

ARTICLE 25

Use Standards

25.1 Intent and Scope of Regulations

Each use listed in this Article, whether permitted by right or subject to approval as a special exception, shall be subject to the site and use standards specified, in addition to applicable standards and requirements for the district where the use is located. These standards are intended to:

1. Alleviate any adverse impacts of a use that is of an area, intensity or type unique or atypical for the district in which the use is allowed.
2. Mitigate the impact of a use that possesses characteristics unique or atypical for the district in which the use is allowed.
3. Ensure that such uses will be compatible with surrounding land uses.
4. Promote the orderly development of the district and the Town as a whole. Conformance with these standards shall be subject to site plan review. Unless otherwise specified, each use listed in this Article shall be subject to all applicable yard, bulk, and other standards for the district in which the use is located.
5. Describe standards and special conditions under which certain uses are permitted in certain districts.

25.2 Organization

For the purposes of clarity and ease of use, the provisions of this Article have been organized into alphabetical order.

25.3 Use Standards

25.3.1 Accessory Apartment, Interior or Exterior

25.3.2 Accessory Homestay

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25.3.1 Accessory Apartment, Interior or Exterior

- a. The following standards apply to all accessory apartments - both interior and exterior:
 1. Zoning District Standards: Compliance: Accessory Apartments shall be in compliance with the accessory structure and accessory use regulations of its assigned zoning district. This includes all applicable regulations, specifically on lot coverage, building footprint, building height and setbacks, unless otherwise stated.
 2. Quantity: Only one accessory apartment, which may be interior or exterior, is permitted on a property. A property may not have both an accessory apartment and a guest house.
 3. Size and Scale: The apartment shall be secondary to the primary residence, both in scale and overall size. It should not compete or overwhelm the primary residence. An accessory apartment shall not exceed 35 percent of the total floor area of the main dwelling, except in cases where it is wholly within a basement. Additional size requirements are found under the applicable zoning district.
 4. Code Compliance: An accessory apartment shall meet the Virginia Uniform Statewide Building Code/International Property Maintenance Code standards for residential units, including the minimum total floor area.
 5. Owner Occupied: The property owner must live on-site in either the accessory apartment or the primary residence if occupied by different families. The primary

residence and the accessory apartment may be jointly occupied by a single tenant family.

6. Occupancy Limit: Not more than three (3) persons can live in the accessory apartment if not part of the primary occupant's family.
7. Nuisance Policy: The owner shall manage tenants accordingly to prevent excessive noise, traffic, nuisance, safety hazards and other potential adverse impacts to adjacent property owners.
8. Streetscape: Whether the accessory apartment is interior or exterior, the general appearance of a single-family dwelling lot shall be maintained.
9. Zoning Permit: A zoning permit shall be submitted. In order to apply for a building permit and/or an occupancy permit for an Accessory Apartment the applicant must complete a zoning permit describing the use of the Accessory Apartment as of one of the following uses:
 - a. accessory homestay
 - b. rental unit
 - c. family-caregiver suite
 - d. private recreation space
 - e. guest house or guest room
10. Rental Permit: All accessory apartments that are rented must have a permit from the Zoning Administrator that is renewed on an annual basis and may require an inspection by the Zoning Administrator to verify conformance with the Zoning Ordinance and applicable building and maintenance codes. A Town business license shall also be required.
11. Annual Registration: On or about July 1 each year, the Town will send out a request for the current use of the accessory apartment to update Town records. If the use has changed to an accessory homestay or rental unit, a rental permit will be required to be submitted to the Town by September 1. If the use has changed to family-caregiver suite, private recreation space or guest house, no additional permits are required. If at any time, the accessory apartment is advertised or occupied for a use that does not match the Annual Registration, the accessory apartment will be in violation of this Zoning Ordinance and the owner will have 30 days to submit a new Annual Registration and any supplemental documentation, permits or applications.
12. Violation: Failure to comply with the conditions in this Zoning Ordinance will result in revocation of the Rental Permit by the Zoning Administrator. Revocation of the Rental Permit shall be effective after:
 - (a) A finding by the Zoning Administrator of violation;

(b) Notice with 30-day opportunity to correct the violation; and

(c) A finding by the Zoning Administrator after 30 days that the violation has not been corrected.

(d) Notwithstanding (a, b & c) above, if more than three violations of the provisions in this Zoning Ordinance are found to exist by the Zoning Administrator within a one- year period, the Rental Permit may be revoked.

b. In addition to the above regulations for accessory apartments (25.3.1.a) the following requirements also apply to interior apartments:

1. Entrance: The interior apartment cannot have its own separate entrance on the front facade of the primary residence.
2. Location: The apartment must be contained entirely within the primary structure. An addition is considered as meeting this criterion. An accessory apartment located in a new addition shall only be permitted in the rear of the primary structure, not on the side of the building.
3. Single-Family Character: The apartment shall not change the single-family home character. Creating an accessory apartment does not constitute changing the use of the single-family detached house to a duplex, or a single family attached house, or a multi-unit apartment building.

c. In addition to the above regulations for accessory apartments (25.3.1.a), the following requirements also apply to exterior apartments:

1. Design: The apartment shall utilize the same or complementary design elements (such as materials, colors, and roof pitch) as used on the primary residence. Building elevations shall be submitted with the zoning permit application for new structures.
2. Existing Structures: Existing accessory structures built prior to and not expanded since July 1, 2018 and which were conforming when constructed may have exterior accessory apartment setback and footprint requirements waived at the discretion of the Zoning Administrator if all other requirements for exterior accessory apartments are met.

25.3.2 Accessory Homestay

a. Permit: All Accessory Homestays must have a permit from the Zoning Administrator that is renewed on an annual basis and may require an inspection by the Zoning Administrator to verify conformance with the Zoning Ordinance and applicable building and maintenance codes. A Town business license shall also be required.

- b. Residential Character: The Accessory Homestay shall have no more effect on adjacent properties than normal residential use and the Accessory Homestay will be subordinate to the principal use of the premises for dwelling purposes. All parking shall be off-street.
- c. Meetings & Gatherings: Including but not limited to, luncheons, banquets, parties, weddings, meetings, charitable fundraising, commercial or advertising activities, or other gatherings for direct or indirect compensation are prohibited.
- d. Guest Limit: The maximum number of overnight lodgers on any night of an Accessory Homestay shall be determined based on the greater of six (6) lodgers, or two (2) lodgers per number of bedrooms in the dwelling, provided, however, under no circumstances shall the number of lodgers exceed that allowed by the Loudoun County Building Code. Only one party of lodgers is permitted at a time on the property.
- e. Primary Residence Requirement: The dwelling unit shall be used by the owner of the dwelling unit as his/her primary residence, which means that he or she resides there for at least 185 days during each year. Proof of permanent residence by the owner is required. The accessory homestay is an accessory use to the dwelling unit.
- f. Length of Stay: The maximum length of stay of any one (1) guest of an Accessory Homestay shall be less than one (1) 30-day period.
- g. Safety: An accessory homestay shall have working fire extinguishers, smoke detectors and, if applicable, carbon monoxide detectors, and all such equipment shall be accessible to all overnight lodgers of the homestay at all times.
- h. Nuisance Policy: The owner/operator shall manage guests accordingly of the Accessory Homestay to prevent excessive noise, traffic, nuisance, safety hazards and other potential adverse impacts to adjacent property owners.
- i. Taxes & Licenses: The owner/operator shall obtain and be up to date on all required taxes and licenses. This includes transient occupancy tax, meals tax and business license. The business shall be in compliance with Town Code, County Code and State Code.

25.3.3 Bed & Breakfast Facility

- a. Guest Lodging Facility Standards: This guest lodging facility shall be in accordance with this standards section and the Guest Lodging Facility standards Article 25, Section 25.3.9
- b. Building Type: In residential districts, this guest lodging facility shall be located within a single-family detached dwelling, and any accessory apartment that conforms to the ordinance.

- c. Retail Sales & Services: Except as allowed below in commercial districts, no goods or services may be sold to the public on the premises. Goods or services may be for sale to guests of the Bed & Breakfast. Examples of goods for sale include postcards, keepsakes, or souvenirs.
- d. Guest Limits: The number of guest rooms shall be limited to a total of eight guest rooms in a residential district and limited to a total of ten guest rooms in a commercial district. Each guest room shall be occupied by no more than two persons excluding children.
- e. Location: A Bed and Breakfast facility shall only be permitted in a building located along Main Street, Loudoun Street, New Cut Road and Airmont Road. A location not along these streets requires a special exception.
- f. Lot Size: Minimum lot size of 20,000 square feet. A special exception is required on lots smaller than 20,000 square feet.
- g. Owner or Manager: The owner or a managing employee of the bed and breakfast facility must be in residence when guests are present.
- h. The following are additional standards applying only to a Bed & Breakfast Facility located in a commercial district:
 - 1. Food Service: A public restaurant is permitted on site in the form of a separate business and requires a separate zoning permit.
 - 2. Retail Sales & Services: Goods may be publicly displayed for sale on the premises in one room on the first floor and shall be considered as a public gift shop serving as an accessory use to the Bed & Breakfast Facility. A personal service such as a public salon or spa is also permitted on the first floor of the Bed & Breakfast Facility. These accessory uses are required to meet the off-street parking requirements for each use separately from the Bed & Breakfast Facility parking requirements.
 - 3. Meetings & Gatherings: Including but not limited to, luncheons, banquets, parties, weddings, meetings, charitable fundraising, commercial or advertising activities, or other gatherings for direct or indirect compensation are permitted only between 8 am and 10 pm. No on-street parking for these meetings or gatherings is permitted.
- i. Taxes & Licenses: The owner/operator shall obtain and be up to date on all required taxes and licenses. This includes transient occupancy tax, meals tax and business license. The business shall be in compliance with Town Code, County Code and State Code.

25.3.4 Boutique Hotel

- a. Guest Lodging Facility Standards: This guest lodging facility shall be in accordance with this standards section and the Guest Lodging Facility standards Article 25, Section 25.3.9

- b. Food Service: A public restaurant is permitted on site in the form of a separate tenant and requires a separate zoning permit.
- a. Retail Sales & Services: Goods may be publicly displayed for sale on the premises on the first floor of the Boutique Hotel and shall be considered as a public gift shop serving as an accessory use to the Boutique Hotel. A personal service such as a public salon or spa is also permitted in the first floor of the Boutique Hotel as an accessory use. These accessory uses are required to meet the off-street parking requirements for each use separately from the Boutique Hotel parking requirements.
- c. Meetings & Gatherings: Including but not limited to conferences, luncheons, banquets, parties, weddings, meetings, charitable fundraising, commercial or advertising activities, or other gatherings for direct or indirect compensation are permitted.
- d. Guest Limits: The maximum number of guest units permitted shall be limited to 100 rooms. One full bathroom, which shall include one toilet, wash basin, bath and/or shower, shall be provided for each guest room.
- e. Amenities: The following amenities may be provided in the boutique hotel as accessory uses for guests: indoor recreation space, swimming pool, exercise room, and meeting room.
- f. Parking Areas: Parking area shall be located at a minimum of 25 feet from any property line. Parking areas shall be paved.
- g. Access: Guests cannot have direct access to their guest room from the parking lot. Individual doors to access an individual guest rooms shall be indoors, facing interior hallways that connect to common areas and a lobby.
- j. Taxes & Licenses: The owner/operator shall obtain and be up to date on all required taxes and licenses. This includes transient occupancy tax, meals tax and business license. The business shall be in compliance with Town Code, County Code and State Code.

25.3.5 Child Care Center

- a. Licensing & Registration: The 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 child care center classroom areas or from inside the building.
 - e. Play Equipment: No play equipment shall be located within the required yard setbacks. However, the Town Council may approve an alternate location onsite for child care centers.
 - f. Recreation Location: Outdoor recreation areas shall be safely separated from parking, loading and service areas such as dumpster pads and HVAC equipment.
 - 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

25.3.6 Craft Beverage Establishments

1. These standards apply to craft beverage establishments in the B-1 District only.
2. **Taxes & Licenses:** A craft beverage establishment shall obtain and retain all applicable licenses and permits, as well as pay all applicable taxes, to operate a brewery, distillery or winery and to sell food for on-site consumption.
3. **Alcohol Production:** A craft beverage establishment shall not exceed the production of 500 barrels of malt beverage, 5,000 gallons of distilled spirits, or 5,000 gallons of wine, cider, or mead annually. Businesses exceeding these production quantities shall be only in the Light Industrial District (LI-1) or the Planned Commercial Center District (PDDC).
4. **Retail Sales:** Retail sales may be permitted as an accessory use, provided the sales area is limited to 10% of the gross floor area of the establishment.
5. **Outdoor Storage:** A craft beverage establishment shall be in compliance with Section 7.10 and Section 7.11 of this Zoning Ordinance.

6. **Hours of Operation:** Craft Beverage Establishments in the B-1 District shall be open for business no earlier than 6 am and close by 11 pm in accordance with the Town Code. The exception is that a Craft Beverage Establishment shall close by 9 pm on Sunday to Thursday nights. A Craft Beverage Establishment may choose to close at 11 pm on the night before a federal holiday. A Craft Beverage Establishment may apply for a Special Event Hours Permit up to 5 times a year to allow closing hours at 12 am on a Friday, Saturday or Sunday night.
7. **Noise:** No person shall permit, operate or cause any source of sound to create a sound level emanating from a restaurant in excess of sixty (60) dB(A) when measured from any public area including, but not limited to, any public streets or sidewalks, or other private property. A restaurant may apply for a Special Event Amplification Permit up to 5 times a year to permit sound levels to not exceed seventy-five (75) dB(A) on a Friday, Saturday or Sunday night.
8. **Outside Service:** Outside service and consumption is permitted in accordance with Article 25, Section 25.3.x and with State Code
9. **Mobile Food Unit:** All Mobile Food Units shall have a valid permit from Loudoun County Department of Health. In addition, a Mobile Food Unit shall only be permitted as an accessory use to a Craft Beverage Establishment if the unit does not impact the ability of the business to meet the parking requirements. To receive approval for a Mobile Food Unit, the applicant shall submit to the Zoning Administrator a drawing of the parking lot (as well as a narrative) that can establish how the parking requirements will be met, along with an area set aside for the Mobile Food Unit. The Zoning Administrator will review the drawing paired with a narrative and provide a letter to the applicant approving or denying the Mobile Food Unit.
10. **Tasting Rooms:** Tasting Rooms are not full-service restaurants and shall comply with Virginia Department of Agriculture & Consumer Services (VDACS) who has authority to regulate breweries, wineries and distilleries serving food for public consumption in tasting rooms, not restaurants (per a 2015 Memorandum of Understanding between VDH and VDACS):
 - a. Tasting Rooms may serve packaged food items from approved sources that comply with the applicable law, such as sandwiches, crackers and similar Items that are served “as is” or require reheating only.
 - b. Tasting Rooms may serve ready to eat items from approved sources that comply with the applicable law that are unpackaged or have their packing removed to allow for limited preparation and/or reheating for immediate service only.
 - c. Food preparation shall be limited to cutting, slicing, and sandwich assembly (limited preparations).

- d. Food operations that exceed “limited preparations” or expand food service beyond that which qualifies for inspection by VDACS are classified as restaurants and will be inspected, permitted and overseen by Virginia Department of Health.

25.3.7 Family Day Home

Applicability: Pursuant to the Code of Virginia, a Family Day Home serving one through five children, exclusive of the provider's own children and any children who reside in the home, is exempt from the following regulations and is a permitted use in a residential dwelling.

Any Family Day Home serving six to twelve children shall meet the following use standards:

- a. Application submission requirements: A complete application for approval of a family day home shall include a completed application form and a diagram drawn to a legible scale depicting:
 1. the boundary lines and dimensions of the lot, area of the lot, required yards, location and dimensions of any existing or proposed building or addition;
 2. the distance from all boundary lines to any existing or proposed building or addition, pathway to door of facility, child drop off and pick up locations;
 3. location of any permanent in-ground play equipment, location and area of any required onsite outdoor play area;
 4. location and area of any off-site park or playground, and location and height of any required fence. This diagram is not required to be certified by a registered engineer or surveyor.
- b. Public notice requirements. The applicant must send written notice of the application to the last known address of the owner of each adjacent property as shown on the current real estate tax assessment records of Loudoun County. Any written notice shall be sent by certified or registered mail and must include the following information:
 1. A statement that an application for a Family Day Home has been submitted to the Town;
 2. The address of the property subject to the application for the Family Day Home; and
 3. A statement informing the recipient that if they have any objection to the proposed Family Day Home that they can send a written objection, which shall include the specific issues that are the basis for their objection, to the Zoning Administrator

who will transmit the written objection to the Board of Zoning Appeals. The address of the Zoning Administrator shall also be included in the notice letter.

- c. A Family Day Home shall comply with any and all applicable requirements of the Code of Virginia including, but not limited to obtaining a state family day home license.
- d. A Family Day Home shall comply with any and all Town regulations, including, but not limited to, obtaining a certificate of occupancy and maintenance of a Town business license.
- e. A Family Day Home shall comply with any and all requirements of the county and state building codes.
- f. A Family Day Home location shall be the principal residence of the Family Day Home provider.
- g. A Family Day Home shall only be located within a single-family detached, duplex, or single-family attached dwelling.
- h. The hours of operation for a Family Day Home shall be limited to five days a week between the hours of 6:00 a.m. and 7:00 p.m.
- i. Two non-resident assistants/employees shall be permitted.
- j. The applicant shall demonstrate availability of sufficient employee parking onsite or along the street.
- k. 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 a street to enter or exit the facility.
- l. A Family Day Home 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.
- m. There must be a continuous hard-surface pathway/sidewalk connecting the dropoff and pick-up locations to the entrance of the Family Day Home. The pathway shall be kept free of any snow or ice.
- n. Seventy-five square feet of outdoor play area must be provided on-site per child except as follows:
- o. 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 playground that is at least twice the area otherwise required for the Family Day Home.

- p. The park or playground must be public or owned by the HOA to which the residence belongs and must be accessed without crossing an arterial or collector road. The applicant may only utilize a park or playground owned by the HOA if the HOA provides certified documentation that the applicant is authorized to use such space.
- q. The park or playground must be shown to scale on the diagram submitted at the time of application.
- r. Any outdoor play area must be enclosed by a fence with a minimum height of four feet.
- s. No play equipment shall be located within any required front yard or within five feet of any side or rear lot line.
- t. There shall be no change in the outside appearance of the dwelling or lot housing the Family Day Home 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.

25.3.8 Guest House

- a. Number: Only one guest house is permitted on a property. A property may not have both an accessory apartment and a guest house.
- b. Footprint: Guest Houses built after July 1, 2018 shall have a building footprint no greater than forty (40) percent of the footprint of the primary residence.
- c. Size and Scale: It shall be secondary to the primary residence both in scale and overall size. It shall not compete with or overwhelm the primary residence.
- d. Design: The guest house shall utilize the same or complementary design elements (such as materials, colors, and roof pitch) as used on the primary residence. Building elevations shall be submitted with the zoning permit application for new structures.
- e. Occupancy: A guest house may only be used for temporary guests or accessory homestay to the primary residence. No more than two (2) occupants are permitted.
- f. Kitchen: Guest houses may not have cooking facilities or provide independent living from the primary residence. Accessory buildings with cooking facilities must meet the use standards for exterior accessory apartments.

25.3.9 Guest Lodging Facility:

- a. Types of Guest Lodging Facilities: the following standards apply to bed and breakfast facilities and boutique hotels. Refer to individual uses for specific standards.
- b. Length of Stay: The maximum length of stay of any one (1) guest of a Guest Lodging Facility shall not exceed one (1) 30-day period.

- c. Guest Room Registry: The owner/operator shall maintain a guest registry logging the arrival and departure of all guests. The guest registry shall be available for review at any time by the Zoning Administrator. A Guest Lodging Facility shall provide overnight accommodations for Guest lodgers, and nothing herein shall be construed to permit long-term institutional or residential occupancy.
- d. Recreation: Recreational activities and entertainment shall be offered to Guest Lodging Facility guests only. Outdoor active recreational activities shall be screened from public view and from the view of neighboring residential lots. Accessory structures for recreational activities and entertainment shall be subject to all applicable zoning requirements contained herein.
- e. Full Kitchen: A full kitchen is not permitted in any guest room. A full kitchen includes a stove, range top, oven or other cooking appliance. A compact refrigerator and a microwave are permitted in guest rooms.
- f. Food Service: Guest Room accommodations may include meals prepared on the premises only for the guests and included in the charge for the guest room.
- g. Restrooms: No bathroom facility used regularly by the public, residents or employees shall serve a guestroom.
- h. Parking spaces: All parking spaces for a Guest Lodging Facility shall be located on-site. No waivers or shared parking agreements will be granted or accepted.
- i. Parking Area: Off-street parking adjoining a residential use shall be screened from view to the satisfaction of the Zoning Administrator. Parking area shall be located at a minimum of 10 feet from any property line. Parking areas for guests may be left unpaved if covered with decorative stones, semi-pervious pavers, pervious pavers, or structurally reinforced grass areas. Parking areas for boutique hotels shall be only be paved and be located at a minimum of 25 feet from any residentially zoned lot.
- j. Accessory Uses: Accessory uses may include the following: dining room, administrative offices, tennis courts, or swimming pools. Use of the accessory uses by non-overnight guests (the general public) is not permitted. Such accessory uses as a conference center and banquet hall are only permitted in a boutique hotel.
- k. Entrance: Guest Rooms at Guest Lodging Facilities shall only be accessible from interior hallways and not from exterior walkways, porches or doors, except for an accessory apartment of a Bed and Breakfast.
- l. Lighting: The owner/operator shall limit the location and time of exterior lighting in order to protect the night sky, particularly for adjoining dwellings. Lighting of parking areas shall be supplied by decorative freestanding lamps of a design acceptable to the Zoning Administrator during zoning permit review. Floodlamp illumination of parking areas is prohibited except by motion sensing security lamps. No freestanding lamp shall cause any

glare beyond the property lines. A lighting plan documenting light location and light schedule shall be included in zoning permit application package.

- m. Architecture: This use is subject to Architectural Review approval by the Planning Commission. A zoning permit application shall be accompanied by architectural renderings and building elevations depicting the architecture and design of the facility. The design shall be such that the color, character, and scale that mimics historic buildings listed in the Round Hill National Register of Places. Only a modification of an existing structure or new construction shall require this submission. If there are no modifications proposed to the building façade, then a note shall be submitted on the site plan detailing why building elevations are not included with the zoning permit application.
- n. Safety: This use shall be in compliance with all applicable building, fire, electrical, health and other safety codes. Guest Lodging Facilities shall have working fire extinguishers, smoke detectors and, if applicable, carbon monoxide detectors, and all such equipment shall be accessible to all guests at all times. The applicant shall have all fire extinguishers and detection equipment inspected and certified annually; and provide documentation of inspection and certification to the Zoning Administrator.
- o. Permits & Inspections: Annual or periodic inspections shall be required to insure continuing compliance to all relevant regulations. No zoning permit or business license shall be issued or renewed where the use of the lot as a Guest Lodging Facility not in conformance with the Round Hill Zoning Ordinance or all applicable building, fire, electrical, health and other safety codes.
- p. Internal Safety: An internal floor plan shall be submitted with the application illustrating the locations of fire suppression equipment and emergency egress required by the applicable fire prevention and building codes. The plan shall be submitted for comment to the Zoning Administrator and safety improvements may be required as a condition of zoning permit issuance.
- q. Nuisance Policy: The owner/operator shall manage guests accordingly of the Guest Lodging Facility to prevent excessive noise, traffic, nuisance, safety hazards and other potential adverse impacts to adjacent property owners.
- k. Taxes & Licenses: The owner/operator shall obtain and be up to date on all required taxes and licenses. This includes transient occupancy tax, meals tax and business license. The business shall be in compliance with Town Code, County Code and State Code.

25.3.10 Home Occupation

- a. No person other than members of the family residing on the premises shall be engaged in such occupation.
- b. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of said floor area if conducted in an accessory building, shall be used in the

conduct of the home occupation.

- c. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, in accordance with Article 12 of this Ordinance.
- d. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
- e. 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 lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. 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. Boarding and rooming houses, tourist homes, and private educational institutions shall not be deemed home occupations.

25.3.11 Mobile Food Units

- 1. Accessory Use:** Mobile Food Units are permitted as an accessory use to a commercial property in the B-1 District
- 2. Hours:** Mobile Food Units are permitted outside of the hours of operation for the primary commercial business. It cannot operate at the same time as the primary commercial business. The exception is Craft Beverage Establishments are permitted to have a Mobile Food Units (see Use Standards for Craft Beverage Establishments). It also shall meet the hours of operation requirements set by the Town Code, so it must close by 10:00 pm and cannot open until 6:00 am.
- 3. Seating:** The intent of a Mobile Food Unit is for picking up of food and drink orders to consume off premises. There shall be no seating established for the Mobile Food Unit inside or outside of the primary business. The exception is Craft Beverage Establishments and Special Events with an approved permit from the Town.
- 4. County & State Permits:** All Mobile Food Units shall have a valid permit from Loudoun County Department of Health and any other permits required by the County & State
- 5. Zoning Permit:** To receive approval for a Mobile Food Unit, the applicant shall submit to the Zoning Administrator a drawing of the parking lot (as well as a narrative) that shows the location of the Mobile Food Unit on the parking lot, access to the main road and parking space locations. The Zoning Administrator will review the drawing paired

with a narrative and provide a letter to the applicant approving or denying the Mobile Food Unit.

25.3.12 Nursing Homes and Assisted Living Facilities

- a. Licenses: Nursing Homes shall be licensed by the Virginia State Department of Health. Assisted Living Facilities shall be licensed by the Virginia State Department of Social Services.
- b. Design: 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 to the Planning Commission.
- c. Setback: Assisted Living Facilities and Nursing Homes shall be setback at a minimum of forty (40) feet from the property line of an adjacent residential zoned lot.
- d. Internal Traffic: No parking, driveway or loading area shall be located closer than twenty (20) feet to a side or rear property line.
- e. Parking Location: Parking located in front of a facility shall be limited to visitors only. Employee parking shall be located on the side or in the rear of the building.
- f. Service Entrance: Any ancillary service entrance or loading dock shall be located in the rear or side and designed to minimize its visibility from off-site.
- g. Open Space: A minimum of ten percent (10%) of the site shall be maintained as passive open space.
- h. Recreation: Minimum 50 square feet of interior recreation space and 50 square feet of active open space shall be provided per one-bedroom apartment or studio of an assisted living facility; or per bedroom of a nursing home.
- i. Access: Must have frontage on, or access to, a public road.

25.3.13 Public Facilities

- a. **Architecture:** The preliminary site plan for a new public facility shall include an Architectural Concept Sheet that shows the front, side and rear elevations. The overall architecture shall include design elements from contributing buildings or houses that are listed on the Round Hill National Registry (2009).
- b. **Design Compatibility:** The Town Zoning Administrator and the Applicant will work together to seek improvements in design. The Town Zoning Administrator and Applicant

will collaborate to seek human-scale design that avoids excessive uniformity and will be compatible with the architectural character of the surrounding homes and buildings.

- c. **Building Materials:** Building materials used shall be durable, natural materials or synthetic materials that realistically reproduce the look and feel of natural materials. Approvable building materials include brick, wood (does not include T-111 or particle board products), fiber cement siding that are paintable and that realistically replicate wood, decorative masonry block, and stucco (true cement plaster stucco using lime, aggregate/cement, sand, and water – EIFS is not acceptable). Metal sheeting or panels can be appropriate as an accent material but should not be a primary exterior material.
- d. **Community Room:** A public facility building shall include a community room with a minimum size of at least 1,000 square feet or 10% of the total square footage of the principal public facility building, whichever is greater.
- e. **Pedestrian Connections:** The public shall be able to walk to the public facility using a sidewalk connected to the public sidewalk/trail system or to the edges of the existing property lines for future connection to the existing public sidewalk/trail system.
- f. **Hours of Operation:** Community events at a public facility shall not occur earlier than 7:00 am and shall end by 10:00 pm.
- g. **Storage & Trash:** Trash storage areas, dumpsters, storage yards, and exterior work areas shall be screened. The screening shall be a 6-foot-tall enclosure to ensure that the area is not visible from the street, and not visible from any home within five hundred (500) feet. The screening shall be solid and opaque. The screening must be constructed out of brick, stone, wood, or some other appropriate material that is compatible with the primary structure. Chain-link fences, even with slats, are not permitted.
- h. **Rear and Side Setback from Lot Lines:** Structures associated with public facilities shall have a side yard and rear yard setback of a minimum of 100 feet from all lot lines. A side yard and/or rear setback may be reduced to a minimum of 60 feet from a lot line if the width of the required buffer yard is extended 10 feet along such lot line (see Section 14.4 for buffer yard requirements)
- i. **Front Yard Setback from Public Road:** Structures associated with public facilities shall have a minimum front yard setback of 60 feet from the public road.

25.3.14 Residential Care Home

- a. Shall be licensed by the Virginia State Department of Behavioral Health and Developmental Services to provide residential services to individuals who are mentally or physically impaired, or developmentally disabled, or licensed by the Virginia State Department of Social Services to provide residential services to individuals who are aged, infirmed or disabled.

- b. For the purposes of this section, mentally impaired, physically impaired and developmentally disabled shall not include persons who illegally use or are addicted to a controlled substance, as defined in the Code of Virginia.
- c. No more than eight individuals shall reside within such home exclusive of one or more resident counselors or other staff persons.
- d. For the purposes of this section, such homes shall be considered a single-family dwelling unit and required to meet the standards for dwelling units permitted in the district in which they are located

25.3.15 Restaurants (Full Service or Carryout)

- 1. The following standards are for restaurants (full service or carryout) outside of the B-1 District:
 - a. Applicants must clearly demonstrate that the use will be compatible with the neighborhood, particularly with regard to traffic circulation, parking, and appearance.
 - b. No drive-through windows are allowed.
 - c. All site lighting, if any, shall utilize fully shielded cut-off fixtures and be designed and located so as to prohibit glare onto adjacent properties.
 - d. Any restaurant located adjacent to a property located in a residential district shall close to the public not later than 10:00 p.m. each day and shall not reopen earlier than 7:00 a.m.
 - e. Required parking for guests and employees shall be provided on-site, or through a shared parking agreement, in accordance with Article 12, Section 12.5
 - f. Applicants must clearly demonstrate that noise and odors created by the use shall not have an undue impact on neighboring properties.
 - g. Outdoor cafes are allowed, provided that they meet the following standards:
 - 1. To allow for pedestrian circulation, a minimum width of five (5) feet of sidewalk between the curb and the entrance to the establishment shall be maintained free of tables, chairs, or other obstacles.
 - 2. Planters, posts with ropes, or other removable enclosures are encouraged and shall be used as a way of defining the area occupied by the cafe.
 - 3. Extended awnings, canopies, or large umbrellas shall be permitted if located to provide shade. Colors shall complement building colors.

4. The operators of outdoor cafes shall maintain a clean, litter-free, and well-kept appearance within and immediately adjacent to the area of cafe activity.
 5. Outdoor trash receptacles shall be provided.
 6. No additional signage is permitted for the outdoor cafe.
2. The following standards apply to restaurants (full service or carryout) in the B-1 District only:
 - b. **Taxes & Licenses:** A restaurant shall obtain and retain all applicable licenses and permits, as well as pay all applicable taxes, to operate a restaurant, eating establishment, food preparation business and/or to sell food for on-site consumption.
 - c. **Alcohol Production:** Only a full-service restaurant can operate a brewery, winery or distillery as part of its operations if the restaurant acquires a brewery license, winery license or distillery license through the State of Virginia. It shall not to exceed the production of 500 barrels of malt beverage, 5,000 gallons of distilled spirits, or 5,000 gallons of wine, cider, or mead annually.
 - d. **Retail Sales:** Retail sales may be permitted as an accessory use, provided the sales area is limited to 10% of the gross floor area of the establishment.
 - e. **Outdoor Storage:** Restaurants shall be in compliance with Section 7.10 and Section 7.11 of this Zoning Ordinance.
 - f. **Hours of Operation:** Restaurants in the B-1 District shall open for business no earlier than 6 am and close by 11 pm in accordance with the Town Code. The exception is that restaurants shall close by 9 pm on Sunday to Thursday nights. A restaurant may choose to close at 11 pm on the night before a federal holiday. A restaurant may apply for a Special Event Hours Permit up to 5 times a year to allow closing hours to close at 12 am on a Friday, Saturday or Sunday night.
 - g. **Noise:** No person shall permit, operate or cause any source of sound to create a sound level emanating from a restaurant in excess of sixty (60) dB(A) when measured from any public area including, but not limited to, any public streets or sidewalks, or other private property. A restaurant may apply for a Special Event Amplification Permit up to 5 times a year to permit sound levels that shall not exceed seventy-five (75) dB(A) on a Friday, Saturday or Sunday night.
 - h. **Design:** If a Change of Use Site Plan is required, applicants must clearly demonstrate to the Planning Commission that the traffic circulation, parking, and appearance will be compatible with the neighborhood.

25.3.16 Temporary Family Healthcare Structure

- a. A temporary family health care structure shall comply with the following standards:
 1. It shall be primarily assembled at a location other than its site of installation;
 2. It shall be no more than 300 gross square feet;
 3. It shall comply with applicable provisions of the Industrialized Building Safety Law (§ 36-70 et seq.) and the Uniform Statewide Building Code (§ 36-97 et seq.);
 4. It shall not be required or permitted to place the temporary family health care structure on a permanent foundation.
- b. A temporary family health care structure shall be permitted for use by a caregiver in providing care for a mentally or physically impaired person on property owned or occupied by the caregiver as his residence as a permitted accessory use. Outside agencies or persons not residing on the property may provide care for the mentally or physically impaired person residing in the structure.
- c. No temporary family health care structure shall be installed without first obtaining a permit. The permit holder shall provide the Town with evidence of compliance on an annual basis as long as the temporary family health care structure remains on the property.
- d. Only one temporary family health care structure shall be placed on a lot or parcel of land. Such structures shall comply with all setback requirements that apply to the primary structure and with any maximum floor area ratio limitations that may apply to the primary structure.
- e. Any temporary family health care structure shall be connected to the water, sewer, and electric utilities serving the primary residence on the property and shall comply with all applicable requirements of the Virginia Department of Health and the Round Hill Water & Sewer Ordinances.
- f. No signage advertising or otherwise promoting the existence of the temporary family health care structure shall be permitted either on the exterior of the structure or elsewhere on the property.
- g. Any temporary family health care structure installed pursuant to this section shall be removed within 60 days of the date on which the temporary family health care structure was last occupied by a mentally or physically impaired person receiving services or in need of the assistance provided by the structure.
- h. The Zoning Administrator may revoke the permit granted if the permit holder violates any provision of this section or the Code of Virginia. Additionally, the Town Council may seek injunctive relief or other appropriate actions or proceedings in the circuit court of that locality to ensure compliance with this section. The Zoning Administrator is vested with all necessary authority on behalf of the governing body of the locality to ensure compliance with this section.

25.3.17 Uses with Drive-Through Windows

- a. Drive-through windows are allowed for banks, other financial institutions, and pharmacies, and shall meet the following standards:
- b. Any canopy shall be located behind the front line of the building.
- c. All canopy lighting for the drive-through window must be fully recessed with flat lenses, full cut-off, and not cast any glare sideways.
- d. The maximum average illumination during operating hours shall not exceed twenty (20) foot-candles as measured horizontally at grade level.
- e. The ceiling finish shall be non-reflective.
- f. The Applicant shall submit a lighting plan and a parking and traffic circulation plan as part of the site plan application for review and approval by the Planning Commission.

[This Article Amended October 27, 2021]