The following amendments are proposed to the Town of Hillsboro Zoning Ordinance, to add the underlined text and to delete the strikethrough text as further specified below:

ARTICLE II. BASIC DEFINITIONS, Section 2-1: Definitions of Basic Terms, is hereby amended to add, in alphabetical order, the underlined definitions and amend existing definitions with underlined changes as follows:

*Agri-Education.* Educational or research uses related to permitted agriculture, horticulture and animal husbandry uses; A facility for the investigation, testing, or demonstration of, or for training or educating persons in, products and processes related to agriculture, horticulture, or animal husbandry.

*Agritainment.* Events and activities such as corn mazes and hay rides that allow for recreation, entertainment and tourism in conjunction with and directly associated with on-going agricultural activity on-site.

*Art gallery.* A room or series of rooms where works of art are exhibited for display or sale.

*Animal care business:* An enterprise that provides care and services for livestock or other farm animals, such as, but not limited to, animal grooming, dental, blacksmithing, and massage, but which is not a kennel or an animal hospital.

*Animal hospital.* A place for the medical care of animals. The boarding of animals at an animal hospital is limited to that incidental to the hospital use.

*Art studio.* The workshop of an artist, writer, craftsperson, or photographer, but not a place where members of the public come to receive instruction on a more than incidental basis or to sit for photographic portraits.

*Bakery.* An establishment for the preparation of baked goods intended primarily for off-site consumption.

*Banquet/Event Facility.* A use in which the principal function is hosting private parties at which food and beverages are served to groups of people, and which has facilities for the refrigeration and preparation of food, or which provides facilities for food through a caterer. Banquet/Event facilities, held indoors or outdoors, may also be an ancillary component of other uses such as, but not limited to: Restaurants, Conference Centers, and similar uses.

*Bed and Breakfast.* A business operated in one structure used for providing overnight accommodations to the public, with or without meals, and that may include rooms for meetings and private parties as an accessory use.

*Bed and Breakfast Homestay.* An owner or resident occupied dwelling unit containing guest rooms where lodging, with or without meals, is provided for compensation, and that may include rooms for meetings as an accessory use.

*Bed and Breakfast Inn.* A business operated in one or more structures that are used for providing overnight accommodations to the public, with or without meals, and that may include rooms for meetings and private parties as an accessory use.

*Brewery, Limited.* A brewery licensed as a Limited Brewery in accordance with Section 4.1-206.1 of the Code of Virginia, as amended, and located on a farm in the Commonwealth on land zoned agricultural and on which agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its beer are grown. For the purposes of this definition, “farm” shall be defined as one or more contiguous parcels of land, totaling a minimum of 10 acres in size, owned or leased by such licensed limited brewery.

*Coffeehouse or teahouse.* An establishment that primarily prepares, sells and serves coffee, tea and other beverages, and which may sell baked goods and light meals such as soups and sandwiches, but does not serve full meals, and which has a seating area which serves as an informal conversation or lounging place.

*Country Inn.* A business operated in one or more structures which offers overnight accommodations and may include rooms for meetings and private parties in a predominately rural area. A Country Inn may include a full-service restaurant for overnight guests, the general public, meetings, and private parties.
**Country Store.** A store located in an agricultural district whose primary use is to offer for sale a wide variety of retail merchandise related to local products, tourism and agriculture. A country store is not a convenience retail or food store.

**Craft shop.** A retail store which displays and offers for sale handcrafted items by local artisans.

**Day Spa.** A business that provides a variety of services for the purpose of improving health, beauty and relaxation through personal care treatments such as massages and facials.

**Distillery, Limited.** A distillery licensed as a Limited Distillery in accordance with Title 4.1, Chapter 2 of the Code of Virginia, as amended, and located on a farm in the Commonwealth on land zoned agricultural and owned or leased by such distillery or its owner and (ii) use agricultural products that are grown on the farm in the manufacture of their alcoholic beverages. For the purposes of this definition, “farm” shall be defined as one or more contiguous parcels of land, totaling a minimum of 10 acres in size, owned or leased by such licensed limited brewery.

**Direct Market Business.** A commercial enterprise in which agricultural products produced on a site are marketed and sold directly to consumers without an intermediate wholesaler or distributor, other than a farm co-op organization. Direct market business may include enterprises such as PYO (pick-your-own) operations and operations in which delivery of products is made directly to consumers, such as “farm share” arrangements under which periodic delivery of farm products is made for a subscription fee.

**Dwelling, Accessory.** A secondary dwelling unit established in conjunction with and clearly subordinate to a primary dwelling unit, whether part of the same structure as the primary dwelling unit or a detached structure on the same lot.

**Farm based tourism.** Tourism events which focus on visitation of farms, including organized farm tours and participatory farm vacations.

**Farm co-op.** A facility used by an organization of farm producers for co-operative technical and marketing assistance, which may include a central market place where farmers can deliver products for pick-up by consumers, but not a wholesale distribution center.

**Farm Market.** A principal use which includes the retail sale of horticultural or agricultural products, including nursery stock, perennial, annuals, bulbs, mulch, compost, dried flowers, Christmas trees and greens, fresh produce, honey, cider, and similar agricultural products.

**Farm Market (off-site production).** A Farm Market that may or may not be located on the site of ongoing agricultural or horticultural uses and may include the sale of agricultural or horticultural products from one or more vendors that are produced off-site.

**Horticulture.** The active and on-going cultivation and production of orchard, garden, or nursery crops, including the production of Christmas trees, field grown crops, specialty crops, flowers, fruit, grapes, market gardening, nursery stock, nuts, ornamental plants, vegetables, and similar horticultural uses. Horticulture does not include preparatory functions such as grading or creation of planting beds through stockpiling of dirt or other means when such preparations do not result in an active and on-going horticultural activity within 30 days.

**Microbrewery, Micro-cidery, Micro-distillery.** A small-scale craft beverage establishment manufacturing no more than 15,000 barrels of beer or cider per calendar year licensed in accordance with Title 4.1, Chapter 2 of the Code of Virginia, as amended, or a small-scale distillery manufacturing no more than 36,000 gallons of distilled spirits, licensed in accordance with Title 4.1, Chapter 2 of the Code of Virginia, as amended. Accessory uses may include tasting rooms at which the consumption of beer, cider or distilled spirits manufactured on-site occurs, accessory food sales occur, and beer, cider and/or distilled spirits manufactured on-site are sold.
Nursery, Production. An agricultural enterprise where plants are grown for resale on a retail or wholesale basis for only those plant materials grown on-site.

Restaurant: An establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state, in individual servings, or in nondisposable containers, and where the customer consumes these foods while seated at tables or counters located within the building. Some outdoor seating may be permitted. Carry-out service may be provided. No drive-through service is permitted. This definition includes cafes, sit-down restaurants, and refreshment stands, but not fast food restaurants.

Rooming House. A lodging place for up to four boarders where rooms are offered on a single room occupancy basis and where sanitary facilities may be shared. A common cooking facility may be provided. Lodging is provided on no less than a month-to-month basis.

Tenant Dwelling. A dwelling occupied by a person or persons other than the owner of the lot on which it is located. Tenant dwellings may include freestanding dwellings or apartments in an accessory farm building.

Wayside Stand. Any structure or land used for the sale, by the owner, his family or a tenant of a farm, of agricultural or horticultural produce or merchandise produced on said farm, and which is clearly a secondary use of the premises and does not change the character thereof.

Winery, Virginia Farm. An establishment: (1) located on a farm with a producing vineyard, orchard or similar growing area and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that meets the regulations of the Virginia Alcohol Control Board, as amended; or (2) located in the Commonwealth with a producing vineyard, orchard or similar growing area or agreements for purchasing grapes or fruits from agricultural growers within the Commonwealth, and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that meets the regulations of the Virginia Alcohol Control Board. Accessory uses at a Virginia Farm Winery may include: commercial wineries, wine tasting rooms, accessory food sales related to wine tasting, and sale of wines produced on-site. A farm winery shall be licensed and operate in accordance with Title 4.1, Chapter 2 of the Code of Virginia. Any farm winery licensee may manufacture and sell cider in accordance with this definition and Title 4.1, Section 213 of the Code of Virginia.
The following amendments are proposed to Section 10-5, Home occupations:

Section 10-5: Home occupations

(a) Home occupations include but are not limited to:

(1) Bed and breakfast

(2) Professional offices, including real estate, medical, dental and financial offices

(3) Art or handiwork (craft gallery studio)

(4) Selling antiques

(5) Refinish/make furniture (Furniture making and restoration)

(b) Home occupations may be conducted in a dwelling or accessory building to a dwelling, or both, provided:

(1) One employee (one full-time equivalent) Employees other than residents of the dwelling shall be permitted to be engaged in such employment, and business clients may be received on the premises provided that the other requirements of this section are met.

(2) An employee permitted to work on site pursuant to subsection (1) shall require the provision of one (1) off-street parking space in addition to the minimum off-street parking requirements for the dwelling unit. Any other need for parking generated by the conduct of a home occupation shall be met solely by off-street parking. Off-street parking required by this subsection shall not be located in a required front yard, unless located within an existing driveway.

(3) No retail sales on the premises, other than items handcrafted on the premises, shall be permitted in connection with such home occupation. Office use to support retail sales off-premises shall be permitted. Not more than 25 percent of the gross floor area of the dwelling unit, nor 25 percent of said gross floor area if conducted in an accessory building, shall be used to store merchandise for retail sales off-premises.

(4) Business clients may be received on the premises provided that the other requirements of this section are met.

(25) The use of a dwelling and accessory buildings for home occupations shall be subordinate to their use for residential purposes by its occupants, and not more than seventy-five thirty percent (75.30%) of the cumulative floor area may be used in conducting the home occupation.

(6) The home occupation shall not generate more than ten (10) additional vehicle trips (5 round trips) per day, including deliveries.

(37) Persons conducting a home occupation shall obtain a business license and pay the business license tax as described in the Town’s Business, Professional and Occupational License Tax Ordinance.

(8) No visible evidence of the conduct of such home occupation shall be allowed other than one sign not to exceed four (4) square feet permitted pursuant to this Ordinance.
New Sections 10-6 (Accessory Dwellings) and 10-7 (Short-Term Residential Rentals) are proposed as follows:

**Section 10-6: Accessory Dwellings**

(1) **General standards.** Accessory dwellings are permitted as listed in Article XI. Zoning Districts subject to the following standards:

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

(b) Except for an existing historic accessory structure such as a barn, an accessory dwelling shall not exceed forty-nine percent (49%) of the total floor area of the main dwelling.

(c) Only one new accessory dwelling shall be permitted per lot; provided, however, where there are existing historic accessory structure(s) such as a barn on the lot, each such structure may be converted for accessory dwelling use under the following conditions:

   i. Such structures are not enlarged;
   
   ii. No more than two (2) accessory dwellings for lots less than five (5) acres, nor more than three (3) accessory dwellings for lots of 5 acres or more; and
   
   iii. All other regulations of this Section and the ordinance are met.

(d) Whether the accessory dwelling is a subordinate dwelling unit in the primary building or located in an existing historic structure or new accessory building, the general appearance of a single-family dwelling or the historic accessory structure shall be maintained.

(e) No exterior stairways to a second floor shall be constructed at the front of the main building.

(f) In the case of residency by a tenant for 30 days or more per calendar year, at least one (1) off-street parking space per tenant must be provided on the property in addition to the minimum parking spaces required for the primary dwelling.

(g) If the accessory dwelling is located within an accessory structure, such structure must have the following minimum setbacks from side and rear property lines:

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

**Section 10-7. Short-Term Residential Rentals**

(a) **Description.** A short-term residential rental (STRR) is the use of a residential dwelling or approved residential accessory dwelling, in whole or in part, for transient lodging in exchange for a fee for a period of fewer than 30 consecutive days. This use is not considered an accessory dwelling unit, bed and breakfast, country inn, seasonal dormitory, or roominghouse.

(b) **Use Standards.** A STRR shall be registered through a special, annually renewable Home Occupation Permit, subject to the following use standards:

(1) A STRR shall be operated by a resident-owner of the dwelling. The resident-owner shall provide written proof of ownership and permanent residency as verified by a valid driver’s license, U.S. passport, voter’s registration card, or other sufficient documentation as determined by the Zoning Administrator.
(2) An Authorized Agent must be designated as a point of contact who is available in person or by phone to promptly address complaints regarding the STRR use during the operation of the STRR when the resident owner is not present. The Authorized Agent must respond and attempt in good faith to resolve any complaint(s) in no more than 60 minutes of being contacted. The responsible agent may initially respond to a complaint by requesting STRR guest(s) to take such action as is required to resolve the complaint. The Authorized Agent also may be required to visit the STRR if necessary to resolve the complaint. The resident-owner shall be notified in writing of failed attempts to receive timely responses from the Authorized Agent. Failure to respond in a timely manner shall result in a zoning complaint subject to penalties in accordance with this Section.

(3) The special annual Home Occupation Permit authorizing an STRR 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. During this validity period, the resident-owner must occupy the dwelling as his/her residence for more than one hundred and eighty (180) days.

(4) The maximum number of lodgers per night shall not exceed two adults per guest room, or a maximum of six (6) guests, not counting infants or children under the age of six (6). This number shall be reduced to conform to the occupancy requirements of the Virginia Uniform Building Code.

(5) The resident owner shall sign and provide a declaration to the effect that the dwelling to be used for an STTR meets all applicable building and health codes.

(6) An information package shall be provided to guests upon check-in and include, as a minimum: Owner and/or Authorized Agent contact information for maintenance or other issues; Emergency/public safety contact information; An evacuation plan; Provisions for solid waste disposal (trash and recycling); and, Information on the Town noise ordinance.

(7) The resident-owner of an STRR shall obtain and maintain a Town of Hillsboro Business License.

(8) 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. An STRR shall not have any exterior signage related to the STRR use.

(c) Revocation. An STRR 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 received within a calendar year; or

(2) Resident-owner or Authorized Agent fails to respond in a timely manner more than twice within a calendar year. A timely manner is defined as within one (1) hour; or

(3) Failure to maintain compliance with any of the regulations set forth in this Section.

A resident-owner whose STRR Home Occupation Permit has been revoked pursuant to this subsection shall not be eligible to receive any new STRR Home Occupation Permit for the remaining portion of the calendar year in which the permit was revoked, and for the entire following calendar year.

(c) Penalties. Failure to register the STRR use in accordance with this Section shall result in civil penalties as described in Section 8-5(b) of this Ordinance. Unless and until the resident-owner pays the penalty and registers such use, the unregistered STRR use shall be immediately terminated.

Section 10-8 Reserved.
The following amendments are proposed to the Zoning District Regulations of Zoning Ordinance Article XI:

ARTICLE XI. ZONING DISTRICTS


Section 11-1: Purpose.

This district is intended to accommodate single family detached residential uses within the town, with reasonable home occupation uses that support the “live, work, play” concept consistent with the existing pattern of the town.

Section 11-2: Permitted uses.

The following uses are permitted in this district:

(a) Single family attached or detached dwelling
(b) Home occupations Single family attached dwelling

Section 11-3: (Reserved)

Section 11-4: Conditionally permitted uses Special Exception Uses.

The following uses are permitted in this district subject to securing a special use permit as provided in Article V:

(a) Library
(b) Public and private schools
(c) Special uses of older structures including café or coffee shop, and other appropriate commercial uses as specifically approved by the Town Council
(d) Utility facility
(e) Bed and Breakfast Homestay, subject to the additional standards of Section 11-8.

Section 11-5: Density and Lot requirements.

(a) Minimum lot size: 3 acres
(b) Minimum lot width: 275 feet
(c) Yard depth requirements.
   (1) Minimum front yard: ten feet
   (2) Minimum side yard: five feet
   (3) Minimum rear yard: twenty-five feet Minimum yard depth requirements may be modified by approval of a special use permit.
(d) Maximum density: 1 dwelling unit per 3 acres for single-family detached dwellings and 2 dwellings per 3 acres for single-family attached dwellings.

Section 11-6: Maximum building height.

(a) Principal building, the higher of the height of the existing principal building or 35 feet; or higher with a special use permit.
(b) The higher of the height of the existing accessory building or 15 feet, or up to 25 feet with a special use permit

Section 11-7: Accessory uses and structures. [Added 20 December 2016]

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

(a) Home occupations, secondary to a permitted residential use, in accordance with Section 10-5.

(b) Accessory dwelling units, secondary to a permitted residential use, in accordance with Section 10-6.

(c) Short-term residential rental, secondary to a permitted residential use, in accordance with Section 10-7.

(bd) Accessory uses and structures customarily appurtenant to a permitted or approved special exception use. Except where otherwise permitted by other provisions of this ordinance or entirely exempt from review, accessory structures shall only be located in the side or rear yards.

(ee) Accessory buildings may not be erected within 5 feet of an adjoining property line without an approved variance as set forth in Section 7-2.

Section 11-8: Use Limitations

(a) Additional Standards for a Bed and Breakfast Homestay. Any Bed and Breakfast Homestay located in this district shall comply with the following standards:

(1) Intensity/Character.

   a. Management. The owner or manager of the premises shall provide full-time management at all times when the Bed and Breakfast Homestay is occupied by overnight guests. The owner or manager must either live on the premises or in town.

   b. Guest Rooms. The number of guest rooms shall not exceed 5.

   c. Size of Use. The floor area ratio shall not exceed 0.04.

   d. Food Service. The Bed and Breakfast Homestay shall not contain restaurant facilities, but may provide food service for overnight guests or private party attendees, only.

(2) Parking. Parking and loading for a Bed and Breakfast Homestay shall be provided as required by this ordinance or as specified in the special use permit.

(3) Roads/Access.

   a. For any Bed and Breakfast Homestay that is located on a lot which does not have frontage on a publicly maintained road, documentation shall be provided to the Zoning Administrator demonstrating that the private access easement serving such lot may be used to provide access to the establishment.

   b. There shall be no more than two points of access for the Bed and Breakfast Homestay.

(4) A structure existing prior to the adoption of this ordinance may be used as a Bed and Breakfast Homestay and shall be exempt from the minimum lot area, yard and floor area ratio requirements specified above, provided that any expansion or enlargement of such structure shall not exceed 15% of the total floor area existing prior to adoption of this ordinance unless a greater expansion is approved by the Town Council through a Special Exception pursuant to Article V.
(5) The historic appearance and residential character shall be maintained if existing residential structure(s) are altered.

(6) In the event new structures are proposed, such structures shall maintain the residential and historic character of the area and be architecturally compatible with the other principal structures on the property and on immediately adjacent properties.

Sections 11-89 through 11-20 Reserved. [Amended 20 December 2016]
Part 2. Commercial District C-1.

Section 11-21: Purpose.

This district is designed to allow appropriate commercial uses that not only offer goods and services consistent with and supportive of the residential uses within the town, but that also support the town’s growing tourism-related business base. Commercial uses in this district will be located in new buildings or buildings which were formerly residential but which may be more desirable for commercial activities because of higher traffic volumes or other market factors. The town intends that existing residential buildings be converted to commercial use rather than have new buildings constructed, whenever possible. New buildings or additions to existing buildings and related improvements should be compatible in design and placement with the historic character of the town.

Section 11-22: Permitted uses. [Amended 20 December 2016]

The following uses and structures are permitted in the C-1 district:

(a) Accessory uses and structures as provided in Section 11-23.

(b) Agritainment.

(ac) Bed and breakfast, in accordance with the additional standards of Section 11-28.

(bd) Dwellings, provided that if a lot is used for dwelling purposes exclusively, such dwelling shall be of a type permitted and in accordance with the regulations in the residential district adjoining the C-1 district in which such lot is located, or if there is more than one adjoining residential district of a type permitted in the least restrictive district single-family detached.

(ce) Dwellings in business buildings or over stores or offices (dwelling in combination); provided that not more than one dwelling unit shall be permitted on any lot, except as approved by special use permit or as an accessory dwelling unit approved as provided in Sections 11-23(c) and 10-6, and each dwelling unit shall meet the minimum square footage requirements of the Uniform Statewide Building Code.

(df) Library. Public uses, such as museums, town building, town parking lot or public park

(e) Municipal building

(fg) Art gallery. Personal service businesses

(g) Place of worship

(h) Professional offices, including real estate, medical, dental and financial offices

(i) Public park

(ii) Retail stores and shops such as country stores, bookstores, antique shops, cafes or coffee shops, pubs or restaurants, gift shops, jewelry stores, florist shops, galleries and clothing stores.

(kj) Rooming house or boarding house. Restaurant, coffeehouse, teahouse, and bakery, no drive-through

(ll) Social, fraternal clubs and lodges. Studio, art, crafts or music

Section 11-23: Accessory uses and structures. [Amended 20 December 2016]

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

(a) Home occupations, secondary to a permitted residential use, in accordance with Section 10-5.
(b) **Accessory dwelling units**, secondary to a permitted residential use, in accordance with Section 10-6.

(c) **Short-term Residential Rentals**, secondary to a permitted residential use, in accordance with Section 10-7.

(bd) Accessory uses and structures customarily appurtenant to a permitted or approved special exception use. Except where otherwise permitted by other provisions of this ordinance or entirely exempt from review, accessory structures shall only be located in the side or rear yards.

(ee) Accessory buildings may not be erected within 5 feet of an adjoining property line without an approved variance as set forth in Section 7-2.

**Section 11-24: Conditionally permitted Special Exception Uses.**

The following uses are permitted in this district subject to securing a special use permit as provided in Article V:

(a) **Microbrewery, Micro-cidery, Micro-distillery, winery, with on-site retail sales, with special events, subject to the additional standards of Section 11-28.**

(a) Caretaker’s dwelling

(b) Utility facility

(c) Reversion of use in an historic residential structure from commercial back to a permitted residential use

**Section 11-25: Lot requirements.**

(a) Minimum lot size: *3 acres*, 5,000 square feet

(b) Minimum lot width: 100 feet

(c) Yard depth requirements: **None**

(1) Minimum front yard: ten feet

(2) Minimum side yard: five feet

(3) Minimum rear yard: twenty-five feet.

Minimum yard depth lot requirements may be modified by approval of a special use permit.

**Section 11-26: Maximum building height.**

(a) Principal building: The higher of the height of the existing principal building or 35 feet; or higher with a special use permit

(b) **Accessory structure:** The higher of the height of the existing accessory building or up to 25 feet higher with a special use permit

**Section 11-27: Off-street parking.**

Off-street parking for permitted uses shall be provided in accordance with this Ordinance. Off-street parking associated with conditionally permitted uses approved pursuant to section 11-24 shall be provided and located as specified in the special use permit. Off-street parking shall be located to the rear or side of the structure located closest to the street. All parking areas shall be screened from the street to a minimum height of 3.5 feet and from
other structures on neighboring lots by landscaping or decorative walls to a minimum height of 6 feet or as determined by the Town.

**Sections 11-28: Use Limitations.**

a. Principal uses may be permitted in accessory structures.

b. The historic appearance and character shall be maintained if existing structure(s) are altered.

c. In the event new structures are proposed, such structures shall maintain the historic character of the area and be architecturally compatible with the other principal structures on the property and on immediately adjacent properties.

d. Noise. No outdoor music shall be permitted between 10 PM and 10 AM on Friday, Saturday, and any evening preceding a holiday recognized by the Town, and between 9 PM and 10 AM on any other day.

e. Exterior Lighting. Exterior lighting for all uses shall be subject to Town Exterior Lighting Standards. In addition, the maximum height of pole-mounted exterior lighting, outside of parking areas, shall be 12 feet.

f. Additional Standards for Microbreweries, Micro-cidery, Micro-distillery, and Winery. In addition to complying with the use limitations of Subsections a. through e. above, any microbrewery, micro-cidery, micro-distillery or winery located in this district shall comply with the following standards:

   (1) Tasting Rooms and Accessory Food Sales.

      a. Facilities for tasting rooms and accessory food service shall not exceed the lesser of (i) 49 percent of the total gross floor area or (ii) 2,500 square feet.

      b. Facilities for accessory food sales related to craft beverage consumption for the convenience of tasting room patrons only shall be permitted.

   (2) Restaurant. A restaurant may be provided in conjunction with this use.

   (3) Outdoor tasting rooms or similar outdoor activities shall be set back at least 50 feet from all lot lines of adjacent agriculturally or residentially zoned properties.

   (4) Storage Areas. Outdoor equipment and storage of materials used for beverage manufacturing shall not be permitted.

   g. Additional Standards for a Bed and Breakfast. In addition to complying with the use limitations of Subsections a. through e. above, any Bed and Breakfast located in this district shall comply with the following standards:

   (1) Intensity/Character.

      a. Management. The owner or manager of the premises shall provide full-time management at all times when the Bed and Breakfast is occupied by overnight guests or private party attendees. The owner or manager must either live on the premises or in town.

      b. Guest Rooms. The number of guest rooms shall not exceed 5.

      c. Lot Area. The minimum lot area shall be 5 acres.

      d. Size of Use. The floor area ratio shall not exceed 0.04.

      e. Food Service. The Bed and Breakfast shall not contain restaurant facilities, but may provide food service for overnight guests or private party attendees, only.
f. Private Parties.

(i) Private parties for up to 50 attendees, including overnight guests, may be held daily at the Bed and Breakfast.

(ii) Private parties for more than 50 attendees, including overnight guests, shall require approval of a Building Permit to allow the structure to be used for such private parties and a Zoning Permit for the private parties. A Zoning Permit shall be applied for at least thirty (30) days in advance of each private party, or at least 30 days in advance of the first private party of the calendar year if the dates of all such private parties are listed. The Zoning Permit application shall be accompanied by a copy of the approved Building Permit and proof of any necessary approvals from County agencies, such as the Health Department and Fire Official.

g. Hours of Operation. Hours of operation for private parties shall be limited to 8:00 AM to 12:00 midnight. Outside parties shall end no later than 10:00 PM.

(2) Driveways. New driveways providing access to a Bed and Breakfast use shall not be located within a required buffer yard area except as minimally necessary to access the site.

(3) Roads/Access.

a. The Bed and Breakfast shall have adequate access to a public paved road, except as provided in subsection (6)b.

b. For any Bed and Breakfast that is located on a lot which does not have frontage on a publicly maintained road, documentation shall be provided to the Zoning Administrator demonstrating that the private access easement serving such lot may be used to provide access to the establishment.

c. There shall be no more than two points of access for the Bed and Breakfast.

(4) A structure existing prior to the adoption of this ordinance may be used as a Bed and Breakfast and shall be exempt from the minimum lot area, yard and floor area ratio requirements specified above, provided that any expansion or enlargement of such structure shall not exceed 15% of the total floor area existing prior to adoption of this ordinance unless a greater expansion is approved by the Town Council through a Special Exception.

(g) Restaurant, no drive-through. In addition to complying with the use limitations of Subsections a. through e. above, a restaurant shall comply with the following additional standards.

(1) Intensity/Character Standards. Hours of operation shall be limited from 6:00 a.m. to 12:00 midnight.

(2) Size of Use/Building Size. The maximum size of a restaurant shall be 4,000 square feet of gross floor area.

(3) Location on Site/Dimensional Standards. The use shall be set back from lot lines as follows:

a. Front: No minimum.

b. Side and Rear: No minimum.

(4) Driveways. New driveways providing access to a Restaurant use shall not be located within a required buffer yard area except as minimally necessary to access the site.

(6) Roads/Access.
a. The Restaurant shall have adequate access to a public paved road.

b. There shall be no more than two points of access for the Restaurant.

Section 11-29 through 11-30 Reserved.
Part 3. Agricultural-Conservancy District

Section 11-40: Purpose

This district is designed to accommodate low-intensity horticultural and agricultural uses within the town and to maximize and preserve areas of open space. The district provides for residential development ancillary to agricultural uses and certain low-intensity nonresidential uses that would maintain the majority of open space in these areas, while accommodating uses that would complement and enhance the historic character of the town. It is intended that uses in this district will be designed in a manner that:

(a) Conserves open land around the town’s periphery, including those areas containing historic resources or sensitive natural features such as woodlands, steep slopes, streams, floodplains and wetlands, by setting them aside from development;

(b) Promotes rural horticultural and agricultural uses;

(c) Protects productive agricultural soils for continued or future agricultural use and conserves blocks of land large enough to allow for efficient farm operations;

(d) Reduces erosion and sedimentation by the retention of existing vegetation;

(e) Provides for the maintenance of open land within the town which can help to provide opportunities for recreation, protect scenic and historic views, minimize the visual impact of new development from existing roads, and preserve the historic rural setting surrounding the town;

(f) Accommodates certain low-intensity public or institutional uses; and

(g) Promotes a hard edge marking the transition from the historic village limits to the surrounding countryside.

Section 11-41: Permitted Uses [Amended 20 December 2016]

The following uses are permitted in this district:

(a) Agritainment.

(ab) Agriculture, including crop farms, horse farms, but excluding livestock farms, sod farms, hog and poultry farms, commercial stockyards and feed lots, and commercial greenhouses. Farm animals shall be kept in accordance with the provisions of Section 11-47.

(c) Arboretum, botanical garden, or nature study area.

(d) Art Studio, art gallery, antique shop, craft shop.

(e) Bed and Breakfast Inn, subject to the additional standards of Section 11-48.

(f) Direct market business selling products produced on-site, including, but not limited to pick-your-own (PYO) operations.

(bg) Dwellings, Single-family detached farmhouse with no more than one tenant house located on a parcel of at least twenty (20) acres with an active, permitted agricultural, horticultural or vineyard use. Subdivision options for single-family dwelling development in this District are specified in Section 11-48.

(h) Farm Co-op.
(j) Farm Market, subject to the additional standards of Section 11-48.

(jj) Horticulture, including the growing of fruits, vegetables, flowers, or ornamental plants; vineyards

(gkj) Limited Brewery, Distillery or Cidery without special events, but including indoor retail sales.

(jl) Nature Preserve, such as wildlife sanctuary, or conservation area, nature study area, botanical garden, or arboretum, but not a petting zoo or game hunting preserve.

(m) Nursery, production

(n) Public parks and public recreational facilities, unlighted.

(o) Stable, private.

(p) Town or County Uses, such as, but not limited to governmental or public utility buildings or uses, including public schools.

(q) Teahouse, coffeehouse, no drive-through.

(r) Tenant Dwelling.

(is) Virginia Farm Winery, without special events, but including indoor retail sales.

(t) Veterinary services.

(u) Wetlands mitigation bank.

Section 11-42: Accessory Uses and Structures: The following accessory uses and structures are permitted in this district:

(a) Home Occupations, secondary to a permitted residential use, in accordance with Section 10-5.

(b) Accessory dwelling units, secondary to a permitted residential use, in accordance with Section 10-6.

(c) Short-term Residential Rentals, secondary to a permitted residential use, in accordance with Section 10-7.

(bd) Accessory uses and structures customarily appurtenant to a permitted or approved special exception use, including barns and bona fide farm buildings, private and farm garages, and greenhouses without on-site sales. The keeping of farm animals as accessory to permitted agricultural uses shall comply with the requirements of section 11-47. Except for wayside stands or where otherwise permitted by other provisions of this ordinance or entirely exempt from review, accessory structures shall only be located in the side or rear yards.

(e) Wayside stands, subject to the following limitations:

(1) The stand shall be operated only during crop-growing season, except as may be otherwise approved by special use permit.

(2) Any structure shall not exceed 400 square feet in gross floor area unless approved by a special use permit and shall be compatible in architectural style and building materials with the historic character of Hillsboro. Temporary structures such as tents shall be removed at the end of the sales season.

(3) The stand shall be located no closer than thirty (30) feet from any property line.
(4) The stand shall be located to ensure adequate off-street parking and safe access to the adjacent street as determined by the Administrator.

d) The use of biosolids for land application is permitted as an accessory use, provided that the use is accessory to a primary agricultural use, and provided that provisions of all federal, state and local laws and regulations, are complied with. In addition, the property owner and/or the person applying the biosolids to the property shall not apply any biosolid within two hundred (200) feet from any occupied residence which is located on adjacent property. For the purposes of this provision, the term “biosolids” shall mean: a sewage sludge that has received an established treatment for required pathogen control and is treated or managed to reduce vector attraction to a satisfactory level and contains acceptable levels of pollutants, such that it is acceptable for use for land application, marketing, or distribution in accordance with all applicable federal, state and local law and regulations.

Section 11-43: Special Exception Uses [Amended 20 December 2016]

The following uses are permitted in this district subject to securing a special use permit as provided in Article V and to any use limitations specified for the use in Section 11-48:

(a) Agri-Education Center.

(ab) Animal hospital, Animal care business.

(c) Banquet/Event Facility.

(b) Bed and breakfast.

(e) Cemetery.

(d) Conference & Training Center.

(e) Convent or monastery.

(f) Country Inn.

(dp) Country store.

(h) Dormitory for seasonal labor.

(i) Private club or lodge.

(j) Restaurant, no drive-through.

(k) Roominghouse.

(ll) Virginia Farm Winery, with special events in accordance with the provisions of section 10-23.

(lm) Limited Brewery or Cidery, with special events in accordance with the provisions of section 10-23.

(n) Utility transmission lines, overhead (excluding connections of lines from existing overhead public utility transmission lines to individual uses).

(e) Public parks and public recreational facilities, unlighted.

(f) Public Uses, such as governmental or public utility buildings or uses, including public schools.

(g) Nature Preserve, such as wildlife sanctuary, or conservation area, but not a petting zoo or game hunting preserve.
(h) Caretakers dwelling.

Section 11-44: Height Requirements:

(a) Principal residential building, the higher of the height of the existing principal building or 35 feet; or higher with a special use permit

(b) Barn, greenhouse or other agricultural or horticultural building, 25 feet or as approved with a special use permit.

(c) Accessory structures (other than structures allowed by subsection (b): 25 feet or higher with a special use permit.

Section 11-45: Lot, Bulk, Open Space and New Construction Requirements

(a) Minimum Lot Size:
   (1) Horticulture or agriculture: 10-1 acre;
   (2) Dwelling, single-family detached: 5 acres
   (3) Public Uses: as specified in the special use permit;
   (4) All other uses: (3) acres.

(b) Minimum Lot Width: 200 feet (interior); 225 feet (corner)

(c) Minimum Yard Depth Requirements, except where otherwise approved by a special use permit:
   (1) Front: 40 feet
   (2) Side: 40 feet
   (3) Rear: 40 feet
   (4) Exceptions:
      (i) Barns or structures used for the housing or shelter of animals shall not be located within 100 feet of any side or rear lot line.
      (ii) Accessory buildings or uses may be located within five feet of any side or rear lot line, except as provided in subsection (i) above.
      (iii) Public uses shall meet the minimum yard requirements approved in the special use permit.

(e) Maximum Lot Coverage: Agricultural, horticultural, brewery and winery uses: 30%; all other uses: 10%, except as otherwise specified in this ordinance or in any required permits.

(f) Minimum Open Space: 70%, except for agricultural, horticultural, winery, and recreational uses conducted outside of structures.

(g) New Construction. All new construction must use materials and be of an architectural style that complements the historic architectural style of the Town.

Section 11-46: Off-Street Parking – All Uses:

Off-street parking associated with all uses shall be provided as required by any special use permit or site plan approval and shall be located when feasible in the side or rear yard. Off-street parking shall be located to the rear
or side of the structure located closest to the street. All parking areas shall be adequately screened from view from public roads and adjacent residentially zoned properties as determined by the Town.

Section 11-47: Special provisions regarding the keeping of farm animals. [Amended 20 December 2016]

The grazing and keeping of farm animals pursuant to sections 10-10, 11-41,11-42, and 11-43 in accordance with the following are permitted in accordance with the following standards:

(a) The types and numbers of animals kept shall not exceed the following, to be tabulated cumulatively:

<table>
<thead>
<tr>
<th>Type of Animal</th>
<th>Number of Animals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cattle</td>
<td>4 per acre</td>
</tr>
<tr>
<td>Chickens (hens/roosters)</td>
<td>30 per acre</td>
</tr>
<tr>
<td>Goats</td>
<td>10 per acre</td>
</tr>
<tr>
<td>Horses</td>
<td>4 per acre</td>
</tr>
<tr>
<td>Sheep</td>
<td>8 per acre</td>
</tr>
</tbody>
</table>

Other animals, at the rate specified, may be allowed with a special use permit approved as provided in Article V.

(b) Animals shall be housed no closer than thirty feet from the nearest occupied dwelling on adjacent property; and no closer than 5 feet from adjacent property line. Animals shall be reasonably secured so as to preclude them from entering abutting properties without the consent of such owners.

(c) Animal waste shall be properly disposed of and no offsite run-off of animal waste is permitted.

(d) The grazing and keeping of pigs is prohibited.

Section 11-48. Use Standards.

(a) Standards for All Uses. The following use standards apply to all uses within this district:

(1) Noise. No outdoor music shall be permitted between 10 PM and 10 AM on Friday, Saturday, and any evening preceding a holiday recognized by the Town, and between 9 PM and 10 AM on any other day.

(2) Exterior Lighting Standards. All exterior lighting shall comply with the Town Exterior Lighting Standards. In addition, the maximum height of pole-mounted exterior lighting, outside of parking areas, shall be 12 feet.

(3) Parking. Parking and loading shall be provided as required by this ordinance or as specified in a special use permit. All parking areas serving the use shall use a dust-free surfacing material.

(b) Additional Standards for Specific Uses. The following additional use standards apply to specific uses within this district. These additional regulations serve as the minimum standards for these uses, and do not substitute for other provisions of this ordinance that may apply, or for additional conditions that may be imposed in connection with special exception or rezoning approvals. Unless otherwise specified, these use standards may be modified by Special Use Permit in accordance with the provisions of this Ordinance. Modifications may be approved by the Town Council upon a finding that such modification to the regulations will achieve an innovative design, improve upon the existing regulations, preserve the Town’s historic or archeological heritage, or otherwise exceed the public purpose of the existing regulation. No modification shall be granted to any of the underlying zoning district regulations.

(1) Agri-Education Center. An agri-education center shall comply with the following additional standards:

(i) Intensity/Character of Use. The minimum lot area for an agri-education center shall be 10 acres.
(ii) **Size of Use.** The maximum floor area ratio shall be 0.04. The maximum size of the building housing the agricultural cultural center shall be 5,000 square feet.

(iii) **Location on Site.** An agri-education center shall be set back from lot lines a minimum of 100 feet.

(iv) **General Access Standards.** An agri-education center shall be located on a paved public road, and there shall be no more than one point of access to the public road. Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(v) **A structure that is:** 1) located within the Town Historic District; 2) listed or eligible for listing in the Virginia Landmarks Register (VLR) or the National Register of Historic Places (NRHP); or 3) listed or eligible for listing as a contributing resource to the Historic District, may be used as an agri-education center and shall be exempt from the minimum lot area, floor area ratio, and set back from lot line requirements specified above, provided that any expansion or enlargement of such structure shall not exceed 15% of the total floor area existing prior to adoption of this ordinance. Documentation shall be provided to the Zoning Administrator demonstrating that the Virginia Department of Historic Resources has confirmed the listing or eligibility of structures.

(2) **Animal hospital, Animal care business.** Animal hospitals and animal care businesses shall comply with the following additional standards:

(i) **Site Size.** The minimum lot area for any animal hospital shall be 5 acres.

(ii) **Size of Use.** The maximum floor area ratio shall not exceed 0.04 and structures shall not exceed 5,000 square feet of gross floor area.

(iii) **Location on Site/Dimensional Standards.** An animal hospital shall have minimum required yards of 100 feet from all lot lines.

(iv) **Roads/Access.** An animal hospital shall have access to a paved public road. There shall be no more than two points of access to the public road. Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(v) **Noise Standards.** The use shall comply with Town noise standards.

(3) **Banquet/Event Facility.** Banquet/Event Facilities shall comply with the following additional standards:

(i) **Hours of Operation.** Hours of operation shall be limited to 7:00 AM to 12:00 midnight.

(ii) **Site size.** The minimum lot area for a Banquet/Event Facility shall be 20 acres.

(iii) **Floor Area.** The floor area ratio shall not exceed 0.04.

(iv) **Location on Site/Dimensional Standards.** The Banquet/Event Facility use shall be setback 100 feet from all lot lines. Parking shall be setback 100 feet from all lot lines. Outdoor private party areas shall be setback 200 feet from all lot lines or 100 feet from a lot line of a property having a commercial use.

(v) **Number of Attendees.** The maximum number of attendees is 200 persons.

(vi) **General Access Standards.** A banquet/event facility shall be located on a paved public road, and there shall be no more than one point of access to the public road. Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(4) **Bed and Breakfast Inn.** Bed and Breakfast Inns shall comply with the following additional standards:
Management. The owner or manager of the premises shall provide full-time management at all times when the Bed and Breakfast Inn is occupied by overnight guests or private party attendees. The owner or manager must either live on the premises or in town.

Guest Rooms. The number of guest rooms shall not exceed 12, up to five of which may be located in individual cottages with bathrooms, but no kitchen facilities.

Lot Area. The minimum lot area shall be 5 acres.

Size of Use. The floor area ratio shall not exceed 0.04.

Food Service. The Bed and Breakfast Inn shall not contain restaurant facilities, but may provide food service for overnight guests or private party attendees, only.

Private Parties.

Private parties for up to 50 attendees, including overnight guests, may be held daily at the Bed and Breakfast Inn.

Private parties for more than 50 attendees, including overnight guests, shall require approval of a Building Permit to allow the structure to be used for such private parties and a Zoning Permit for the private parties. A Zoning Permit shall be applied for at least thirty (30) days in advance of each private party, or at least 30 days in advance of the first private party of the calendar year if the dates of all such private parties are listed. The Zoning Permit application shall be accompanied by a copy of the approved Building Permit and proof of any necessary approvals from County agencies, such as the Health Department and Fire Official.

Hours of Operation. Hours of operation for private parties shall be limited to 8:00 AM to 12:00 midnight. Outside parties shall end no later than 10:00 PM.

Setbacks. New buildings shall be setback a minimum of 50 feet from all lot lines. Parking shall be setback 40 feet from all lot lines.

Location. The principal structure containing the Bed and Breakfast Inn must be a historic structure on the property and shall be exempt from the minimum lot area, yard and floor area ratio requirements specified above, provided that any expansion or enlargement of such structure shall not exceed 15% of the total floor area existing prior to adoption of this ordinance unless a greater expansion is approved by the Town Council through a Special Exception.

Driveways. New driveways providing access to a Bed and Breakfast Inn use shall not be located within a required buffer yard area except as minimally necessary to access the site.

Roads/Access.

The Bed and Breakfast Inn shall have adequate access to a public paved road, except as provided below. There shall be no more than two points of access for the Bed and Breakfast.

For any Bed and Breakfast Inn that is located on a lot which does not have frontage on a publicly maintained road, documentation shall be provided to the Zoning Administrator demonstrating that the private access easement serving such lot may be used to provide access to the establishment.

Conference and Training Center. Conference and training centers shall comply with the following additional standards:
(i) **Intensity/Character.** The minimum lot size shall be 20 acres. The maximum floor area ratio shall be 0.04.

(ii) **Accessory Uses.** Dining and banquet facilities may be provided for employees, trainees and conferees. The banquet and dining facilities shall not exceed 20 percent of the total area of the principle permitted structure. The lodging facilities shall not constitute over 40 percent of the total area of the principal permitted structure.

(iii) **Special Events Only by Special Exception.** Special events shall receive approval pursuant to a special exception or be specifically provided for in the approval of the original special exception, as applicable.

(iv) **No Products Sold On-Site.** No products shall be sold on-site, except those that are clearly incidental and integral to the training programs and seminars. Shirts, glasses, pens and pencils, mugs and similar items with the logo of the company or firm conducting or sponsoring the conference or seminars are considered incidental and integral to the training program.

(v) **On-Site Recreation Facilities.** On-site recreation facilities may be used solely by employees, trainees or conferees.

(vi) **Open Space.** A minimum of 75 percent of the site shall remain as open space.

(vii) **Driveways.** New driveways providing access to a Conference & Training Center use shall not be located within a required buffer yard area except as minimally necessary to access the site.

(viii) **Roads/Access.**

The Conference & Training Center shall have adequate access to a public paved road, except as provided below. There shall be no more than two points of access for the Conference & Training Center.

For any Conference & Training Center that is located on a lot which does not have frontage on a publicly maintained road, documentation shall be provided to the Zoning Administrator demonstrating that the private access easement serving such lot may be used to provide access to the establishment.

(6) **Convent or Monastery.** A convent or monastery shall comply with the following additional standards:

(i) **Maximum residency.** The maximum number of full- and part-time residents shall be 15.

(ii) **Minimum Lot Size.** The minimum lot size for a convent or monastery shall be 5 acres for up to 10 residents, plus 1 acre for every additional resident up to the maximum of 15 residents.

(iii) The floor area ratio of all buildings shall not exceed 0.04.

(iv) **Setbacks.** New buildings shall be setback a minimum of 50 feet from all lot lines. Parking shall be setback 40 feet from all lot lines.

(v) **Driveways.** New driveways providing access to a Convent or Monastery use shall not be located within a required buffer yard area except as minimally necessary to access the site.

(vi) **Roads/Access.**

The Convent or Monastery shall have adequate access to a public paved road, except as provided below. There shall be no more than two points of access for the Convent or Monastery.
For any Convent or Monastery that is located on a lot which does not have frontage on a publicly maintained road, documentation shall be provided to the Zoning Administrator demonstrating that the private access easement serving such lot may be used to provide access to the establishment.

(vii) A structure existing prior to the adoption of this ordinance may be used as a Convent or Monastery and shall be exempt from the minimum lot area, yard and floor area ratio requirements specified above, provided that any expansion or enlargement of such structure shall not exceed 15% of the total floor area existing prior to adoption of this ordinance unless a greater expansion is approved by the Town Council through a Special Exception.

(7) Country Inn. Country Inns shall comply with the following additional standards:

(i) Management. The owner or manager of the premises shall provide full-time management at all times when the Country Inn is occupied by overnight guests or private party attendees. The owner or manager must either live on the premises or in town.

(ii) Guest Rooms. The number of guest rooms shall not exceed 12.

(iii) Lot Area. The minimum lot area shall be 8 acres.

(iv) Size of Use. The floor area ratio shall not exceed 0.04.

(v) Food Service. Food may be provided for overnight guests and private party attendees. Full-service restaurant facilities may be provided to the general public in accordance with the additional regulations applicable to restaurants in this district.

(vi) Private Parties.

Private parties for up to 100 attendees, including overnight guests, may be held daily at the Country Inn.

Private parties for more than 100 attendees, including overnight guests, shall require approval of a Building Permit to allow the structure to be used for such private parties and a Zoning Permit for the private parties. A Zoning Permit shall be applied for at least thirty (30) days in advance of each private party, or at least 30 days in advance of the first private party of the calendar year if the dates of all such private parties are listed. The Zoning Permit application shall be accompanied by a copy of the approved Building Permit and proof of any necessary approvals from County agencies, such as the Health Department and Fire Official.

(vii) Hours of Operation. Hours of operation for private parties shall be limited to 8:00 AM to 12:00 midnight. Outside parties shall end no later than 10:00 PM.

(viii) Setbacks.

The Country Inn use shall be setback 100 feet from all lot lines. Parking shall be setback 100 feet from all lot lines. Outdoor private party areas shall be setback 200 feet from all lot lines or 100 feet from a lot line of a property having a commercial use.

(ix) Driveways. New driveways providing access to a Country Inn use shall not be located within a required buffer yard area except as minimally necessary to access the site.

(x) Roads/Access.
The Country Inn shall have adequate access to a public paved road, except as provided below. There shall be no more than two points of access for the Country Inn.

For any Country Inn that is located on a lot which does not have frontage on a publicly maintained road, documentation shall be provided to the Zoning Administrator demonstrating that the private access easement serving such lot may be used to provide access to the establishment.

(xi) Location. An existing historic structure must be used as a Country Inn and shall be exempt from the minimum lot area and floor area ratio requirements specified above, provided that any expansion or enlargement of such structure shall not exceed 15% of the total floor area existing prior to adoption of this ordinance unless a greater expansion is approved by the Town Council through a Special Exception.

(8) Country Store. A Country Store shall comply with the following additional standards:

(i) Hours of Operation. Hours of operation shall be limited to 4:00 a.m. to 9:00 p.m.

(ii) Size of Use. The minimum lot area shall be 1 acre.

(iii) Structures. The total size of a Country Store structure shall not exceed 5,000 square feet in gross floor area.

(iv) Location on Site/Dimensional Standards. The Country Store shall be set back a minimum of 50 feet from all lot lines. Parking shall be setback behind the front setback and a minimum of 25 feet from side and rear lot lines.

(v) Driveways. New driveways providing access to a Country Store use shall not be located within a required buffer yard area except as minimally necessary to access the site.

(vi) Roads/Access. The Country Store shall have adequate access to a public paved road. There shall be no more than two points of access for the Country Store.

(9) Dormitory, Seasonal Labor. Seasonal labor dormitory uses shall comply with the following additional standards:

(i) Location of Use. The use shall be located on the site of active agriculture, horticulture or animal husbandry operations.

(ii) Dormitory Size. The minimum size of a dormitory shall be based on a rate of 100 square feet per seasonal laborer housed, up to a maximum of 2,500 square feet.

(iii) Residents. Residents shall be employed on site at an on-going agriculture, horticulture or animal husbandry operation during their occupancy of the unit.

(iv) Location on Site. Dormitories shall be accessed by internal site roads and shall not have direct access to public roads.

(v) Setback from Single-Family Dwellings. Dormitories shall be set back 300 feet from off-site single family detached dwelling units.

(vi) Sanitary and Bathing Facilities. All dwellings shall have indoor sanitary and bathing facilities consistent with the requirements of the Loudoun County Health Department.

(10) Farm Markets. Farm Markets are permitted, subject to the following additional standards:
(i) Except as provided in subsection (5) below, a minimum of 25% of the products offered for sale must be derived directly from agricultural, horticultural, or animal husbandry products produced on site or within 100 miles of Hillsboro, Virginia. A Farm Market shall be located on the site of ongoing agricultural or horticultural activity unless otherwise provided elsewhere in the Zoning Ordinance.

(ii) Farm Markets shall be located on a hard surfaced road having a minimum paved width of eighteen (18) feet. The entrance shall have safe sight distance.

(iii) Sales area for accessory products shall be limited to ten (10) percent of the total area devoted to sales, including areas devoted to the display of items for sale. Permitted accessory products include pottery, baskets, garden accessories, baked goods, floral supplies and other items directly related to the culture, care, use of, or processing of a principal use. Products not related to the principal permitted use such as lawn mowers and tractors shall not be allowed.

(iv) Retail sales areas within structures shall not exceed, in the aggregate, 5,000 square feet of floor area or a Floor Area Ratio of .02, whichever is greater.

(v) Farm Markets (off-site production), in addition to Standards (ii) through (iv) above, must meet the following additional standards:

A minimum of twenty-five percent (25%) of the products offered for sale at the Farm Market (off-site production) must be produced in Loudoun County. An annual report verifying this percentage shall be submitted to the Zoning Administrator on request.

Notwithstanding the provisions of Subsection 11-48(c), parking spaces for Farm Markets (off-site production) shall be provided at a rate of 4/1,000 square feet of floor area of indoor and outdoor sales area, with a required minimum of 10 spaces per establishment.

(11) Wayside Stands. Wayside stands are subject to the following additional standards:

(i) Wayside stands are for retail sales of farm and garden products produced principally on-site. The term “onsite” shall be defined as all locations (separate parcels) used by the owner or tenant for farming (agriculture, horticulture or animal husbandry).

(ii) Permanent retail sales areas within structures shall not exceed, in the aggregate, five thousand (5,000) square feet in floor area or a Floor Area Ratio of 0.02, whichever is greater.

(iii) Wayside stands may be located in farm structures existing prior to adoption of this ordinance. The sales area in an existing farm structure shall have no limitation and may be used as a sales area subject to compliance with the Uniform Statewide Building Code.

(iv) Sales areas for accessory products shall be limited to 25% of the gross sales area. Accessory products include those products related to the care and culture of products produced on the farm, such as pottery, baskets, and garden accessories.

(v) Entrances and exits to the wayside stand from public roadways shall provide safe ingress and egress from roads, and shall be channeled to prevent unrestricted vehicular access to and from the premises.

(vi) The sale of seasonal produce harvested on the farm may occur throughout the area of actual production.

(12) Restaurant, no drive-through. A restaurant shall comply with the following additional standards:
(i) Intensity/Character Standards. Hours of operation shall be limited from 6:00 a.m. to 12:00 midnight.

(ii) Site Size. The minimum lot area shall be 5 acres except that there shall be no minimum lot size for adaptive reuse of farm structures existing as of the date of adoption of this ordinance.

(iii) Building Size/Floor Area Ratio. The maximum size of a restaurant shall be 4,000 square feet of gross floor area. The floor area ratio shall not exceed 0.01 except that there shall be no maximum floor area ratio for adaptive reuse of farm structures.

(iv) Location on Site/Dimensional Standards. The use shall be set back from lot lines as follows:

Front: 25 feet minimum.

Side and Rear: No minimum.

(v) Driveways. New driveways providing access to a Restaurant use shall not be located within a required buffer yard area except as minimally necessary to access the site.

(vi) Roads/Access. The Restaurant shall have adequate access to a public paved road. There shall be no more than two points of access for the Restaurant.

(13) Rooming House. A Rooming House shall comply with the following additional standards:

(i) Residency; Maximum Number of Bedrooms. The Property Owner shall reside in the Rooming House on a full-time basis. A Rooming House shall have a maximum of five (5) bedrooms, including the resident owner’s bedroom.

(ii) Sanitary Facilities. At least one water closet, lavatory basin and bathtub or shower properly connected to an approved water and sewer system and in good working condition shall be supplied for each four rooms within a rooming house wherever these facilities are shared. All such facilities shall be located within the residence building served, and shall be directly accessible from a common hall or passageway and shall not be more than one story removed from any of the persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times.

(iii) Minimum Floor Area for Sleeping Purposes. Every room occupied for sleeping purposes shall comply with the Loudoun County Building Code.

11-49 Single-Family Detached Subdivision Options in the AC District.

Land within the AC zoning district may be subdivided for single-family detached residential use under one of the two development options identified below.

(a) Base Density Division Option. A Base Density Division meeting the following standards and criteria may be permitted in accordance with the procedures outlined in the Subdivision Ordinance:

1. Maximum Density. Under the Base Density Division Option, the maximum density shall be one dwelling unit per 20 acres.

2. Lot and Building Requirements.
   a. Minimum Lot Size. 20 acres.
   b. Minimum Lot Width. 175 feet.
   c. Minimum Yards. Except where a greater setback is required by another provision of this Ordinance, no structure shall be located within 25 feet of any property line or
within 35 feet from any other road right-of-way, private access easement, and/or prescriptive easement.

d. Maximum Lot Coverage. 25%

e. Maximum Building Height. 35 feet, excluding agricultural, horticultural, and animal husbandry structures not open to the public.

3. Creation of Lots. Requests for creation of lots by plat of division in the AC District shall be submitted to the Administrator (or designee) for review and approval in accordance with the Town Subdivision Ordinance.

4. Utility Requirements. Each lot shall have an onsite water supply and individual sewage disposal system.

5. Lot Access. Access to individual lots may be provided by a private access easement that complies with the requirements of the Facilities Standards Manual. A private access easement may serve as frontage in lieu of public road frontage for up to 7 lots. The plat of division shall contain a note detailing the provisions for the maintenance of the private access easement.

(b) Cluster Subdivision. A cluster subdivision is a single-family residential development in which the residential lots are clustered together on a portion of the tract, leaving the largest portion of the tract in permanent open space. A cluster subdivision may include the following categories of land: 1. Single-Family Lots: Smaller residential lots located in a contiguous grouping oriented along a street or a green, and 2. Open Space: Land permanently preserved through an open space easement or dedicated as public open space.

   (1) General Requirements.
      a. Minimum Parcel Size to Subdivide. A landowner may exercise this option on a site consisting of a minimum of 20 acres prior to development.
      b. Maximum Density. The maximum density shall be 1 dwelling unit per 5 acres.

   (2) Characteristics of Cluster Subdivision Option.
      a. Depending on the tract size, the cluster subdivision may include one or more Rural Cluster Lots and Common or Public Open Space.
      b. The density of the cluster subdivision shall be calculated from the gross acreage for the tract of land from which the subdivision is created.
      c. All lots within the cluster subdivision shall be created at one time.
      d. The lots created by cluster subdivision shall not be further subdivided.
      e. A Homeowner’s Association is required for any subdivision with common elements as described in Subsection 15.
      f. Each preliminary and record plat for a cluster subdivision shall contain a tabulation of density for the cluster subdivision.
      g. A minimum of 70% of the gross land area of the development shall be comprised of a Conservancy lot or a combination of a Conservancy lot and Common or Public Open Space.

   (3) Minimum Lot Size: 20,000 square feet.

   (4) Maximum Lot Size. 4 acres.

   (5) Maximum Lot Coverage. 8%

   (6) Permitted Uses on Lots. The uses allowed on lots are single-family detached dwellings and permitted residential accessory uses in the AC District.

   (7) Common Open Space. Land that is neither part of a building lot nor a road right-of-way shall be placed in common open space or dedicated as Public Open Space to the Town or another public body acceptable to the Town. Common Open Space shall be maintained by a Homeowner’s Association as described in Subsection 15. Common Open Space shall be
designed to be a contiguous and cohesive unit of land which may be used as described below. Common Open Space has no minimum or maximum lot size and no lot width regulations. Further, Common Open Space does not count against the density allotted to the subdivision.

a. Permitted Uses. The following uses shall be permitted in common open space.
   i. Bona fide agriculture, horticulture, animal husbandry and structures accessory to such use, including, but not limited to barns and run-in sheds to house livestock or farm equipment.
   ii. Construction and/or sales trailer, during period of construction activity.
   iii. Easements and improvements for drainage, access, sewer or water lines, or other public purposes.
   iv. Passive open space or passive recreation, including but not limited to trails, picnic areas, community gardens.
   v. Sewage disposal system, communal.
   vi. Communal water and/or sewer system.
   vii. Public water and/or sewer facilities.
   viii. Stormwater management facilities for the proposed development.

(8) Public Open Space. The dedication of any land not in lots for Public Open Space shall be subject to Town approval in terms of its location and shall be dedicated to the Town or another appropriate public agency at the Town’s discretion and prior approval.

(9) Setback. No structure shall be located within thirty five (35) feet from any road right of way or private access easement.

(10) Yards.
   a. (a) Front. 35 feet minimum.
   b. Side. 15 feet minimum.
   c. Rear. 35 feet minimum.

(11) Building Height. Thirty five (35) feet maximum, excluding agricultural, horticultural, and animal husbandry structures.

(12) Utility Requirements.
   a. Water. All lots shall be served by Town water service.
   b. Sewer. All lots shall be served by Town sewer service.

(13) Lot Access.
   a. Access to individual lots or common open space may be provided by a private access easement which shall comply with the requirements of the Facilities Standards Manual.
   b. Private access easements may serve as frontage in lieu of public road frontage. The plat of subdivision shall contain a note detailing the maintenance provisions of the private access easement.


(15) Homeowner’s Association and Responsibilities. If the subdivision contains any of the common areas or improvements listed below, the development shall have an incorporated Homeowner’s Association (“HOA”).
   a. The HOA shall have the responsibility to maintain the following areas or improvements:
i. Common open space areas within the development that are not part of an individual lot;
ii. Lot(s), if owned by the HOA;
iii. Private roads, if any, within or serving the development, except as provided in Subsection b. below;
iv. Any stormwater management facilities or areas;
v. Fire protection pond(s), dry mains, or other improvements; and
vi. Such other common facilities or improvements as may be designated in the bylaws of the HOA.

b. Membership in the HOA shall be required for all purchasers of lots in the subdivision and their successors in title.

c. Notwithstanding the requirements of Section (15)a.iii above, if the only common element is the private roads or easements, then such private roads or easements shall either be maintained by an HOA or pursuant to a private road maintenance agreement. If such roads are to be maintained pursuant to a private road maintenance agreement, then the terms thereof shall be included on each record plat of subdivision for the development.

d. Prior to approval of a record plat of subdivision for the cluster:
   i. If an HOA is to be established, the landowner shall submit documents for the creation of the HOA to the County for review and approval, including its bylaws, and all documents governing ownership, maintenance, and use restrictions for common areas, including a legal description of such areas and a description of restrictions placed upon the use and enjoyment of the land; and
   ii. If the subdivision is served by private roads and there is no HOA for the subdivision, the developer shall submit a private road maintenance agreement to the Town for review and approval.
Part 4. Traditional Main Street District

Section 11-50: Purpose

The purpose of the Traditional Main Street (TMS) zoning district is to provide the option for mixed commercial and residential use along Charles Town Pike as recommended by the town comprehensive plan in order to promote the preservation of existing historic properties while providing opportunities for commercial development compatible with the historic character of the town’s main street and the existing residential uses. The residential appearance and historic character of existing structures shall be preserved. In addition, any new construction shall maintain a residential appearance compatible with the historic architectural character of Hillsboro. The district is intended to encourage the following:

- Re-use of existing buildings in ways that are compatible with and supportive of the purposes of the district and of the Comprehensive Plan.
- Preservation of the unified, historic character of Charles Town Pike as the Town’s main street.
- The creation and reinforcement of the Pike through town as a public space, defined by buildings fronting the street, to create a harmonious pedestrian environment for Town citizens and visitors.
- Architectural design and arrangement of new buildings and spaces to complement and reinforce the historic character of the district.
- Mixed uses within the district, including mixed uses within single structures.
- The provision of adequate, appropriately located and screened off-street parking facilities.

Section 11-51: Permitted Uses

The following uses and structures are permitted in the TMS district:

(a) Accessory uses as provided in Section 11-52.
(b) Dwelling, Single-family detached.
(c) Dwelling, apartment, in business building or above shop or office (dwelling in combination); provided, however, that apartments are prohibited on the ground floor except by Special Use Permit.
(d) Barber shop, Beauty shop, and Day spa.
(e) Coffeehouse or teahouse, Bakery
(f) Professional office, excluding Real Estate Offices and not located on the first floor at the front of a building.
(g) Public uses, such as museums, town building, town parking lot, or public park.
(h) Retail shop such as bookstore, antique shop, gift shop, jewelry store, florist shop, gallery, and clothing store.
(i) Studio, art or craft

Section 11-52: Accessory Uses

The following accessory uses and structures are permitted in the TMS district:

(a) Home occupations, secondary to a permitted residential use, in accordance with Section 10-5; provided, however, that a Bed and Breakfast Homestay shall only be permitted in accordance with Section 11-53.

(b) Accessory dwelling unit, secondary to a permitted residential use, in accordance with Section 10-6.

(c) Short-term Residential Rental, secondary to a permitted residential use, in accordance with Section 10-7.

(d) Accessory uses and structures customarily appurtenant to a permitted or approved special exception use. Except where otherwise permitted by other provisions of this ordinance or entirely exempt from review, accessory structures shall only be located in the side or rear yards and shall be a minimum of five (5) feet from any lot line.
**Section 11-53: Special Exception Uses**

The following uses are permitted in the TMS district subject to securing a special use permit as provided in Article V:

(a) Bed and Breakfast Homestay, subject to the additional standards of Section 11-57.
(b) Microbrewery, Micro-cidery, or Micro-distillery, with accessory tasting room, on-site retail sales and special events in accordance with Section 10-23, subject to the additional standards of Section 11-57.
(c) Dwelling, Apartment, on the ground floor of a building.
(d) Professional office on the first floor front of a building.
(e) Personal service businesses.
(f) Restaurant, no drive-through, subject to the additional standards of Section 11-57.
(g) Utility facility.

**Section 11-54: Lot Requirements**

(a) Minimum Lot Size: 6,000 square feet. In addition, a minimum lot area of 3,000 square feet must be provided for each dwelling unit when more than one on any lot.
(b) Minimum Lot Width: 60 feet at the front property line.
(c) Yard Depth Requirements
   (1) Front: 0 feet minimum and 30 feet maximum, except the front yard shall not be less than the smaller of the front yards of the two immediately adjacent buildings nor more than 30 feet.
   (2) Side: 5 feet.
   (3) Rear: 25 feet.
(d) Maximum lot coverage: 35 percent.

**Section 11-55: Maximum Building Height**

(a) Principal building: The higher of the height of the existing principal building or 35 feet; or higher with a special use permit.
(b) Accessory building: The higher of the height of the existing accessory building or 15 feet, or up to 25 feet with a special use permit.

**Section 11-56: Off-Street Parking**

(a) Off-street parking shall be provided as required by this ordinance or by any required special use permit.
(b) Off-street parking shall be located to the rear or side of the structure located closest to the street. All parking areas shall be screened from the street to a minimum height of 3.5 feet and from other structures on neighboring lots by landscaping or decorative walls or fences to a height required to effectively screen the use from adjoining residential uses as determined by the Town.
(c) All parking areas shall use a dust-free surfacing material.

**Section 11-57: Use Standards – All Uses**

(a) Non-residential uses other than a bed and breakfast shall not exceed 50 percent of the above ground (i.e., non-basement) floor area of all principal structures on the property, provided however that the town council, after the recommendation of the planning commission, may as a part of a special use permit application authorize a higher percentage of non-residential use of up to 70 percent of the above ground floor area of a principal structure. A floor plan, which indicates the mix of residential and non-residential uses in each structure on the property, shall be submitted with a special use permit application. Once a
special use permit has been approved, the zoning administrator may approve a revised floor plan as a part of a zoning permit application, provided that the approved ratio of residential to non-residential uses on the property does not change.

(b) Principal uses may be permitted in accessory structures.

(c) Structures. The historic appearance and residential character shall be maintained if existing residential structure(s) are altered. In the event new structures are proposed, such structures shall maintain the residential and historic character of the area and be architecturally compatible with the other principal structures on the property and on immediately adjacent properties.

(d) Hours of operation. Businesses shall open no earlier than 7:00 AM, or 4:30 AM with a special exception, and shall close no later than 10:00 PM.

(e) Noise. No outdoor music shall be permitted between 10 PM and 10 AM on Friday, Saturday, and any evening preceding a holiday recognized by the Town, and between 9 PM and 10 AM on any other day.

(f) Exterior Lighting Standards. All exterior lighting shall comply with the Town Exterior Lighting Standards. In addition, the maximum height of pole-mounted exterior lighting, outside of parking areas, shall be 12 feet.

Section 11-58. Additional Standards for Specific Uses. The following standards shall apply to specific uses in addition to the use standards for all uses in Section 11-57.

(a) Bed and Breakfast Homestay. Any Bed and Breakfast Homestay located in this district shall comply with the following standards:

(1) Intensity/Character.

   a. Management. The owner or manager of the premises shall provide full-time management at all times when the Bed and Breakfast Homestay is occupied by overnight guests. The owner or manager must either live on the premises or in town.

   b. Guest Rooms. The number of guest rooms shall not exceed 5.

   c. Size of Use. The floor area ratio shall not exceed 0.04.

   d. Food Service. The Bed and Breakfast Homestay shall not contain restaurant facilities but may provide food service for overnight guests or private party attendees, only.

(2) Roads/Access.

   a. For any Bed and Breakfast Homestay that is located on a lot which does not have frontage on a publicly maintained road, documentation shall be provided to the Zoning Administrator demonstrating that the private access easement serving such lot may be used to provide access to the establishment.

   b. There shall be no more than two points of access for the Bed and Breakfast Homestay.

(3) A structure existing prior to the adoption of this ordinance may be used as a Bed and Breakfast Homestay and shall be exempt from the minimum lot area, yard and floor area ratio requirements specified above, provided that any expansion or enlargement of such structure shall not exceed 15% of the total floor area existing prior to adoption of this ordinance unless a greater expansion is approved by the Town Council through a Special Exception pursuant to Article V.

(b) Restaurant, no drive-through. A restaurant shall comply with the following additional standards:
(1) Intensity/Character Standards. Hours of operation shall be limited from 6:00 a.m. to 12:00 midnight.

(2) Building Size/Floor Area Ratio. The maximum size of a restaurant shall be 4,000 square feet of gross floor area. The floor area ratio shall not exceed 0.01 except that there shall be no maximum floor area ratio for adaptive reuse of historic structures.

(3) Roads/Access. The Restaurant shall have adequate access to a public paved road. There shall be no more than two points of access for the Restaurant.

(c) Microbrewery, Micro-cidery, and Micro-distillery. Any microbrewery, micro-cidery, and micro-distillery located in this district shall comply with the following standards:

(1) Tasting Rooms and Accessory Food Sales.
   a. Facilities for tasting rooms and accessory food service shall not exceed the lesser of (i) 49 percent of the total gross floor area or (ii) 2,500 square feet.
   b. Outdoor tasting rooms or similar outdoor activities shall be set back at least 50 feet from all lot lines of adjacent agriculturally or residentially zoned properties.
   c. Facilities for accessory food sales related to craft beverage consumption for the convenience of tasting room patrons only shall be permitted.

(2) Storage Areas. Outdoor equipment and storage of materials used for beverage manufacturing shall not be permitted.
Part 5. Commercial-Rural (C-R) District

Section 11-59: Purpose.

This district is designed to allow appropriate commercial uses while preserving open space in rural and agricultural areas. Uses include those that not only offer goods and services supportive of the residential uses within the town, but that also support the town’s growing rural and agricultural tourism-related business base. Commercial uses in this district may be located in new buildings or buildings which were formerly residential or agricultural, but which may be more desirable for commercial activities because of higher traffic volumes, accessibility, on-site parking, open space separation from residential districts or other market factors. New buildings or additions to existing buildings and related improvements should be compatible in design and placement with the historic character of the town and the rural flavor of the district. When adjacent to the R-1 District, permitted parking and outdoor event activity must be effectively screened, landscaped and buffered to protect the surrounding residential district from undesirable views, lighting, noise, or other adverse impacts.

Section 11-60: Permitted uses.

(a) Accessory uses and structures as provided in Section 11-61.
(b) Agriculture, horticulture, subject to the additional use limitations of Section 11-67.
(c) Bed and breakfast, in accordance with the additional standards of Section 11-68.
(d) Direct market business selling products produced on-site, including, but not limited to pick-your-own (PYO) operations.
(e) Dwellings, single-family detached.
(f) Dwellings in business buildings or over stores or offices (dwelling in combination); provided that not more than one dwelling unit shall be permitted on any lot, except as approved by special use permit or as an accessory dwelling unit approved as provided in Sections 11-60(b) and 10-6, and each dwelling unit shall meet the minimum square footage requirements of the Uniform Statewide Building Code.
(g) Public uses, such as museums, town building, town parking lot or public park
(h) Specialty retail shops such as country stores, gardening stores, antique shops, gift shops, outfitters, subject to the additional use limitations of Section 11-68.
(i) Restaurant, coffeehouse, teahouse, and bakery, including carryout, excluding drive-through, subject to the additional use limitations of Section 11-68.

Section 11-61: Accessory uses and structures.

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

(d) Home occupations, secondary to a permitted residential use, in accordance with Section 10-5.
(e) Accessory dwelling units, secondary to a permitted residential use, in accordance with Section 10-6.
(f) Short-term Residential Rentals, secondary to a permitted residential use, in accordance with Section 10-7.
(g) Agritainment, accessory to a permitted agricultural use on-site.
(e) Accessory uses and structures customarily appurtenant to a permitted or approved special exception use.

Except where otherwise permitted by other provisions of this ordinance or entirely exempt from review, accessory structures shall only be located in the side or rear yards.

(f) Accessory buildings may not be erected within 100 feet of an adjoining property line zoned other than C-R or A-C without an approved variance as set forth in Section 7-2.
**Section 11-62: Special Exception Uses.**

The following uses are permitted in this district subject to securing a special use permit as provided in Article V:

(a) Microbrewery, Micro-cidery, Micro-distillery, winery, with on-site retail sales, with special events, subject to the additional standards of Section 11-68.

(b) Utility facility

(c) Reversion of use in an historic residential structure from commercial back to a permitted residential use

(d) Agri-Education Center. Subject to the use standards of Section 11-68.

**Section 11-63: Lot requirements.**

(a) Minimum lot size: 2 acres

(b) Minimum lot width: 200 feet

(c) Yard depth requirements.

(1) Minimum front yard: ten (10) feet

(2) Minimum side yard: five (5) feet or 100 feet for a nonresidential use abutting a lot used for residential purposes

(3) Minimum rear yard: twenty-five feet, or 100 feet for a nonresidential use abutting a lot used for residential purposes

Minimum yard depth requirements may be modified by approval of a special use permit.

**Section 11-64: Maximum building height.**

(a) Principal building: The higher of the height of the existing principal building or 35 feet; or higher with a special use permit

(b) Accessory structure: The higher of the height of the existing accessory building or 25 feet, or higher with a special use permit

**Section 11-65: Off-street parking.**

(a) Off-street parking for permitted uses shall be provided in accordance with this Ordinance. Off-street parking associated with conditionally permitted uses approved pursuant to section 11-24 shall be provided and located as specified in the special use permit. All parking areas serving the use shall use a dust-free surfacing material.

(b) Off-street parking shall be located to the rear or side of the structure located closest to either Charles Town Pike or Hillsboro Road and at least 100 feet from an adjacent R-1 District lot. All parking areas shall be screened from the street to a minimum height of 3.5 feet and from other structures on neighboring lots by landscaping or decorative walls to a height as required to effectively screen the use from adjoining residential uses as determined by the Town.

**Section 11-66: Use Limitations. All Uses**

(a) Principal uses may be permitted in accessory structures.
(b) The historic appearance and rural residential character shall be maintained if existing residential structure(s) are altered.

(c) In the event new structures are proposed, such structures shall maintain the rural and historic character of the area and be architecturally compatible with the other principal structures on the property and on immediately adjacent rural properties.

(d) Permanent outdoor event and dining areas must be set back a minimum of 100 feet from adjoining R-1 lots and be screened from adjoining residential lots by landscaping or decorative walls to a minimum height of six (6) feet or as required to effectively screen the use from adjoining residential uses as determined by the Town.

(e) Hours of operations:
   a. When directly adjacent to R-1 parcels: 7:00 AM – 9:00 PM, weekdays, 8:00 AM – 10:00 PM weekends;
   b. When not directly adjacent to R-1 parcels: 6:00 AM – Midnight any day.

(f) Noise. No outdoor music shall be permitted between 10 PM and 10 AM on Friday, Saturday, and any evening preceding a holiday recognized by the Town, and between 9 PM and 10 AM on any other day.

(g) Exterior Lighting Standards. All exterior lighting shall comply with the Town Exterior Lighting Standards. In addition, the maximum height of pole-mounted exterior lighting, outside of parking areas, shall be 12 feet.

Section 11-67: Special provisions regarding the keeping of farm animals.

(a) The grazing and keeping of farm animals are permitted in accordance with the following standards:

   (1) The types and numbers of animals kept shall not exceed the following, to be tabulated cumulatively:

      | Type of Animal          | Number of Animals |
      |-------------------------|-------------------|
      | Cattle                  | 4 per acre        |
      | Chickens (hens/roosters)| 30 per acre       |
      | Goats                   | 10 per acre       |
      | Horses                  | 4 per acre        |
      | Sheep                   | 8 per acre        |

   Other animals, at the rate specified, may be allowed with a special use permit approved as provided in Article V.

   (2) Animals shall be housed no closer than thirty (30) feet from the nearest occupied dwelling on adjacent property; and no closer than 5 feet from adjacent property lines. Animals shall be reasonably secured so as to preclude them from entering abutting properties without the consent of such owners.

   (3) Animal waste shall be properly disposed of and no offsite run-off of animal waste is permitted.

   (4) The grazing and keeping of pigs is prohibited.

Section 11-68. Use Standards – Specific Uses.

The following use standards apply to specific uses. These additional regulations serve as the minimum standards for these uses, and do not substitute for other provisions of this ordinance that may apply, or for additional conditions that may be imposed in connection with special exception or rezoning approvals. Unless otherwise specified, these use standards may be modified by Special Use Permit in accordance with the provisions of this Ordinance.
Modifications may be approved by the Town Council upon a finding that such modification to the regulations will achieve an innovative design, improve upon the existing regulations, preserve the Town’s historic or archeological heritage, or otherwise exceed the public purpose of the existing regulation. No modification shall be granted to any of the underlying zoning district regulations as contained in the other provisions of this District.

(a) **Agri-Education Center.** An agri-education center shall comply with the following standards:
1. **Intensity/Character of Use.** The minimum lot area for an agri-education center shall be 5 acres.
2. **Size of Use.** The maximum size of the building housing the agricultural cultural center shall be 5,000 square feet.
3. **Location on Site.** An agri-education center shall be set back from lot lines a minimum of 50 feet.
4. **General Access Standards.** An agri-education center shall be located on a paved public road, and there shall be no more than one point of access to the public road. Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.
5. **A structure that is: 1) listed or eligible for listing in the Virginia Landmarks Register (VLR) or the National Register of Historic Places (NRHP); or 2) listed or eligible for listing as a contributing resource to the Historic District, may be used as an agri-education center and shall be exempt from the minimum lot area, floor area ratio, and set back from lot line requirements specified above, provided that any expansion or enlargement of such structure shall not exceed 15% of the total floor area existing prior to adoption of this ordinance. Documentation shall be provided to the Zoning Administrator demonstrating that the Virginia Department of Historic Resources has confirmed the listing or eligibility of structures.**

(b) **Microbreweries, Micro-cidery, and Micro-distillery.** Any microbrewery, micro-cidery, and micro-distillery located in this district shall comply with the following standards:
1. **Tasting Rooms and Accessory Food Sales.**
   a. Facilities for tasting rooms and accessory food service shall not exceed the lesser of (i) 49 percent of the total gross floor area or (ii) 2,500 square feet.
   b. Outdoor tasting rooms or similar outdoor activities shall not be located in the required yard setback.
   c. Facilities for accessory food sales related to craft beverage consumption for the convenience of tasting room patrons only shall be permitted.
2. **Storage Areas.** Outdoor equipment and storage of materials used for beverage manufacturing shall not be permitted.
3. **Roads/Access.**
   a. Commercial access points shall only be located on Charles Town Pike and Hillsboro Road and shall comply with VDOT commercial entrance regulations.
   b. There shall be no more than two points of access.
4. **Location on Site/Dimensional Standards.** The use shall not be located in the required yard setback.

(c) **Restaurant (and coffeehouse, teahouse, and bakery).** Restaurants, coffeehouses, teahouses and bakeries shall comply with the following standards:
1. **Building Size.** The maximum size of the principal building shall be 4,000 square feet of gross floor area.
2. **Location on Site/Dimensional Standards.** The use shall not be located in the required yard setback.
(3) Driveways. New driveways providing access to the use shall not be located within a required buffer yard area except as minimally necessary to access the site.

(4) Roads/Access.

a. Commercial access points shall only be located on Charles Town Pike and Hillsboro Road and shall comply with VDOT commercial entrance regulations.

b. There shall be no more than two points of access.

(d) Specialty retail shops, including country stores, gardening stores, antique shops, gift shops, and outfitters. Retail shops shall comply with the following standards:

(1) Size of Use.

(i) Site Size. The minimum lot area shall be 2 acres.

(ii) Structures. The total size of a Retail Shop structure shall not exceed 5,000 square feet in gross floor area.

(2) Location on Site/Dimensional Standards. The Retail Shop shall not be located in the required yard setback.

(3) Driveways. New driveways providing access to a Retail Shop use shall not be located within a required buffer yard area except as minimally necessary to access the site.

(4) Roads/Access.

a. Customer access points shall be located on Charles Town Pike and Hillsboro Road and shall comply with VDOT commercial entrance regulations.

b. There shall be no more than two points of access for the Retail Shop.