

ARTICLE XI. COMMERCIAL ZONING DISTRICTS**Part I. C-1 Restricted Commercial District****Section 152: Purpose**

This district is designed to accommodate commercial uses which act as a transition between residential districts and more intensive commercial districts. 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.

Section 153: Permitted Uses

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

- (a) Bed and breakfast
- (b) 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.
- (c) Dwellings in business buildings or over stores or offices (dwelling in combination)
- (d) Library
- (e) Municipal building
- (f) Municipal parking lot
- (g) Place of worship
- (h) Professional offices, including Real Estate Offices (Amended 10/09/03)
- (i) Public park
- (j) Retail stores and shops such as bookstores, antique shops, gift shops, jewelry stores, florist shops and clothing stores.
- (k) Rooming and boarding house
- (l) Social, fraternal clubs and lodges

Section 154: Special Exception Uses

The following uses and structures are permitted in the C-1 district subject to securing a special use permit in accordance with Article V:

- (a) Neighborhood utility facility
- (b) Nursery school and child care center

Section 155: 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 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: 0 feet, except adjacent to residential district where the side yard shall equal the minimum side yard of the adjacent residential district, or 7.5 feet, whichever is less.
 - (3) Rear: 0 feet, except adjacent to residential district where the rear yard shall equal the minimum rear yard of the adjacent residential district, or 30 feet, whichever is less.
- (d) Maximum lot coverage: 35% percent (Amended 10/09/03)

Section 156: Maximum Building Height

- (a) Principal building: 25 feet, or additions to existing buildings may exceed 25 (with a maximum of 35 feet) with a special use permit (Amended 10/09/03, 03/11/04)
- (b) Accessory structures: 15 feet

Section 157: Off-Street Parking

Off-street parking shall be provided as required in Article XVI.

Part II. C-2 Town Commercial District

Section 158: Purpose

This district is designed to accommodate a wide variety of commercial activities (particularly those that are pedestrian oriented) that will result in the most efficient and attractive use of the town's central business district.

Section 159: Permitted Uses

The following uses and structures are permitted in the C-2 district:

- (a) Bed and breakfast
- (b) 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-2 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.
- (c) Dwellings in business buildings or over stores or offices (dwelling in combination)
- (d) Financial institutions without drive-thru windows
- (e) Library
- (f) Low traffic generating restaurants, dine in or carry out, which have no drive- thru service. Service or consumption outside a fully enclosed structure is allowed. (Amended 10/09/03)
- (g) Municipal building
- (h) Municipal parking lot
- (i) Personal service businesses including barber shops, beauty shops, dry cleaners, laundromats, shoe repair shops, tailor shops and telegraph or messenger services.
- (j) Place of Worship
- (k) Public park
- (l) Professional offices, not located on street level (see special exception) (Amended 10/09/03)
- (m) Real Estate Offices (Added 10/09/03)
- (n) Retail stores and shops
- (o) Rooming and boarding house
- (p) Social, fraternal clubs and lodges

Section 160: Special Exception Uses

The following uses and structures are permitted in the C-2 district subject to securing a special use permit in accordance with Article V:

- (a) Financial institution with drive-thru window
- (b) Fitness center
- (c) Funeral home
- (d) Inn
- (e) Neighborhood utility facility
- (f) Nursery school and child care center

- (g) Service station
- (h) Professional Offices located on street level, excluding Real Estate Offices.
(Added 10/09/03)
- (i) Indoor theatre (Amended 10/09/03)

Section 161: Lot Requirements

- (a) Minimum Lot Size: None
- (b) Minimum Lot Width: None
- (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 or such greater maximum front yard as may be approved with a special use permit. (amended 9/13/07)
 - (2) Side: 0 feet, except adjacent to residential district where the side yard shall equal the minimum side yard of the adjacent residential district or 7.5 feet, whichever is less.
 - (3) Rear: 0 feet, except adjacent to residential district where the rear yard shall equal the minimum rear yard of the adjacent residential district or 30 feet, whichever is less.
- (d) Maximum Lot Coverage: 85%, maximum lot coverage may exceed 85% (up to 100%) with a special exception (Added 10/03/03)

Section 162: Building Height

- (a) Principal building: 30 feet, building height for new construction and/or additions may exceed 30 feet (up to 35 feet) with a special exception. (Amended 10/09/03)
- (b) Accessory structures: 15 feet

Section 163: Off-Street Parking

Off-street parking shall be provided as required in Article XVI.

PART III. C-3 GENERAL COMMERCIAL DISTRICT

Section 164: Purpose

This district is designed to accommodate more intense commercial and light industrial activities, and wholesale and other businesses which do not lend themselves to being concentrated within the central business district.

Section 165: Permitted Uses

The following uses and structures are permitted in the C-3 district:

- (a) Building supply
- (b) Commercial greenhouse operations without on-site sales
- (c) Low traffic generating restaurants, dine in or carry out, which have no drive- thru service. Service or consumption outside a fully-enclosed structure is allowed. (Amended 10/09/03)
- (d) Manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling of goods, merchandise and equipment with no storage or display of goods outside fully-enclosed building and lot size equal to or less than 22,000 square feet.
- (e) Motor vehicle-related sales with installation of parts or accessories (e.g., tires or mufflers).
- (f) Municipal parking lot
- (g) Personal service businesses including barber shops, beauty shops, dry cleaners, laundromats, shoe repair shops, tailor shops and telegraph or messenger services.
- (h) Professional offices, including Real Estate Offices (Amended 10/09/03)
- (i) Sales and rental of goods, merchandise and equipment with no storage or display of goods outside a fully enclosed building and lot size equal to or less than 22,000 square feet.

Section 166: Special Exception Uses

The following uses and structures are permitted in the C-3 district subject to securing a special use permit in accordance with Article V:

- (a) Auto repair garage
- (b) Animal Hospital (Amended 10/09/03)
- (c) Community utility facility.
- (d) Commercial greenhouse operation with on-site sales
- (e) 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-3 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.
- (f) Fitness center
- (g) Inn

- (h) Manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling of goods, merchandise and equipment with lot size greater than 22,000 square feet and/or storage and display of goods outside a fully-enclosed building.
- (i) Motor vehicle Sales
- (j) Neighborhood utility facility.
- (k) Open air market (farm and craft markets, produce markets, and horticultural sales with outdoor display). (Amended 10/09/03)
- (l) Parking Lot Facility (Added 02/10/05)
- (m) Sales and rental of goods, merchandise and equipment with lot size greater than 22,000 square feet and/or storage and display of goods outside a fully-enclosed building.
- (n) Social, fraternal clubs and lodges
- (o) Warehouse
- (p) Car wash, Recycling (Added 2/11/99)
- (q) Self-Storage Facility (Added 10/12/00)

Section 167: Lot Requirements

- (a) Minimum Lot Size: 6,000 square feet
- (b) Minimum Lot Width: 50 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: 0 feet, except adjacent to residential district where the side yard shall equal the minimum side yard of the adjacent residential district or 7.5 feet, whichever is less.
 - (3) Rear: 0 feet, except adjacent to residential district where the rear yard shall equal the minimum rear yard of the adjacent residential district or 30 feet, whichever is less.
- (d) Maximum lot coverage: 50 percent

Section 168: Maximum Building Height

- (a) Principal building: 30 feet (Amended 10/09/03)
- (b) Accessory structures: 15 feet

Section 169: Off-Street Parking

Off-street parking shall be provided as required in Article XVI.

Part IV. Commercial Use and Design Standards

Section 170: In General.

There are certain commercial uses, whether or not regulated by special use permit, that, by their very nature may have impacts that differ substantially from those uses permitted by right or may be incompatible with other permitted uses of land. The commercial use and design standards of this Part are intended to recognize and help to mitigate the major potential impacts commonly associated with certain commercial uses. Compliance with these standards is required as a prerequisite to receipt of an occupancy permit for any commercial use to which such standards apply. In the case of a special exception use, these standards are in addition to any conditions that may be imposed as part of the approval of a special use permit for such use.

Section 170.1: Use and Design Standards for Specific Commercial Uses.

The following additional use and design standards shall be met by the listed uses in accordance with this Article.

- (a) Car Wash, Recycling. Recycling car wash facilities shall be subject to the following use and design standards, in addition to all other applicable regulations:

- (1) Bay doors shall be oriented away from the public right-of-way, if possible.
- (2) There shall be no outdoor storage associated with the use.
- (3) Details of the water recycling system to be employed by the facility shall be submitted with the special exception application. This system shall include provisions for on-site water drainage, filtration and reclamation to capture and filter water used to wash vehicles. The system shall be designed to reclaim at least 75% of the water used to wash and rinse each vehicle. Information submitted must be sufficient to ensure that used water from the facility will not have a detrimental effect on the town's sewage treatment facilities, the existing storm drainage system, adjacent properties or streets, as determined by the Town Engineer.

(Amended 2/11/99)

- (b) Self-Storage Facility. Self-storage facilities shall be subject to the following use and design standards, in addition to all other applicable regulations:

- (1) Only "dead storage" shall be permitted, which shall mean the keeping of goods not in use and not associated with any office, retail or other business activity conducted on premises. Conducting an office, retail or other business or service use from a storage unit shall be prohibited. One administrative office for the proprietor of the self-storage business shall be permitted within the facility in appropriately designed space.
- (2) All storage shall be inside a building or fully enclosed structure.

- (3) Vehicle parking shall be for tenants and employees only, while they are on the site. Motor vehicles shall not be parked overnight or otherwise stored outside on the site unless associated with another permitted principal use on the site.
- (4) Storage of flammable or hazardous materials and explosives is prohibited, as well as storage of any materials that are offensive or noxious because of odors, dust, or fumes.
- (5) The height of any individual storage unit, from floor to ceiling, shall not exceed ten feet. Individual storage units shall not be stacked vertically, except within a fully enclosed building.
- (6) Landscaping and screening acceptable to the Town Council shall be provided in all yards facing public roadways or properties in residential use.
- (7) Site lighting, if any, shall utilize fully shielded cut-off fixtures and be designed and located so as to prohibit glare onto adjacent properties.

(Amended 10/12/00)

- (c) **Parking Lot Facility.** Parking Lot facilities shall be subject to the following use and design standards, in addition to all other applicable regulations: (Added 02/10/05)

- (1) Lot coverage by impervious surfaces shall be determined based upon minimum buffering and landscaping requirements except the buffer reduction permitted by Section 211(a). However, lot coverage and spaces provided may be limited through the special use permit.
- (2) The parking facility will:
 - (a) utilize fully shielded cut-off light fixtures approved by the Historic District Review Committee and designed and located so as to prohibit glare onto adjacent properties.
 - (b) be arranged to be compatible with the surrounding use and design, particularly with regard to traffic circulation, parking, and appearance.
 - (c) be limited to specific hours of operation through special use permit (if required by the Town Council).
 - (d) have any permanent or temporary structure or equipment used to control or monitor entry to the facility from the public right of way reviewed by the Historic District Review Committee.
 - (e) not be associated with the demolition of any structure unless otherwise approved by the Historic District Review Committee and Town Council.

PART V. MIXED USE VILLAGE

(added in its entirety 9/13/07)

Section 170.11: Purpose

This district is intended to encourage development which includes a variety of residential housing types, limited commercial uses, and institutional/public uses designed in an integrated, concentrated development pattern at a small-town pedestrian scale in the traditional character of Middleburg.

Section 170.12: General Procedure

Reclassification of existing land to the MUV District shall follow the procedural requirements for Amendments as outlined in Article XVIII and shall be approved pursuant to a plan showing the location and extent of the proposed MUV District.

Section 170.13: Minimum District Size

A mixed-use village district shall be at least ten (10) acres in size.

Section 170.14: Permitted Uses

The following uses are permitted in this district:

- (a) Dwellings, single family detached
- (b) Dwellings, single family attached
- (c) Dwelling multi-family
- (d) Dwellings in business buildings or over offices
- (e) Professional office
- (f) Medical office
- (g) Municipal buildings
- (h) Municipal parking lot
- (i) Utility and stormwater uses

Section 170.15: Special Exception Uses

The following uses are permitted in the MUV district subject to securing a special use permit in accordance with Article V:

- (a) Adult assisted living
- (b) Bed and Breakfast
- (c) Child care center
- (d) Restaurant
- (e) Personal service businesses including barber shops, beauty shops, dry cleaners, laundromats, shoe repair shops, tailor shops and telegraph or messenger services.

Section 170.16: Accessory Uses and Structures

Accessory uses and structures are permitted for single family detached and attached housing in accordance with the provisions Article X, Section 134.

Section 170.17: MUV Housing Unit Types and Performance Standards

The following housing types shall be permitted in the MUV in accordance with the standards provided for each.

Single family detached houses. This dwelling type consists of fully detached, single-family residences located on individual lots. Detached housing in the MUV is distinguished by small front and side yards. The streetscape of MUV detached housing is a critical element given the small setbacks from the street, thus each plan using this housing type shall demonstrate good design practices. The following regulations apply:

- (1) Minimum lot size 4,000 sq. ft.
- (2) Maximum lot coverage 75 percent maximum
- (3) Maximum building height 35 ft.
- (4) Minimum setbacks for principal structures:
 - (a) Front 15 ft.
 - (b) Side 5 ft.
 - (c) Corner side 20 ft.
 - (d) Rear 20 ft.
 - (e) Exceptions: Accessory buildings or uses may be located within five feet of any side or rear lot line.
- (5) Minimum Lot Width 40 ft
- (6) Vehicular access for single family detached dwellings shall be from the rear and the primary pedestrian entrance shall be on the public street side.
- (7) Seventy-five percent (75%) of the single family detached dwellings within the MUV District shall have front porches.

Single family attached dwellings. This dwelling type consists of single family attached units with individual outside access. Row of townhouses shall contain no less than three (3) and no more than six (6) units in a group and are subject to the following regulations:

- (1) Minimum Lot Size 1,400 square feet per unit
- (2) Minimum lot width 20 ft.
- (3) Maximum building height 35 ft.
- (4) Minimum setbacks for principal structures:
 - (a) Front 20 ft.
 - (b) Side (end unit) 10 ft.
 - (c) Rear 20 ft.

- (e) Exceptions: Accessory buildings or uses may be located within five feet of any side or rear lot line.
- (5) Vehicular access for single family attached dwellings shall be from the rear and the primary pedestrian entrance shall be on the public street side.
- (6) Seventy-five percent (75%) of the single family attached dwellings within the MUV District shall have front porches.

Note: Setbacks shall be varied at least two (2) feet for all townhouse units within a group, except that two (2) abutting units may have the same setback, provided no more than four (4) units in the group have the same setback. Architectural treatment shall vary so that no more than two (2) abutting units are substantially the same.

Multi-family dwellings. Multi-family buildings are buildings comprised of a minimum of three dwelling units in a single structure. These residential units may or may not be located above non-residential space. The following apply to a multi-family building in which the majority of the floor area is devoted to residential uses:

- (1) Minimum Lot Size: 8,000 sq. ft.
- (2) Maximum building height: 35 ft.
- (2) Minimum setbacks:
 - (a) Front 25 ft.
 - (b) Side 20 ft.
 - (c) Rear 25 ft.

Section 170.18: Non-Residential Uses

- (1) Minimum Lot Size: None
- (2) Minimum Lot Width: None
- (3) Yard Depth Requirements
 - (a) 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.
 - (b) Side: 0 feet, except adjacent to residential district where the side yard shall equal the minimum side yard of the adjacent residential district or 7.5 feet, whichever is less.
 - (c) Rear: 0 feet, except adjacent to residential district where the rear yard shall equal the minimum rear yard of the adjacent residential district or 20 feet, whichever is less.
- (4) Maximum Lot Coverage: 85%, maximum lot coverage may exceed 85% (up to 100%) with a special exception
- (5) Building Height: 35 feet

Section 170.19 Design Features

- (1) Abutting townhouses shall have complementary but not identical facades.
- (2) Townhouses shall front on a public street or townhouse private access-way as provided in the Town of Middleburg Street and Parking Standards.
- (3) No townhouse shall have attached to its front facade a garage or carport unless the garage is an integral part of the residential building and does not project beyond the face of the building. Only in the case of an integrated garage shall a front driveway be permitted.
- (4) Multi-family buildings (apartments) shall avoid massive, monolithic, and repetitive building types, facades and setbacks, and shall be compatible in mass, scale, and design with surrounding areas. Building elevations and architectural details shall be submitted to the planning commission to demonstrate compliance with this section if the project is not reviewed by the Historic District Review Committee as provided in Article XVII.

Section 170.2: Parking

Parking spaces shall be provided as required by Article XVI. Parking shall be provided along streets or in the rear of buildings with the exception of on-site parking for single family detached and attached residences. Adjacent on-street parking spaces created by a commercial use or development in conformance with an approved site plan may be applied toward the off-street parking requirement of that use or development. Shared parking per Article XVI shall be encouraged.

Section 170.21: Buffering and Screening

Acknowledging that one of the objectives of the mixed use village district is to encourage interrelationships between uses, the Town Council may modify the buffering and screening requirements contained in Article XV, in conjunction with the approval of the site plan.

Section 170.22: Landscaping

In conjunction with the approval of the development plan, the Town Council may modify the requirements of Part. II of Article XV in favor of the landscaping shown on the site plan. Landscaping within the MUV district shall conform with that stipulated in the Comprehensive Plan.

Section 170.23: Open Space

Open space, consisting of active or passive recreational/gathering space, shall be provided in accordance with the following:

- (1) A minimum of 300 square feet of open space shall be provided for each detached or attached single family dwelling unit;
- (2) A minimum of 200 square feet of open space shall be provided for each multi-family dwelling unit;
- (3) A minimum of 100 square feet of open space shall be provided for each 500 gross square feet of non-residential space.

In recognition of the coexistence of residential and non-residential uses within this district, the open space areas for residential and non-residential uses may be common area provided that no more than 50% of the required residential open space may be double-counted toward the non-residential use requirement. This open space may be consolidated into a village green area or several smaller areas. If the required open space area is consolidated into a village green, it shall be located such that it is easily and safely accessible to the residents of the development and users of the non-residential space.

Section 170.24: Sidewalks

A network of sidewalks, a minimum of 5 feet in width, shall be provided within the MUV District in order to provide a sense of connectivity throughout the District and with the remainder of the Town.

Section 170.25: Streets

Private streets are encouraged within the MUV District. If public streets are provided, pavement widths shall be as narrow as permitted by VDOT.