Mobile food units, when not in use and being stored on the property, shall be parked within a striped parking space on the subject property;
 - d. No inoperable mobile food units shall be permitted to be parked/stored on a commercial kitchen property, (i.e., valid health department permit, vehicle registration, etc.);
 - e. A Town of Leesburg Temporary Use Permit shall be required prior to establishing mobile food unit parking/storage; and
 - f. Mobile Food Units shall not create any nuisance, (i.e., noise, vibration, glare, odor, etc.) while parked/stored.

G. Fireworks Stand

2. Duration: A temporary use permit for such activities shall be issued for not more than thirty (30) consecutive days, in any twelve (12) month period.
3. Location: No such activity shall be located closer than three hundred (300) feet to a residential use.
4. Off-street Parking and Access: Adequate provisions must be made for off-street parking; safe ingress and egress must be provided and approved by the Zoning Administrator.
5. Hours of Operation: Such activities are permitted only between the hours of 8:00 a.m. and 9:00 p.m.
6. Illumination: Night operations shall be permitted only if there is a lighting plan approved by the Zoning Administrator which provides for safe lighting without excessive glare into residential areas or onto public streets.
7. Signs: One temporary on-site sign, advertising the activity and two on-site directional signs for ingress and egress may be permitted in accordance with this Zoning Ordinance.

H. Seasonal Weather Enclosure in the B-1 District

1. Use: A seasonal weather enclosure may be erected as an accessory to the following uses in the B-1 Community (Downtown) Business District
 - a. eating establishments
 - b. brewpubs
 - c. microbreweries; and
 - d. other uses determined to be of a similar nature by the Zoning Administrator

2. Area: The structure shall not extend beyond the covered porch or recessed entrance it temporarily encloses.
3. Height: The structure shall not extend above the ceiling of the roof structure it temporarily encloses.
4. Material: Materials shall be of a durable fabric such as canvas, vinyl or a material determined to be of a similar nature by the Zoning Administrator.
5. Form: No single façade shall result in an opaque appearance, except for side facades less than six feet in length. Unless otherwise stated, each façade shall permit a minimum light transmission, or transparency, equivalent to no less than 40% for each façade. A non-projecting valance or border trim may be included.
6. Color: The material of the structure shall be of a neutral color and compatible with the palate of colors associated with the existing structure.
7. Duration: The structure shall only be permitted during the six (6) fall and winter months of October thru March. The roll up panels may be used year-round when completely hidden from view.
8. Certificate of Appropriateness: The structure shall be subject to a Certificate of Appropriateness. See Section 3.10.1.B Exterior Modification of Existing Buildings, and Section 7.5.5.B Exterior Modification of Existing Buildings.
9. Zoning Permit: The structure shall require a Town of Leesburg zoning permit approved prior to the initial installation. The zoning permit shall remain valid in perpetuity unless the structure is altered in any manner. For each subsequent installation, the owner/operator shall request an inspection by the Zoning Administrator within ten (10) business days of the re-installation to determine compliance with the issued zoning permit. Failure to request this inspection may result in revocation of the zoning permit.
10. Building Permit: The structure may require a County of Loudoun building permit to confirm compliance with applicable building codes and the Americans with Disabilities Act; to ensure proper installation; and to ensure safe ingress and egress to the principal structure.
11. Revocation: The Zoning Administrator may revoke the zoning permit for a seasonal weather enclosure for violation of this subsection, conditions of the permit, and any and all applicable Town of Leesburg or County of Loudoun codes, regulations or ordinances. Notice of such revocation must be provided in writing by certified mail, setting forth the reasons for the revocation, the date upon which the revocation is effective, and the appeals procedure.
12. Storage: When not installed, the seasonal weather enclosure must be completely disassembled and stored within the principal structure, within an accessory structure, or off-site. The seasonal weather enclosure cannot be in plain sight when not installed.

I. Shade Structure in the B-1 District

1. Use: A Shade Structure may be erected with the following uses in the B-1 Community (Downtown) Business District:
 - a. eating establishments

- b. brewpubs
 - c. microbreweries; and
 - d. other uses determined to be of a similar nature by the Zoning Administrator
 - e. The structure shall not be used concurrently with a tent, unless associated with a Temporary Use Permit or Business Special Event.
2. Location: The structure shall be permitted inside and rear yards, no closer than five feet (5') to any property line. A shade structure shall be prohibited in front yards.
 3. Area: A shade structure shall be limited to no more than 50% of the property not covered by a structure or required on-site parking.
 4. Height: The structure shall be no taller than fourteen feet (14') in height.
 5. Material: Materials shall be of a durable fabric such as canvas, vinyl or a material determined to be of a similar nature by the Zoning Administrator.
 6. Form: A temporary freestanding structure having a solid or partially open roof supported by columns or posts; or, if permanent, as otherwise approved by the Board of Architectural Review.
 7. Removal of Support Structures: The supports for the temporary shade structure must be completely removed during the off-season months from October to March.
 8. Color: The material of the structure shall be a neutral color and compatible with the palate of colors associated with the existing structure.
 9. Duration: The structure shall only be permitted during the six (6) spring and summer months of April thru September.
 10. Lighting: No attached external lighting is permitted.
 11. Certificate of Appropriateness: The structure shall be subject to a Certificate of Appropriateness if attached, in any manner, to a principal building. See Section 3.10.1.B Exterior Modification of Existing Buildings, and Section 7.5.5.B Exterior Modification of Existing Buildings.
 12. Zoning Permit: The structure shall require a Town of Leesburg zoning permit approved prior to the initial installation. The zoning permit shall remain valid in perpetuity unless the structure is altered in any manner. For each subsequent installation, the owner/operator shall request an inspection by the Zoning Administrator within ten (10) business days of the re-installation to determine compliance with the issued zoning permit. Failure to request this inspection may result in revocation of the zoning permit.
 13. Building Permit: The structure may require a County of Loudoun building permit to confirm compliance with applicable building codes and the Americans with Disabilities Act; to ensure proper installation; and to ensure safe ingress and egress to the principal structure.
 14. Revocation: The Zoning Administrator may revoke the zoning permit for a shade structure for violation of this subsection, conditions of the permit, and any and all applicable Town of Leesburg or County of Loudoun codes,

regulations or ordinances. Notice of such revocation must be provided in writing by certified mail, setting forth the reasons for the revocation, the date upon which the revocation is effective, and the appeals procedure.

15. **Storage:** When not installed, the shade structure must be completely disassembled and stored within the principal structure, within an accessory structure, or off-site. The seasonal weather enclosure cannot be in plain sight when not installed.

J. Tents in the B-1 District

1. **Use:** A Tent may be erected with the following uses in the B-1 Community (Downtown) Business District:
 - a. eating establishments
 - b. brewpubs
 - c. microbreweries; and
 - d. other uses determined to be of a similar nature by the Zoning Administrator
2. **Location:** These structures are only permitted in rear yards, no closer than five feet (5') to any property line.
3. **Area:** Tents shall be limited to no more than 50% of the rear yard not covered by a structure or required on-site parking.
4. **Height:** These structures shall be no taller than fourteen feet (14') in height.
5. **Material:** Materials shall be of a durable fabric such as canvas, vinyl or a material determined to be of a similar nature by the Zoning Administrator.
6. **Form:** A movable temporary shelter consisting of a cover stretched over a supporting framework of poles creating an enclosed space (i.e., with one or more covered sides).
7. **Color:** The material of the structure shall be a neutral color and compatible with the palate of colors associated with the existing structure.
8. **Duration:** The structure shall only be permitted during the six (6) fall and winter months of October thru March.
9. **Lighting:** No exterior lighting is permitted.
10. **Zoning Permit:** The structure shall require a Town of Leesburg zoning permit approved prior to the initial installation. The zoning permit shall remain valid in perpetuity unless the structure is altered in any manner. For each subsequent installation, the owner/operator shall request an inspection by the Zoning Administrator within ten (10) business days of the re-installation to determine compliance with the issued zoning permit. Failure to request this inspection may result in revocation of the zoning permit.
11. **Other Permits:** A Tent 900 square feet or larger may require a County of Loudoun building permit or a tent permit through the Fire Marshal's Office to confirm compliance with applicable building codes and the Americans with Disabilities Act; and, to ensure proper installation, and, to ensure safe ingress and egress to the principal structure.

12. **Revocation:** The Zoning Administrator may revoke the zoning permit for a tent for violation of this subsection, conditions of the permit, and any and all applicable Town of Leesburg or County of Loudoun codes, regulations or ordinances. Notice of such revocation must be provided in writing by certified mail, setting forth the reasons for the revocation, the date upon which the revocation is effective, and the appeals procedure.
13. **Storage:** When not installed, the tent must be completely disassembled and stored within the principal structure, within an accessory structure, or off-site. The seasonal weather enclosure cannot be in plain sight when not installed.

K. Temporary Outdoor Dining, Eating Establishments

1. **Applicability:** A Temporary Use Permit may be issued to existing eating establishments to permit a Temporary Outdoor Dining Area for which no Zoning Permit has been issued as required in Zoning Ordinance Section 3.7.1 (When Permits Required). The use-specific standards of this section apply in addition to other standards that protect life, safety and welfare.
2. **Application Form:** Temporary Outdoor Dining Areas shall be subject to a Temporary Use Permit, and a Use Exhibit (the "Exhibit") as described below.
3. **Fee:** The Temporary Use Permit application fee shall be paid with the submission of the required Temporary Use Permit.
4. **Validity Period:** A Temporary Use Permit shall lapse and become void one year (365 days) from the date of issuance.
5. **Use Exhibit:** The Use exhibit shall demonstrate the following:
 - a. **Use Limitations:** The seating capacity of a Temporary Outdoor Dining Area shall be limited to no more than 50% of the occupancy load on the Certificate of Occupancy. A photocopy or photo of the Occupancy Certificate depicting the occupancy load shall be included with the Temporary Use Permit Application.
 - b. **Location Requirements:** A Temporary Outdoor Dining Area shall be located on existing hard surfaces.
 - c. **Access:** A Temporary Outdoor Dining Area:
 - i. Shall be located adjacent to the principal building which it serves; and
 - ii. Shall not be separated from the principal building which it serves by a vehicular travel aisle.
 - d. **Area:** A Temporary Outdoor Dining Area shall not consume more than 50% of existing on-site parking facilities as further qualified below.
 - e. **Seating Diagram:** The Exhibit shall include the general location of seating and maximum number of seats.
 - f. **Parking Requirements:** In lieu of parking requirements of Zoning Ordinance Section 11.3 (Number of Parking Spaces Required), parking for a Temporary Outdoor Dining Area shall be based on the number of proposed outdoor seats at a ratio of one (1) space for

every four (4) seats. The Exhibit shall include the calculation of the maximum number of seats and the resulting required parking spaces. However, a Temporary Outdoor Dining Area zoned B-1/H-1 is exempt from this requirement. A Temporary Use Permit for Outdoor Dining may be denied if the required parking cannot be provided.

- g. Parking Provided: The Exhibit shall demonstrate how required parking for Temporary Outdoor Dining Areas is provided on-site. Existing ADA spaces and access aisles shall be maintained. Temporary Shared Parking Agreements (the "Agreement") may be used to satisfy required outdoor seating parking. The Agreement must be in the form of a notarized document between property owners and shall be provided with the Temporary Use Permit Application.
 - h. Emergency Access: The Exhibit shall demonstrate that appropriate fire and emergency access is maintained.
 - i. Barrier: The Temporary Outdoor Dining Area shall be protected by a fence-like barrier no less than 36 inches in height, or as otherwise deemed appropriate by the Zoning Administrator.
 - j. Tents: The use of tents is permitted but shall be limited to one (1) tent of less than 900 square feet. Tents shall be depicted on the Exhibit.
6. Other Permits: Other permits administered by Loudoun County may be required. It shall be the responsibility of the property owner to ensure compliance with any applicable Building or Fire Codes as they may apply.
 7. ADA Compliance: It is the applicant's responsibility to comply with all applicable ADA requirements.
 8. Beverage Control: Temporary Outdoor Dining Areas shall be subject to applicable Virginia Alcoholic Beverage Control regulations.
 9. Noise Ordinance: Temporary Outdoor Dining Areas shall be subject to the Town Noise Ordinance.
 10. Revocation: The Zoning Administrator may revoke a Temporary Use Permit for Temporary Outdoor Dining for violation of this subsection or the conditions of the permit. Notice of such revocation shall be given in writing by the Zoning Administrator to the operator of the Temporary Use Permit, by hand delivery or certified mail, setting forth the reasons for the revocation, the date and time upon which the revocation is effective, and the appeals procedure. This provision shall not preclude the use of any remedy prescribed by law with respect to violations of the provisions of the Zoning Ordinance

(Ord. No. 2022-O-022, July 26, 2022)

9.5.5 Temporary Portable Storage Unit

The outdoor storage of temporary portable storage units are allowed in accordance with the standards listed below:

A. General Standards:

1. A temporary use permit shall not be required for the first fourteen (14) days of usage. After such time, a temporary use permit will be required for a storage

period not to exceed thirty (30) days per issuance, and it shall be the duty of the property owner, property manager, or tenant receiving a temporary portable storage unit and/or any vendor responsible for the rental, delivery, and retrieval of a temporary portable storage unit to comply with the permit procedures of Sec. 3.5 Temporary Use Permits (except for Sec. 3.5.2 Agency Notification);

2. Temporary portable storage units must be stored on the same properties as the individual(s), organizations(s), business(es), etc. using them and the properties must contain existing principal uses/structures;
3. The maximum size of a temporary portable storage unit shall not exceed 128 square feet;
4. Temporary portable storage units shall be kept in good condition, free from evidence of deterioration, discoloration, rust, rips, holes, or other signs of abandonment or neglect. Such units shall comply with all applicable building, property maintenance, and fire code requirements.
5. Temporary portable storage units must be placed on a paved surface or any driveway surface on the subject parcel. Such units shall not be placed in any Town right-of-way, easement, or travelway, unless permitted by the *Town Code* and shall not hinder sight distance or create obstructions for vehicular or pedestrian traffic;
6. Temporary portable storage units shall not be used for the storage of extremely hazardous or flammable substances, live animals, or human habitation; and
7. Signage on temporary portable storage units shall be limited to that which is standard and customarily placed on the unit by the vendor and/or manufacturer.

B. Duration:

1. Excluding the 14-day exemption in Sec. 9.5.5.A.1, the permitted placement of a temporary portable storage unit shall not exceed thirty (30) days. Prior to the expiration of the temporary use permit, a 30-day extension may be approved by the Zoning Administrator.
2. The maximum duration that a temporary portable storage unit shall be upon a property in the Town is sixty (60) cumulative days within the calendar year except for a unit that is used in conjunction with an active building permit, which may remain in place for a period no longer than six (6) months from the issuance date of the temporary use permit.

C. Number:

1. Properties containing single family detached or single family attached uses shall be limited to two (2) temporary portable storage units or 128 square feet of temporary portable storage area, whichever is less;
2. Properties containing multi-family developments shall be subject to the following limitations:
 - a. Two (2) temporary portable storage units per dwelling unit or 128 square feet, whichever is less, along with written approval from property management;

- b. Two (2) temporary portable storage units or 256 square feet of temporary portable storage area, whichever is less, for direct property management usage only;
- 3. Properties containing a single nonresidential use shall be limited to two (2) temporary portable storage units or 256 square feet of temporary portable storage area, whichever is less. Properties containing multi-tenant nonresidential uses or mixed-use developments shall be subject to the limitations established in 9.5.5.C.2 Number, at the discretion of the Zoning Administrator.

D. Location

In addition to 9.5.5.A.5 General Standards, placement of temporary portable storage units on properties containing nonresidential and/or multi-family uses must be located in excess parking areas, excess loading areas, or other undesignated areas. Storage shall not occur in required and/or restricted parking spaces, loading areas, sidewalks, or buffer/landscape areas.

E. Existing Temporary Portable Storage Units

Temporary portable storage units do not fall under nonconformities, as set out in Article 16. Therefore, any temporary portable storage unit located on a property as of May 10, 2016, shall not be deemed a legal nonconforming use/structure.

F. Exclusion

Temporary portable storage units placed during a period of an officially declared Federal, Commonwealth, or Local emergency that is applicable to a subject property shall be exempt from the requirements of the section for a period of up to six (6) months.

Sec. 9.6 Business Special Events

9.6.1 Purpose and Intent

At the time of a new business grand opening or a special sales event a business shall be permitted to display items on the site designed to attract additional visibility subject to the controls, limitations and regulations of this section. The following sections provide the procedures and criteria used by the Zoning Administrator or designee in reviewing such business event applications.

9.6.2 Permitted Business Special Events

- A. Grand Opening**
- B. Special Sales Events**

9.6.3 Permit Required

A zoning permit shall be issued by the Zoning Administrator or designee prior to commencement of such special event activity governed by this ordinance. The applicant shall provide the dates of the activity, a plan showing the location of tents and displays, signage type and location along with any additional information necessary for the Zoning Administrator or designee to determine the proposed activity complies with the provisions of this ordinance.

9.6.4 Duration

A business special event shall be permitted three (3) times per year for a three (3) day period, each event.

9.6.5 Location

No such activity shall be located closer than two hundred (200) feet to a residential use except in the H-1 Overlay, Old and Historic District.

9.6.6 Off-street Parking and Access

Adequate provisions must be made for off-street parking and safe ingress/egress.

9.6.7 Hours of Operation

Such events are permitted between 8:00 a.m. and 10:00 p.m. inclusive of set-up and knock-down time.

9.6.8 Illumination

Night operations may be permitted only if there is a lighting plan approved by the Zoning Administrator or designee which provides for safe lighting without excessive glare into residential areas or onto public streets.

9.6.9 Signs

Signs shall be located on-site and cannot be placed in the public right-of-way. The permitted signs may stay on-site for the duration of the event. Signs cannot be located in a manner that will create a sight distance or safety hazard for motorists.

- A.** One (1) banner sign in accordance with Sec. 15.6.1 A. Special Sales Event. A separate temporary sign permit is not required when included with the Business Special Event Zoning Permit.
- B.** Two (2) real estate signs as defined in Sec. 15.4.14 or A-frame signs, no larger than five (5) square feet each.
- C.** Streamers, Pennants and Flags.

9.6.10 Tents

Tents and similar type structures requested for the event shall be included with the Business Special Event Zoning Permit.

Sec. 9.7 Dwelling Unit Occupancy

In any district in which residential uses are permitted or legally exist, a dwelling unit shall be occupied only by a family as defined in Zoning Ordinance Section 18.1.61. Occupancy by any other entity or person shall constitute a violation of this chapter.

- A.** Residential occupancy of dwelling units shall be limited to the maximum number of occupants permitted by this Ordinance and by the Virginia Property Maintenance Code occupancy limitations, to protect against threats to the public safety, health and welfare that can accompany overcrowding of land or undue density of population caused by excessive occupancy.
- B.** An owner or occupant of a dwelling unit that occupies or permits the occupancy of a dwelling unit by a number of occupants in excess of the maximum occupancy

prescribed shall reduce the occupancy to a level consistent with the limits of this Ordinance and the Virginia Property Maintenance Code occupancy limitations upon notice of the Zoning Administrator or designee.

- C. Residential occupancy is prohibited in any shed, boat, tent, portable storage unit, recreational vehicle or similar device. An unauthorized dwelling unit within a building shall be presumed to have been created when contiguous areas for living, sleeping, eating, cooking and sanitation are designed in such a manner as to establish a distinct, separate, and self-contained living or housekeeping unit. Unauthorized dwelling units are prohibited.
- D. An unauthorized dwelling unit within a building exists when contiguous areas for living, sleeping, cooking and sanitation are designed in such a manner as to establish two or more distinct, separate, self-contained living or housekeeping units. The existence of any one of the following conditions shall be considered to be an unauthorized dwelling unit.
 1. A secured internal access/connection is maintained that prevents full access to all of the common living area (exclusive of private bedroom/bath areas) to all occupants of the dwelling.
 2. More than one assigned address or more than one electric, water or gas meter serving the dwelling unit.

Sec. 9.8 Flex Industrial/Business Park

9.8.1 Purpose and Intent

The purpose of this section is to facilitate economic development in the I-1 (Industrial/Research Park) Zoning District and provide opportunities for employment generation through the development of a business park with a broader range of commercial, light industrial, limited retail, limited dining, and civic/institutional uses than is presently permissible in the I-1 District. Furthermore, this added flexibility is intended to provide property owners the ability to more efficiently attract businesses, adapt to changes in local and regional markets, and/or create the necessary synergy to enhance the economic base of the Town while functioning in a structured, unified manner with minimal modifications to the established development. Such development is intended to be compatible with its adjacent surroundings and function in a much less adverse manner compared to heavy industrial nodes and high intensity developments.

9.8.2 Special Exception Approval

The flex industrial/business park use shall be permitted only in accordance with the Special Exceptions procedures of Section 3.4 of the Zoning Ordinance. However, the option to waive or modify use standards as provided in Section 3.4.13, Compliance with Use Standards, shall not apply to the general standards or any use standards contained in this Section. Any use not listed in Section 9.8.4 that is permissible in the I-1 (Industrial/Research Park) Zoning District, only by special exception approval, may be requested independently of, or concurrently with, a flex industrial/business park use request subject to Section 6.7.2 Use Regulations.

9.8.3 General Standards

The standards below shall apply to all flex industrial/business park developments:

A. Lot Area

The minimum lot size for such development shall be five (5) acres. This may be achieved on an individual tract or combination of tracts.

B. Building Height

Buildings shall not exceed two (2) stories or fifty (50) feet in height.

C. Architecture

Flex industrial/business park developments shall be compatible with the character of the adjacent area. When such developments include multiple buildings, all buildings must be homogenous in their architectural design. Materials such as brick, fiber cement siding, stone, wood, stucco and similar natural or man-made materials are generally appropriate. Selection of materials should be based on the established architecture of the context of the area where the business park is located.

D. Signage

The applicant shall develop a comprehensive sign plan establishing a uniformed signage scheme for the development. The types of signs permitted in a Flex Industrial/Business Park comprehensive sign plan shall be limited to the following sign types: monument signs; wall signs; awning/canopy signs; window signs only for the display of information described in Sec. 15.4.8 Open/Hours of Operation Sign or Flag; street numbers; and other sign types commonly used for internal wayfinding, as approved by the Zoning Administrator.

E. Parking, Loading, Vehicular Access, and Pedestrian Areas

1. Flex Industrial/business Park uses must have access to a road classified as a minor arterial or higher Town Plan transportation functional classification without having to travel through a residentially zoned district.
2. Screened loading areas may be used for parking or outdoor storage of accessory equipment such as generators, HVAC equipment, nitrogen tanks, and antennae.

F. Outdoor Storage and Loading

1. Outdoor storage shall be restricted to use by current tenants/leaseholders of the subject property only.
2. No storage of any kind shall be permitted within the front yard.
3. All outdoor storage areas shall be limited to only those areas designated for outdoor storage on an approved special exception plat.

G. Hazardous Materials

The use, storage, and disposal of hazardous materials must meet all applicable federal, state and local codes.

9.8.4 Permitted Uses

- A.** The following uses may be included as permissible uses under the umbrella of the flex industrial/business park development, if approved as part of the special exception ordinance for the subject property:

Table 9.8.4 Allowable Uses in Flex Industrial/Business Park Developments [1]		
LIGHT INDUSTRIAL USES		
Use	Use Standards	Definition
Antennas [8]	Sec. 9.3.26	Sec. 18.1.7
Aviation support/dependent uses		
Commercial bakery or kitchen		Sec. 18.1.31.1
Data Center	Sec. 9.3.6.2	Sec. 18.1.40.2
Diagnostic laboratory [4]		Sec. 18.1.42
Distillery [11]		Sec. 18.1.42.1
Distribution Facility	Sec. 9.3.32	Sec. 18.1.43
Electric and/or plumbing supply [5]	Sec. 9.3.10	
Event Rentals		Sec. 18.1.59.1
Fire and/or rescue facility		Sec. 18.1.64
Lumber and/or building material sales [5]	Sec. 9.3.13	Sec. 18.1.101
Mailing Services		Sec. 18.1.102
Media Studio [8]		Sec. 18.1.104
Microbrewery	Sec. 9.3.13.1	Sec. 18.1.104.1
Mini-warehouse facility	Sec. 9.3.14	Sec. 18.1.105
Office	Sec. 9.3.17.1	Sec. 18.1.121
Printing and/or publication		Sec. 18.1.148
Production	Sec. 9.3.22	Sec. 18.1.150.1
Public utility, minor	Sec. 9.3.31	Sec. 18.1.154
Research & Development [4]	Sec. 9.3.22	Sec. 18.1.157
School, special instruction	Sec. 9.3.23	Sec. 18.1.164
School, technical	Sec. 9.3.23.1	Sec. 18.1.165
Tool/equipment rentals		Sec. 18.1.190.1
Trade contractors		Sec. 18.1.192.1
Vehicle and/or equipment service facility [9]	Sec. 9.3.29	Sec. 18.1.197
Warehouse	Sec. 9.3.32	Sec. 18.1.199
Wholesale sales/showroom [10]		Sec. 18.1.203.1
NON-LIGHT INDUSTRIAL USES		
Adult day care		Sec. 18.1.5.1
Arts Center		Sec. 18.1.11
Bank without drive-in facility		Sec. 18.1.30
Club		Sec. 18.1.89
Community Center, Senior Citizen [12]		Sec. 18.1.33.1
Conference center [2]		Sec. 18.1.37
Convenience food store [3]	Sec. 9.3.8	Sec. 18.1.39
Dance studio		Sec. 18.1.40.1
Table 9.8.4 Allowable Uses in Flex Industrial/Business Park Developments [1]		
NON-LIGHT INDUSTRIAL USES		
Use	Use Standards	Definition
Eating establishment without drive-in facility	Sec. 9.3.9	Sec. 18.1.54
Exercise studio		Sec. 18.1.59.2
Mailing Services		Sec. 18.1.102

Table 9.8.4 Allowable Uses in Flex Industrial/Business Park Developments [1]		
LIGHT INDUSTRIAL USES		
Use	Use Standards	Definition
Media Studio [8]		Sec. 18.1.104
Museum		Sec. 18.1.111
Office	Sec. 9.3.17.1	Sec. 18.1.121
Pharmacy		Sec. 18.1.139
Place of worship		Sec. 18.1.141
Printing and/or publication		Sec. 18.1.148
Recreation facility [6]	Sec. 9.3.21	Sec. 18.1.156
Retail [7]		Sec. 18.1.159
School, special instruction	Sec. 9.3.23	Sec. 18.1.164
Services, personal	Sec. 9.3.19	Sec. 18.1.168
Veterinary hospital	Sec. 9.3.30	Sec. 18.1.198

Note: [n] corresponds to additional use standards provided in 9.8.4.B

B. Use Standards

1. Unlisted uses that are similar to the approved by-right uses under the umbrella of an approved flex industrial/business park development will be subject to Sec. 9.1.4 Unlisted Uses.
2. Conference centers shall not include any lodging.
3. A convenience food store shall be limited to a gross floor area of 2,000 square feet.
4. Activity involving infections or hazardous materials, subject to Biosafety Level 3 (BSL-3) or Biosafety Level 4 (BSL-4) best management protocols, per the Biosafety in Microbiological and Biomedical Laboratories (BMBL), current edition, shall not be permitted.
5. Such uses may be permitted with or without outdoor storage.
6. Recreational activities shall occur indoors only.
7. Any retail use, whether principal or accessory shall not exceed 5,000 square feet. Total retail uses shall not exceed 10% of the total gross floor area of the development.
8. Accessory telecommunication structures are subject to Sec. 9.3.26, Telecommunication Facilities.
9. Window tinting, audio installation, lawnmower repair, and similar services in this use category shall be conducted within a fully enclosed structure and shall not include outdoor storage of inoperable vehicles or discarded parts, liquids, or other substances.
10. Wholesalers may provide incidental retail sales provided, it is directly related to a supportive of an existing permitted use and subordinate to the principal wholesale sales use.
11. Distilleries shall comply with the applicable requirements of Sec. 9.3.13.1, Microbrewery, as determined by the Zoning Administrator.
12. Residential uses are prohibited in these facilities.