

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 Bed & Breakfast

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25.3.1 Bed & Breakfast

- a. The principal use must be a single-family dwelling, and the owner shall reside in and manage the establishment.
- b. A Bed & Breakfast use is considered an accessory use to the permanent residential quarters.
- c. No more than three bedrooms can be made available for transient occupancy, for not more than seven days, by no more than six guests for compensation.
- d. The establishment shall not contain restaurant facilities, but may provide food service for transient guests only.
- e. No special events (e.g. weddings, receptions, and parties) or similar activities conducted for compensation shall be permitted.

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

25.3.3 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.

25.3.4 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.

25.3.5 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

25.3.6 Restaurants

- 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; outdoor trash receptacles shall be provided.
 - 5. No additional signage is permitted for the outdoor cafe.

25.3.7 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.

25.3.8 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.