

ARTICLE 5
ADDITIONAL REGULATIONS AND STANDARDS

Division A: Supplemental District Regulations

Section 5-100

Accessory Uses and Structures. Accessory uses and structures are permitted in connection with and incidental to a permitted principal use or structure and in compliance with the restrictions of this section.

5-101

Permitted Accessory Uses and Structures. Permitted accessory uses and structures shall be limited to the following and any additional uses and structures the Zoning Administrator finds are similar to those listed in scope, size and impact and which are otherwise in compliance with this Ordinance:

(A) Residential.

- (1) Above ground deck.
- (2) Clothesline.
- (3) Dog houses and pens.
- (4) Fence or wall.
- (5) Freestanding air conditioning machinery.
- (6) Patio, porch, gazebo.
- (7) Play equipment and playhouses.
- (8) Private garage, carport.
- (9) Private greenhouse.
- (10) Private swimming pool.
- (11) Private tennis or outdoor recreational court.
- (12) Radio or satellite/TV antennas, free standing or on roof, setback from required yards a minimum of one (1) foot for each one (1) foot in height, except in Historic Districts designated by the County pursuant to Section 6-1800.
- (13) Storage shed for personal, non-commercial use.
- (14) Studios and workshops without outdoor display for personal use.
- (15) Utility substation, dedicated.
- (16) Solar power panels, to include ground mounted solar facilities and ground-mounted solar energy generating facilities.

- (17) Enclosed areas devoted to collection of recyclables generated by the principal use.
- (18) Bus shelter or bus stand.
- (19) Communications tower for public facilities, up to a maximum height of 100 feet and no closer to the property line than the height of the tower.
- (20) Home occupations, pursuant to Section 5-400.
- (21) Short-Term Rental – Residential Accessory, pursuant to Section 5-669.

(B) Commercial and Industrial.

- (1) Dumpsters and dumpster pads.
- (2) Emergency power generators.
- (3) Fence or wall.
- (4) Freestanding air conditioning machinery.
- (5) Parking uses and structures.
- (6) Recycling facilities pursuant to 5-607(B).
- (7) Storage sheds not exceeding 200 square feet.
- (8) Stormwater management/BMP facilities.
- (9) Utility substation, dedicated.
- (10) Bus shelter or bus stand.
- (11) Accessory living quarters for watchman, guard or custodian.
- (12) Sculpture, fountain, etc.
- (13) Public utility or communication tower, setback a minimum of one (1) foot for each one (1) foot in height.
- (14) Parking of two-axle vehicles such as automobiles, pick-up trucks, and/or service vans utilized in connection with a permitted use.
- (15) Solar power panels, to include ground mounted solar facilities and ground-mounted solar energy generating facilities.

5-102

Use Limitations. The following limitations apply to accessory uses or structures listed in Section 5-101 above:

- (A) Accessory uses or structures shall be located on the same lot as the principal structure or use.
- (B) Accessory structures shall be included in the calculation required by this ordinance for the purpose of complying with height, bulk and coverage regulations.
- (C) Except as permitted in Section 5-200, no accessory use or structure shall be located in a required yard.
- (D) No accessory use or structure shall create a nuisance or hazard.
- (E) No accessory structure referenced in Section 5-100 shall be used as a dwelling or for lodging, except as otherwise provided.
- (F) Except in the case of home occupations conducted within a tenant house, an accessory use or structure shall be operated and maintained under the same ownership as the principal use.
- (G) No accessory use shall be established until the principal use is established.

Section 5-200

Permitted Structures in Required Yards and Setbacks. Permitted Structures in Required Yards and Setbacks. The following shall be allowed in a required yard or setback, provided applicable sight distance and fire safety requirements are met and maintained:

(A) In all yards or setbacks, including a front yard:

- (1) Fences, provided that no fence in a required residential front yard shall exceed 3 1/2 feet in height.
- (2) Ground level terraces, patios or decks not over thirty (30) inches high.
- (3) Awnings or canopies provided they do not project more than four (4) feet from the existing building face.
- (4) Bay windows and overhanging floors, eaves and gutters projecting 30 inches or less into the yard.
- (5) Architectural features, chimneys or the like projecting a maximum of 24 inches into a side or rear yard or three (3) feet into a front yard provided that such projection does not extend closer than three (3) feet to a lot line.
- (6) Porches, enclosed or unenclosed, may project a maximum of three (3) feet provided that such projection does not extend closer than three (3) feet to a lot line, except as otherwise permitted under Section 5-200(C).
- (7) Arbors and trellises.
- (8) Flag poles.
- (9) Recreational equipment.
- (10) Signs, pursuant to Section 5-1200.
- (11) Bus Shelters
- (12) Entry stairs or handicap ramps including rails.

(B) In any yard or setback, except the front yard or setback.

- (1) Clotheslines.
- (2) Fences shall not exceed eight (8) feet in height in residential areas.
- (3) Balconies may project a maximum of four (4) feet provided such projection does not extend closer than three (3) feet to a lot line.
- (4) Air conditioner condensers rated at 5 tons or less which are not within four (4) feet of any property line and air conditioner

condensers rated at over 5 tons which are not within twelve (12) feet of any property line.

- (5) In conjunction with a single family dwelling only, any non-habitable, one-story accessory structure which is not within five (5) feet of a rear or side property line or a common wall in portions of required yards which are located as follows:
 - (a) On regular lots, at least sixty (60) feet from street rights-of-way or private access easement lines at the front of the lot, and at least twenty-five (25) feet from any street rights-of-way or private access easement lines at the side of the lot.
 - (b) On irregular lots, at least forty (40) feet behind the front line of any building adjacent to the lot line, and at least twenty-five (25) feet from any access easement.
- (6) In conjunction with a single family detached dwelling only, an attached garage that is not within five (5) feet of a rear or side property line, subject to the following standards:
 - (a) In no case shall the distance between the attached garage and structures, excluding detached, non-habitable structures, on the adjacent property be less than 16 feet.
 - (b) No windows or doors shall be permitted on the side of the attached garage that is located within the required yard.
 - (c) No portion of the principal structure other than the attached garage shall be permitted within the required yard.
 - (d) The attached garage shall not be converted into habitable space.
 - (e) No second story addition over the attached garage shall be permitted which extends into the minimum required yard for the district, except as provided herein.
- (7) Detached garage located at the rear of a lot which has been developed following lot requirements for the Traditional Design Option which is attached to a similar garage on a contiguous lot may be located within the side yard setback and within two (2) feet of the rear property line. No rear yard shall be required on such lots for garages which are accessed from the front of the lot.
- (8) In conjunction with Section 5-500(A), temporary buildings for the storage of construction materials, subject to the following standards:
 - (a) The height of a temporary building shall not exceed nine (9) feet from average finished grade to the peak of the roof.

- (b) The temporary building shall be setback from any property line a minimum distance equal to its height.
 - (c) Except for the temporary building, no outdoor storage of construction related materials may be located anywhere within a minimum required yard.
 - (d) With the issuance of the Zoning Permit, the Zoning Administrator may impose conditions to mitigate any adverse impact on abutting properties to include fencing and screening requirements.
- (9) For single family detached dwellings, decks exceeding thirty (30) inches in height may extend no closer than five (5) feet to a rear or side lot line.
 - (10) For single family attached dwellings, decks exceeding thirty (30) inches in height may extend to the interior side lot line and no closer than five (5) feet to any other lot line.

(C) In a rear yard or setback.

- (1) For single family detached dwellings, unenclosed porches may extend no closer than ten (10) feet to a rear lot line. If a rear lot line abuts land that is commonly owned open space or land that is subject to a permanent open space easement, which is at least ten (10) feet in width, an unenclosed porch may extend no closer than five (5) feet to such rear lot line.
- (2) For single family attached dwellings, unenclosed porches may extend no closer than ten (10) feet to a rear lot line.

Section 5-300

Visibility at Intersections. For protection against traffic hazards, no impediment to visibility shall be placed, allowed to grow, erected or maintained within visibility triangles described as follows:

- (A) **At Street Intersections.** The apex is at the intersecting right-of-way lines, the sides are 25 feet in length, and the base runs through the lot; material impediment to visibility shall not exceed 3 1/2 feet in height.
- (B) **At Driveway or Alley Intersection With Streets.** The apex of the triangle is at the intersection of the street right-of-way line with the edge of the driving surface of the driveway or alley nearest to the approaching traffic lane, the side of the triangle coterminous with the street right-of-way line is twenty-five (25) feet in length, the side of the triangle coterminous with said edge of driveway or alley is twenty (20) feet in length, and the base runs through the lot; material impediments to visibility shall not exceed two (2) feet in height.
- (C) **Exceptions.** Where terrain features present substantial obstacles to provision and maintenance of such visibility triangles, the Zoning Administrator may permit the provision and maintenance of lesser visibility clearance, but such clearance shall be the maximum which is reasonably practicable to provide and maintain. The provisions of (A) and (B) above shall not apply in County designated historic districts if the HDRC finds that a waiver of said provisions is necessary to maintain the integrity of the historic district, and vehicular and pedestrian safety is maintained.

Section 5-400

Home Occupations. Home occupations are permitted within any dwelling unit, accessory building associated with a dwelling unit, or tenant dwellings permitted pursuant to Section 5-602, subject to the following:

- (A) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to the use of the dwelling unit for residential purposes by the home occupation operator.
- (B) Members of the home occupation operator's family residing on the premises shall be permitted to be engaged in such home occupation.
- (C) One employee (one full-time equivalent), other than members of the home occupation operator's family residing on premises, shall be permitted to work on site.
- (D) An employee permitted to work on-site pursuant to subsection (C) shall require the provision of one (1) off-street parking space in addition to the minimum off-street parking requirements for the dwelling unit under Section 5-1102 of this Ordinance. 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.
- (E) No visible evidence of the conduct of such home occupation shall be permitted other than signage permitted pursuant to Section 5-1200 of this Ordinance.
- (F) 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.
- (G) The home occupation shall not generate more than 10 additional vehicle trips (5 round trips) per day, including deliveries.
- (H) No equipment or process used in such home occupation shall create noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

Temporary Uses/Zoning Permits. These uses are permitted in all zoning districts, subject to the following.

(A) Construction Related Temporary Uses.

- (1) Construction and Sales Trailers.** Temporary buildings, including but not limited to, construction and sales trailers, and storage of materials are permitted in conjunction with the construction of a building, buildings, subdivision, infrastructure, or development when limited to the duration of the construction. Temporary buildings may be erected after preliminary subdivision plat or site plan approval so long as zoning requirements are met for the lot on which the temporary buildings are placed and appropriate building permits have been obtained. Such temporary buildings shall be removed as a condition of final bond release.
- (2) Temporary Dwelling unit in conjunction with construction of a dwelling.** The erection and occupancy of a temporary dwelling for up to twelve (12) months, which may be extended by the Zoning Administrator in 6 month increments, is permitted during the construction of a dwelling on the same lot subject to obtaining a zoning permit, to be issued concurrently with or after the issuance of the building permit.
- (3) Sales and leasing.** Residential and non-residential sales and leasing are permitted as a temporary use in a dwelling, a model home, or temporary building located in the same subdivision or development where the dwellings or non-residential buildings are to be located and offered for sale or lease. The sales use is permitted until the issuance of the last occupancy permit within the subdivision or development.
- (4) Model Homes.** Single family detached model homes are permitted in all districts where residential uses are allowed. Single family detached model homes may be constructed prior to record plat approval so long as zoning requirements are met for the lot on which the home is constructed and appropriate building permits have been obtained. If a model home has been constructed prior to record plat approval, it shall be depicted on the record plat. Single family attached model homes, multi-family model units, and model home courts are permitted subject to first obtaining record plat or site plan approval. In addition, if any model home incorporates features that are atypical to the ultimate residential use of the home, such as, but not limited to, utilization of the garage for a sales office without the provision of adequate on-site parking, or provision of a centralized parking area for a model court, then the use is also subject to review and approval through a site plan amendment process. Alternatively, the model unit or model court may be incorporated in the construction plans and profiles of the applicable development subdivision or site plan. The County may require a bond as appropriate to ensure that the

atypical features including temporary parking lots will be removed or brought into conformance prior to conversion of the unit for residential occupancy. Notwithstanding, nothing herein shall be construed so as to require a garage in a model home to be utilized for parking, if the unit or lot otherwise meets the parking requirements of this ordinance. A model home shall obtain an occupancy permit prior to residential occupancy.

- (5) **Temporary Fire and/or Rescue Station.** The erection of a new structure and/or occupancy of a legally existing structure for temporary Fire and/or Rescue Station shall be permitted during the period of construction of a Fire and/or Rescue Station within the same Fire, Rescue and Emergency Management service area. The zoning permit for such temporary Fire and/or Rescue Station may be approved after the approval of a zoning permit for the associated permanent Fire and/or Rescue Station. Such Temporary Fire and/or Rescue Station shall be removed within ninety (90) days of completion of construction of the associated Fire and/or Rescue Station. Such Temporary Fire and/or Rescue Station shall also be subject to the following:

- (a) A sketch plan shall be required at the time of zoning permit, pursuant to Section 6-703.
- (b) All new structures shall be set back a minimum of 15 feet from any lot line, or the minimum yard or setback of the underlying zoning district, whichever is less restrictive.

- (B) **Temporary Sales.** Temporary sales of produce, Christmas trees, fireworks, and other seasonal goods, may be permitted on application for a temporary zoning permit to the Zoning Administrator. Such permit may impose conditions necessary to alleviate any adverse impacts such as provisions for adequate parking, traffic safety, fire safety, hours of operation, provision for sewage disposal, and other health and safety concerns the Zoning Administrator may deem necessary, and the posting of a bond to ensure timely removal of structures and materials and restoration of the area. A temporary zoning permit for temporary sales shall be valid for a period not to exceed 45 days, unless extended, and shall require that all structures and materials be removed within such time period. At a minimum:

- (1) Structures for temporary sales shall not exceed 400 square feet in floor area nor be closer than 35 feet to a right of way or prescriptive easement of a road.
- (2) Entrances and exits to roads shall be clearly delineated.
- (3) Entrances and exits shall be so located as to provide safe ingress and egress from roads and shall be channeled to prevent unrestricted access to and from the premises.

- (C) **Special Events.** Special events may be permitted on application for a temporary zoning permit to the Zoning Administrator, subject to this subsection's standards and requirements.
- (1) **Exemption for Special Events Approved as Part of a Special Exception Use.** Special events that are expressly approved as part of a special exception use are exempt from this subsection's requirements for a temporary zoning permit. If specific facilities or areas will be constructed or used to host the proposed special events, they shall be shown on the site plan required for the special exception use. Such special events shall comply with any applicable conditions stated in the special exception approval, and all other applicable provisions in the Zoning Ordinance, and the Loudoun County Code.
 - (2) **Permitted Locations.** Special events shall be permitted only when proposed to be held, in whole or in part, on any of the following properties, or a combination thereof:
 - (a) Public or private property within one or more of the Rural and Transition Residential Zoning Districts;
 - (b) Nonresidential private property within one or more of the Joint Land Management Area (JLMA) Zoning Districts, Suburban Zoning Districts or Planned Development (PD) Zoning Districts; or
 - (c) Residential private property within any Joint Land Management Area (JLMA) Zoning Districts, Suburban Zoning District or within a Planned Development (PD) Zoning District that contains a total gross acreage of at least two (2) acres.
 - (3) **Referral Authorized.**
 - (a) Upon acceptance of the application for a special event permit, the Zoning Administrator may refer the application for comments to any town, county, or state departments or agencies, as appropriate, for full and adequate review of the merits of the application.
 - (b) Each reviewing agency or department shall submit its comments in writing to the Zoning Administrator within fifteen (15) calendar days from receipt of the Administrator's referral request.
 - (4) **Minimum Standards and Criteria for Review.** The Zoning Administrator shall approve a temporary zoning permit application for a special event if it meets all of the following standards and criteria:

- (a) The proposed event shall be located, operated, and maintained in a manner consistent with the provisions of this Ordinance.
- (b) The particular location requested can reasonably accommodate the proposed temporary event, given the proposed use's nature, size, and duration.
- (c) The operation of the requested event at the location proposed and within the time period specified shall not create significant adverse impacts, including but not limited to environmental, visual, glare, traffic, noise, or odor impacts, on adjacent properties, or improvements on adjacent properties, or in the surrounding area.
- (d) The proposed event shall not create an unreasonable risk of:
 - (i) Significant damage to public or private property, beyond normal wear and tear;
 - (ii) Injury to persons;
 - (iii) Public or private disturbances or nuisances;
 - (iv) Unsafe impediments or distractions to, or congestion of, vehicular or pedestrian travel; or
 - (v) Additional police, fire, trash removal, maintenance, or other public services demands, unless substantially mitigated by the applicant or operator.
- (e) The time and location requested for the proposed special event shall not be already permitted or reserved for other activities.
- (f) Permanent alterations to the site are prohibited, unless the Zoning Administrator specifically approves the alteration so that the permit applicant can comply with this subsection 5-500(C).
- (g) Permanent signs are prohibited. All temporary signs approved under Section 5-1200 of this Ordinance and that are associated with the event use shall be removed when the special event ends.
- (h) Special events shall not violate any applicable conditions of approval that apply to the principal use on the site.
- (i) The applicant or operator has received or complies with any other required permits, such as health department permits, or other federal, state, or county regulations.

- (5) **Authority for Reasonable Conditions of Approval.** The Zoning Administrator may impose reasonable conditions necessary to assure compliance with the standards in this subsection, to ensure that operation and maintenance of the special event mitigate potential adverse impacts on existing uses on adjoining properties and in the surrounding area, and to protect the public health, safety and general welfare. Conditions may address, but are not limited to, provisions for adequate parking, storage, and lighting; provisions for security, traffic safety, fire and life safety; conditions limiting hours of operation; provision for adequate sewage disposal; and any other health and safety concerns the Zoning Administrator may deem necessary to comply with the standards in Section 5-500 (C)(6), above. In addition, the Zoning Administrator may require the posting of a bond to ensure timely removal of structures and materials and restoration of the area.
- (6) **Term of Approval/Permit.** A temporary zoning permit for a special event authorized pursuant to this subsection shall be limited to a maximum duration of fourteen (14) days, unless otherwise specifically authorized or extended by the Zoning Administrator. A permittee may request an extension of the approval term in writing before the expiration of the original approval term and the Zoning Administrator may approve an extension upon a finding that the special event has substantially complied with all conditions of the original approval, and that the extension will not create substantial adverse impacts on adjacent properties. All structures and materials related to the special event shall be removed within the approval time period or as such period may be extended.
- (7) **Maximum Number of Non-exempt Special Events per Property.** Within any single calendar year, the same property may host no more than ten (10) special events pursuant to this subsection. The temporary use permits for these special events may be reviewed and approved concurrently. A minimum of 14 days shall lapse between special events on any one property, or the subsequent special event shall be a minimum of two thousand (2,000) feet from the location of the previous event.
- (D) **Temporary Fire and/or Rescue Station.** The erection of a new structure and/or occupancy of a legally existing structure for a temporary Fire and/or Rescue Station shall be permitted under the following emergency events: instances of catastrophic natural disasters and/or accidents; an existing Fire and/or Rescue Station is destroyed or is so damaged that it is rendered uninhabitable and/or unusable; or an incident which affects the public safety. Such Temporary Fire and/or Rescue Station shall be removed within ninety (90) days of cessation of the emergency event. Such Temporary Fire and/or Rescue Station shall also be subject to the following:

- (1) A sketch plan shall be required at the time of zoning permit, pursuant to Section 6-703.
 - (2) All new structures shall be set back a minimum of 15 feet from any lot line, or the minimum yard or setback of the underlying zoning district, whichever is less restrictive.
- (E) **Other Temporary Uses.** Other temporary activities for compensation not otherwise specifically addressed in this Section 5-500 may be permitted upon application for a temporary zoning permit to the Zoning Administrator. Such permit may impose conditions regarding the hours of operation, the volume of amplified music, the type and intensity of outdoor lighting, and similar matters affecting health, safety, and the public welfare, provided such conditions are necessary to alleviate any adverse impact of the activity upon neighboring roads and properties. Other temporary activities permitted by temporary zoning permits under this subsection 5-500(D) must be clearly incidental and subordinate to the permitted principal use of the property.
- (F) **Generally Applicable Temporary Zoning Permit Requirements.** All applications for a temporary zoning permit for a temporary use or event under this Section 5-500 shall comply with the following minimum requirements:
- (1) Except for a Temporary Fire and/or Rescue Station, all temporary zoning permits shall be applied for at least thirty (30) days in advance of the event or function.
 - (2) Unless the temporary event is addressed and covered through a previously approved special exception permit under subsection 5-500(C)(3) above, a separate temporary zoning permit shall be obtained for each temporary use or event. The County may allow concurrent review and approval of applications for multiple temporary uses or events on the same property if it finds that concurrent review is feasible within the time frames established by this section.

Section 5-600

Additional Regulations for Specific Uses. The following additional regulations apply to specific uses as set forth below. These regulations are intended to serve as the minimum standards for these uses, and are not intended to be in substitution 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, the following additional regulations may be modified by Minor Special Exception in accordance with the provisions of Section 6-1300. Modifications may be approved by the Board of Supervisors upon a finding that such modification to the regulations will achieve an innovative design, improve upon the existing regulations, preserve the County'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.

5-601

Bed and Breakfast Homestay, Bed and Breakfast Inn, Country Inn and Rural Retreats and Rural Resorts Establishments. No such use shall be established either as the initial use of the subject property or by change of use of the property or by conversion of one such use to another until a sketch plan or site plan, as applicable, for such proposed new use has been approved and the appropriate building permit and applicable Fire Prevention Code permits have been obtained. These establishments may be located in accord with the lists of permitted and special exception uses for the individual zoning districts subject to the following criteria:

(A) **Bed and Breakfast Homestay.**

(1) **Intensity/Character.**

- (a) **Management.** The owner of the premises shall reside on the premise and manage the Bed and Breakfast Homestay.
- (b) **Guest Rooms.** 1-4 guest rooms.
- (c) **Lot Size.** No minimum lot area.
- (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.
- (e) **Private Parties.**
 - (i) Private parties for up to 20 attendees, including overnight guests, may be held daily at the Bed and Breakfast Homestay.
 - (ii) Private parties for more than 20 attendees may be held up to 10 times per calendar year and shall require approval of a Building Permit to allow the structure to be used for such private parties and a Zoning Permit for each private party. A Zoning Permit shall be applied for at least thirty (30) days in advance of each private party. 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.

- (f) **Hours of Operation.** Hours of operation for private parties shall be limited to 7:00 AM to 12:00 midnight.

(2) **Landscaping/Buffering/Screening.**

- (a) Outdoor private party areas shall meet the requirements of Section 5-1404(A)(6), regardless of the size of the adjacent property. This requirement may be waived or modified in whole or in part by the Zoning Administrator in accordance with Section 5-1409 or under the additional circumstance where the adjacent property owner(s) provides written consent to waive all or a portion of the required landscaping/buffering/screening requirements.

(3) **Parking.**

- (a) **General.** Parking and loading for a Bed and Breakfast Homestay shall be provided as required by Section 5-1102.

- (4) **Exterior Lighting.** Exterior lighting for a Bed and Breakfast Homestay shall be subject to Section 5-652(A)(2)-(3) (Exterior Lighting Standards). In addition to the requirements of Section 5-652, the maximum height of pole-mounted exterior lighting shall be 12 feet.

- (5) **Noise.** No outdoor music shall be permitted between 11 PM and 10 AM on Friday, Saturday, and any evening preceding a holiday recognized by Loudoun County, and between 10 PM and 10 AM on any other day.

- (6) **Roads/Access.** 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) **Bed and Breakfast Inn.**

(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 Inn is occupied by overnight guests or private party attendees. An owner or manager may live on the premises.

- (b) **Guest Rooms.** The number of guest rooms shall not exceed 10.
- (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 Inn 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 Inn.
 - (ii) Private parties for more than 50 attendees, including overnight guests, may be held up to 20 times per calendar year and 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 7:00 AM to 12:00 midnight.
- (h) **Yard Standards.**
 - (i) Parking shall be setback 40 feet from all lot lines.
- (2) **Landscaping/Buffering/Screening.**
 - (a) Outdoor private party areas shall meet the requirements of Section 5-1404(A)(6) to screen outdoor private party areas, regardless the size of adjacent property. The landscaping and screening requirements may be waived or modified in whole or in part by the Zoning Administrator in accordance with Section 5-1409 or under the additional circumstance where the adjacent property owner(s) provides written consent to waive all or a portion of the required landscaping/buffering/screening requirements.
 - (b) Parking areas shall comply with Section 5-1407.

- (c) 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.

(3) **Parking.**

- (a) **General.** Parking and loading for a Bed and Breakfast Inn shall be provided as required by Section 5-1102.

(4) **Exterior Lighting.** Exterior lighting for a Bed and Breakfast Inn shall be subject to Section 5-652(A)(1)-(3) (Exterior Lighting Standards). In addition to the requirements of Section 5-652, the maximum height of pole-mounted exterior lighting, outside of parking areas, shall be 12 feet.

(5) **Noise.** No outdoor music shall be permitted between 11 PM and 10 AM on Friday, Saturday, and any evening preceding a holiday recognized by Loudoun County, and between 10 PM and 10 AM on any other day.

(6) **Roads/Access.**

- (a) The Bed and Breakfast Inn shall comply with the Road Access Standards in Section 5-654.

- (b) 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.

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

(7) A structure existing prior to January 7, 2003, located within an Historic Site District or Historic and Cultural Conservation District may be used as a Bed and Breakfast Inn 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 January 7, 2003, unless a greater expansion is approved by Minor Special Exception, pursuant to Section 6-1300.

(C) **Country Inn.**

(1) **Intensity/Character.**

- (a) **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. An owner or manager may live on the premises.

- (b) **Guest Rooms.** 1-40 guest rooms.
- (c) **Minimum Lot Area.** The minimum lot area shall be 20 acres.
- (d) **Size of Use.**
 - (i) The floor area ratio shall not exceed 0.04.
 - (ii) Any restaurant and indoor Banquet/Event Facility(ies) located on the property shall not exceed 49 percent of the total floor area of the Country Inn.
- (e) **Food Service.**
 - (i) Food service may be provided for overnight guests and private party attendees.
 - (ii) Full-service restaurant facilities may be provided to the general public in accordance with the individual Zoning District regulations.
- (f) **Private Parties.**
 - (i) Private parties for up to 100 attendees, including overnight guests, may be held daily at the Country Inn.
 - (ii) Private parties for more than 100 attendees, including overnight guests, may be held up to 20 times per calendar year and 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 7:00 AM to 12:00 midnight.
- (h) **Yard Standards.**

- (i) The Country Inn use shall be setback 100 feet from all lot lines.
 - (ii) Parking shall be setback 100 feet from all lot lines.
 - (iii) 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.
- (i) **Accessory Use.** A maximum of 10% of the gross floor area of the Country Inn may be composed of accessory day treatment, spa facilities.
- (2) **Landscaping/Buffering/Screening.**
 - (a) Outdoor private party areas shall meet the requirements of Section 5-1404(A)(6) to screen outdoor private party areas from adjacent properties, regardless the size of adjacent property.
 - (b) Parking areas shall comply with Section 5-1407.
 - (c) New driveways providing access to the Country Inn shall not be located within a required buffer yard area except as minimally necessary to access the site.
- (3) **Parking.**
 - (a) **General.** Parking and loading for a Country Inn shall be provided as required by Section 5-1102.
- (4) **Exterior Lighting.** All exterior lighting shall comply with the standards of Section 5-652(A)(1)-(3) (Exterior Lighting Standards). In addition to the requirements of Section 5-652, the maximum height of pole-mounted exterior lighting, outside of parking areas, shall be 12 feet.
- (5) **Noise.** No outdoor music shall be permitted between 12 AM (midnight) and 7 AM.
- (6) **Roads/Access.**
 - (a) The Country Inn shall comply with the Road Access Standards in Section 5-654.
 - (b) 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.

- (c) There shall be no more than two points of access for guests of the Country Inn.
 - (7) A structure existing prior to January 7, 2003, located within an Historic Site District or Historic and Cultural Conservation District may be used as a Country Inn 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 January 7, 2003, unless a greater expansion is approved by Minor Special Exception, pursuant to Section 6-1300.
- (D) **Rural Retreats and Resorts.** Rural retreats and rural resorts shall comply with the following standards.
- (1) **Parcel Size.** The minimum lot area of rural resorts and retreats shall comply with Section 5-601(D)(8)(a), except when located within the buffer area of a Planned Development-Rural Village (PD-RV) district.
 - (2) **Separation Requirement.** When not located within a Planned Development-Rural Village (PD-RV) district, rural retreats shall be appropriately sited so as not to infringe on the character of any existing village. At a minimum, rural retreats shall be located at least one (1) mile from the boundaries of an existing Village Conservation Overlay District or an existing PD-CV or PD-RV zoned parcel.
 - (3) **Setbacks.** All new buildings, active recreational areas, parking, and lighted areas shall be set back a minimum of 200 feet from adjacent properties.
 - (4) **Access.** All rural retreats and resorts shall comply with the road access standards in Section 5-654.
 - (5) **Water and Sewer.** The establishment shall be served by public water and sewer if located in a PD-RV district. Otherwise, the establishment shall be served by a communal water system and a communal wastewater collection and treatment system. Communal water and sewer systems may be located within the open space.
 - (6) **Open Space.** A minimum of 75% of the site shall remain as open space. Recreational uses customarily incidental and subordinate to the rural resort or retreat permitted in the open space area may include: swimming pools and related facilities, boating facilities, tennis and other sports courts, equestrian facilities, picnic areas, golf courses and related facilities, ballfields, children's play equipment and passive recreation facilities. Driveways and parking areas supporting these recreational facilities may also be located in the open space area.

- (7) **May be Open to Public.** These establishments may be open to the general public for patronage. A Rural Retreat or Rural Resort shall be entitled to treatment as an Event Facility pursuant to Section 5-642 by Minor Special Exception.
- (8) **Additional Standards for AR and TR Districts.** In the AR and TR districts, rural retreats and resorts shall comply with the following additional requirements in addition to the general standards identified above. Where there is a conflict between these standards and the general standards controlling the development of rural resorts and retreats, these standards shall control.
- (a) **Intensity/Character.** The minimum lot area shall be as follows.

Use	Size of Lot (Minimum)	Nos. of Guest Rooms
Level I – Rural Retreat small scale	40 acres	Up to 20 rooms
Level II – Rural Retreat medium scale	60 acres	21-40 rooms
Level III – Rural Retreat large scale	80 acres	41-60 rooms
Level I – Rural Resort small scale	100 acres	61-80 rooms
Level II – Rural Resort medium scale	120 acres	81-100 rooms
Level III – Rural resort large scale	150 acres	101-120 rooms
More than 120 rooms requires special exception approval pursuant to Section 6-1300		

- (b) **Size of Use.**
- (i) The restaurant and Banquet/Event Facilities, and conference and training facilities shall be less than fifty (50) percent of the total floor area of the rural retreat or resort.
 - (ii) Outdoor storage related to the rural retreat or resort facilities shall be permitted.
 - (iii) The floor area ratio shall not exceed 0.04.
- (c) **Yard Standards.** The minimum required yards shall be as follows:
- (i) Level I-Rural Retreat: 125 feet minimum from all lot lines.
 - (ii) Level II-Rural Retreat: 200 feet minimum from all lot lines.

- (iii) Level III-Rural Retreat: 250 feet minimum from all lot lines.
- (iv) Level I-Rural Resort: 300 feet minimum from all lot lines.
- (v) Level II-Rural Resort: 350 feet minimum from all lot lines.
- (vi) Level III-Rural Resort: 375 feet minimum from all lot lines.
- (d) **Landscaping/Buffering/Screening.**
 - (i) The use shall comply with Section 5-1404(A)(6).
 - (ii) Parking areas shall comply Section 5-1407.
 - (iii) Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.
- (e) **Roads/Access.**
 - (i) The rural retreat or resort shall comply with the road access standards in Section 5-654.
 - (ii) There shall be no more than two points of access to a rural retreat or resort. This requirement shall not preclude an additional access for emergency vehicles only.
- (f) **Parking.**
 - (i) **General.** Parking and loading shall be provided as required by Section 5-1102.
 - (ii) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.
- (g) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).
- (h) **Noise.** Outdoor music shall not be allowed after 11:00 PM.

5-602

Tenant Dwellings. Tenant dwellings may be located in the A-3, A-10, TR, CR and JLMA districts, in accord with the list of permitted and special exception uses for the individual zoning districts, subject to the following additional criteria:

(A) **Tenant Dwellings.**

- (1) **All Parcels Except Open Space Parcels.**
 - (a) One (1) tenant dwelling shall be permitted on a parcel with an area of ten (10) acres or more.
 - (b) One additional tenant dwelling shall be permitted for each twenty-five (25) acres of a parcel in excess of the minimum area of ten (10) acres.
 - (c) **Tenant Dwellings for Seasonal Labor/Special Exception.** In addition to those structures permitted under Section 5-602(A)(1)(a) and (b) above, additional tenant dwellings for seasonal labor may be permitted by special exception.
 - (2) **Open Space Parcels.** Tenant dwelling on open space parcels shall be permitted only in the A-3, A-10, and TR districts, subject to the following criteria:
 - (a) One (1) tenant dwelling shall be permitted on a parcel with an area of twenty-five (25) acres or more.
- (B) **General Standards.** Tenant dwellings shall meet the following additional criteria:
- (1) **Screening.** Portable dwellings shall be screened from view from public roads and neighboring properties.
 - (2) **On Internal Roads/No Direct Access to Public Roads.** Structures for multi-family dwelling units shall be accessed by internal roads, shall not have direct access to public roads, and shall be screened from public roads and neighboring properties in accord with the landscaping and buffering requirements for multi-family dwellings.
 - (3) **Separate Dwelling.** For the purposes of 5-602(A)(1)(a) and (b) above, each unit of a multiple dwelling structure shall constitute a separate tenant dwelling.
 - (4) **Home Occupations.** Occupants of tenant dwellings may conduct home occupations subject to Section 5-400.
 - (5) **Size of Tenant Dwelling.** No tenant dwelling unit shall exceed 2,500 square feet in floor area.
 - (6) **Sanitary and Bathing Facilities.** All tenant dwelling units shall have indoor sanitary, cooking, and bathing facilities, consistent with the requirements of the Uniform Statewide Building Code.
- (C) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(D) **Parking.**

- (1) **General.** Parking and loading shall be provided as required by Section 5-1102.
- (2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

(E) **Landscaping/Buffering/Screening.**

- (1) The use shall comply with Section 5-1404(A)(6).
- (2) Parking areas shall comply with Section 5-1407.

- (F) A structure existing prior to January 7, 2003, that is: 1) located within a County Historic Site (HS) District or Historic and Cultural Conservation (HCC) District under Section 6-1800 et seq.; 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 a VLR or NRHP listed or eligible Historic District, may be used as a Tenant Dwelling and shall be exempt from the parcel area for the first tenant dwelling and floor area requirements specified above, provided that any expansion or enlargement of such structure shall not exceed 15% of the total floor area existing prior to January 7, 2003. Documentation shall be provided to the Zoning Administrator demonstrating that the Virginia Department of Historic Resources has confirmed the listing or eligibility of structures.

5-603

Farm Markets. Farm Markets may be located in accord with the lists of permitted and special exception uses for the individual zoning districts, subject to the following additional provisions:

- (A) Except as provided in subsection F below, a minimum of 25% of the products offered for sale must be derived directly from agricultural, horticultural, aquacultural, or animal husbandry products produced on site or on other property in Loudoun County owned or leased by the operator of the Farm Market. An annual report verifying this percentage shall be submitted to the Zoning Administrator upon request. A Farm Market shall be located on the site of ongoing agricultural, horticultural or aquacultural activity unless otherwise provided elsewhere in the Zoning Ordinance.
- (B) Farm Markets shall be located on a hard surfaced Class I or Class II road having a minimum paved width of eighteen (18) feet. The entrance shall have safe sight distance and may be required to have right and left turn lanes as determined by the Virginia Department of Transportation.
- (C) Sales area for accessory products shall be limited to ten (10) percent of the total area devoted to sales. The calculation of total sales area shall include areas devoted to the display of items for sale.
- (D) 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.

- (E) Retail sales areas within structures shall not exceed, in the aggregate, 10,000 square feet of floor area or a Floor Area Ratio of .02, whichever is greater.
- (F) Farm Markets (off-site production), in addition to Standards (B) through (E) above, must meet the following additional standards:
 - (1) 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.
 - (2) 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.
 - (3) Landscaping/Buffering/Screening.
 - (a) The use shall comply with Section 5-1404(A)(6).
 - (b) Parking areas shall comply with Section 5-1407.
 - (c) Storage areas shall comply with Section 5-1406.

5-604

Wayside Stands. Wayside stands are subject to the following provisions:

- (A) Wayside stands are for retail sales provided the principal sales items sold are farm and garden products produced principally on-site. The term “on-site” shall be defined as all locations (separate parcels) used by the owner or tenant for farming (agriculture, horticulture or animal husbandry).
- (B) Permanent retail sales areas within structures shall not exceed, in the aggregate, ten thousand (10,000) square feet in floor area or a Floor Area Ratio of 0.02, whichever is greater.
- (C) Wayside stands may be located in farm structures existing prior to January 7, 2003. The sales area in an existing farm structure shall have no limitation and may be used as a sales area subsequent to compliance with the Uniform Statewide Building Code.
- (D) Sales areas for accessory products shall be limited to 25% of the gross sales area.
- (E) Accessory products include those products related to the care and culture of products produced on the farm, such as pottery, baskets, and garden accessories.

- (F) 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.
- (G) The sale of seasonal produce harvested on the farm may occur throughout the area of actual production.
- (H) Signs for wayside stands shall be erected in compliance with Section 5-1200.

5-605

Commercial Nurseries. The following minimum requirements shall apply to all retail sales associated with production nurseries and commercial nurseries:

- (A) In calculating the percentage of plants grown on-site, plants must be cultivated at the subject nursery facility for at least one (1) full season of new growth for that plant.
- (B) Plant production may be certified by the County Extension Agent, if requested by the Zoning Administrator.
- (C) Plants brought to the subject nursery for immediate resale are included in calculations for non-site produced plants and accessory products.
- (D) Accessory products include those related to the culture and care of plant sold such as pottery, baskets, garden accessories, baked goods, and floral supplies. The sale of bulk products shall be permitted subject to the buffer yard requirements of Section 5-1404. Propane, firewood lawn and garden tractors, or machine or other equipment sales are not accessory products.
- (E) The sales area for accessory products shall be limited to twenty-five percent (25%) of the gross sales area.
- (F) Twenty-five percent (25%) of the gross sales receipts of the commercial nursery must be derived from plants produced on site; or twenty-five (25%) of the area designated as a commercial nursery shall be dedicated to the cultivation of plants to be sold on site.

5-606

Kennels/Indoor Kennels. For the purposes of this Ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

(A) **Kennels.**

- (1) **General.** Kennel shall mean any place in or at which, for a fee, five (5) or more dogs, cats, or other household pets over the age of six months are trained, boarded, including day care services, or handled.
- (2) **Not Applicable to Animal Hospital/Grooming Use.** This Section shall not apply to any establishment whose principal use is grooming or any animal hospital.

(B) **Indoor Kennel.**

- (1) **General.** Indoor kennel shall mean any place that is within a completely enclosed commercial facility with no outdoor activity in which dogs, cats or other household pets are confined or penned in close proximity to each other, except for the primary purpose of grooming, or wherein any owner engages in boarding, breeding, letting for hire, training for a fee, or selling dogs, cats, or other household pets.
- (2) **No Opening to Outside.** Indoor Kennels shall not be housed in a structure with any opening to the outside except required ingress/egress and ventilation equipment, shall have an animal waste handling plan, and shall conform to any other requirements that the Planning Commission and/or Board of Supervisors may impose pursuant to special exception review (Section 6-1300).
- (3) **Accessory Uses.** Indoor Kennels may include accessory uses to an indoor kennel: up to 10% of gross floor area for retail sales, up to 10% of gross floor area for veterinary service, up to 10% of gross floor area for animal hospital, and up to 10% of gross floor area for grooming; provided, however, that accessory uses may not exceed 25% of the total gross floor area.

(C) **Kennels in AR, TR, and JLMA Districts.** Kennels in the AR, TR, and JLMA districts shall comply with the following standards.

- (1) **Location on Site/Dimensional Standards.** An outdoor kennel shall be set back 100 feet from a lot line.
- (2) **Roads/Access.**
 - (a) All kennels shall comply with the road access standards of Section 5-654.
 - (b) There shall be no more than one point of access from a kennel to a public road. This requirement shall not preclude an additional access for emergency vehicles only.
- (3) **Landscaping/Buffering/Screening.**
 - (a) The use shall comply with Section 5-1404(A)(6).
 - (b) Parking areas shall comply with Section 5-1407.
- (4) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).
- (5) **Noise.** The maximum allowable dB(A) level of impulsive sound emitted from the use, as measured at the property line, shall not exceed 55 dB(A).

(6) **Parking.**

(a) **General.** Parking and loading shall be provided as required by Section 5-1102.

(b) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standard Manual.

5-607

Recycling Drop-Off Centers and Material Recovery Facilities.

(A) **General Standards for Recycling Drop-Off Centers.** All recycling drop-off centers, public or private, shall meet the following minimum standards:

- (1) Centers may be established on a site which has either a public or private school, shopping center, community center, church, park, fire station, or library, or may be established on land owned by a local government or an owners' association.
- (2) A center may utilize movable containers and trailers to collect and store recyclable materials.
- (3) All recycling drop-off centers shall accept only glass, metals, plastics, papers, corrugated cardboard, and other identified reusable recyclable items; hazardous or toxic materials shall not be accepted.
- (4) Recycling drop-off centers shall be no larger than 3,000 square feet in area. The 3,000 square feet area shall be for the recycling containers only.
- (5) All recyclable materials stored at recycling drop-off centers shall be stored in containers which are constructed and maintained of a durable waterproof and rustproof material, are secured from unauthorized entry or removal of material, and are of a capacity sufficient to accommodate material collected.
- (6) Recycling containers shall be clearly marked to identify the type of material which may be deposited. Recycling drop-off centers shall be marked clearly to identify the name and telephone number of the facility sponsor and the hours of operation, and display a notice stating that no material shall be left outside the recycling enclosure or containers.
- (7) All public and private recycling drop-off centers shall be maintained free of litter by a responsible sponsoring organization or by Loudoun County.
- (8) All recycling drop-off centers shall be screened from other uses on the same parcel and adjacent residential uses in accordance with Section 5-1406.

- (9) Recycling containers shall be at least 150 feet from any residential dwelling.
- (10) The recycling drop-off center shall be situated so that vehicular ingress and egress do not pose traffic hazards. A minimum of one (1) stacking or parking space per 500 square feet of the recycling drop-off center, or the anticipated peak customer load as determined by the Zoning Administrator, whichever is higher, shall be required on-site. Stacking and parking spaces shall not be located within the road right-of-way or setbacks.
- (11) Occupation of any parking spaces by the recycling drop-off center may not reduce required parking spaces for the principal use below the required minimum number, unless the following conditions exist:
 - (a) A parking study shows that existing parking capacity is not fully utilized during the hours of operation of the principal use and the recycling drop-off center, or
 - (b) Hours of normal operation of the principal use do not overlap those of the recycling drop-off center.
- (12) Signs may be provided as follows:
 - (a) Sizes of signs must be in conformity with Section 5-1200 of this Ordinance.
 - (b) Signs must be consistent with the character of the location.
 - (c) Directional signs, bearing no advertising message, may be installed with the approval of the Zoning Administrator if necessary to facilitate traffic movements on site, or if the facility is not visible from the public right-of-way.
- (13) No portion of any recycling drop-off center shall be located in any major floodplain or setbacks cited herein.
- (14) No noxious odors shall be emitted beyond any boundary lines of the recycling drop-off center.
- (15) Operation of recycling drop-off centers shall occur during daylight hours, unless located within commercial or industrial areas which are equipped with lighting capable of illuminating the center during periods of darkness.

(B) Specific Standards for Public Recycling Drop-Off Centers.

- (1) Public recycling drop-off centers shall be set back at least fifty (50) feet from the right-of-way of any street or as otherwise specified under Section 5-1403(B); and at least fifty (50) feet from any lot

or land bay zoned, used, or planned for residential uses, and shall not obstruct pedestrian or vehicular circulation.

(C) Specific Standards for Private Recycling Drop-Off Centers.

- (1) The center shall meet the setback requirements for PD-GI uses adjacent to a lot or land bay zoned, used, or planned for residential use.
- (2) In commercially and industrially zoned districts, a center may utilize electric power-driven processing equipment to sort, clean, or compact recyclable materials between the hours of 7AM and 7PM. Use of such equipment is not permitted in residentially zoned districts.

(D) Specific Standards for Material Recovery Facilities (MRF). All MRF's shall meet the following minimum standards:

- (1) Neither an MRF nor the lot on which the MRF is located shall abut a property in residential land use. All processors shall operate in an entirely enclosed building except for incidental storage, except when:
 - (a) The operation is within an area enclosed on all sides by an opaque fence or wall not less than eight (8) feet in height and landscaped on all property lines; and
 - (b) The operation is located at least 300 feet from any property zoned, used, or planned for residential uses.
- (2) Processing in MRF's is limited to baling, briquetting, crushing, compacting, grinding, shredding, and sorting of source-separated recyclable materials, construction debris, and repairing of reusable materials.
- (3) Power-driven processing equipment shall be permitted, provided that the noise level requirements of Section 5-1507 and any special exception conditions are met.
- (4) All exterior storage of material shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition at all times, or shall be baled or palletized. No such storage shall be visible from any adjacent road or other property.
- (5) MRF sites shall be maintained free of litter, shall be cleaned of loose debris on a daily basis and shall be secured from unauthorized
- (6) entry and removal of materials when unattended.
- (7) MRF sites located within 500 feet of an occupied residential dwelling shall not be in operation between the hours of 7:00 p.m.

and 8:00 a.m. The MRF will be administered by on-site personnel during all hours of operation.

- (8) Any containers provided for after-hours donation of recyclable materials shall be at least 500 feet from any occupied dwelling unit.
- (9) If the MRF is open to the public, a minimum of ten (10) vehicle stacking spaces or the number of spaces necessary to accommodate the peak anticipated load as determined by the Zoning Administrator, whichever is higher, shall be required on-site.
- (10) A minimum of one (1) parking space shall be provided for each commercial vehicle owned and operated by the MRF, unless a greater number of spaces is required by the zoning district in which the facility is located.
- (11) No dust, fumes or smoke, above ambient levels may be detectable on adjacent properties.
- (12) Noise or vibration emitted or derived from the MRF shall not exceed the levels permitted by Sections 5-1505 and 5-1507 respectively.
- (13) All material recovery facilities shall accept only glass, metals, plastics, papers, corrugated cardboard, construction debris, and other identified reusable recyclable items; hazardous or toxic materials shall not be accepted.
- (14) No noxious odors shall be emitted beyond any boundary lines of the facility.

5-608 Flex-Industrial Uses. The following limitations regarding flex-industrial buildings and uses shall apply at a minimum:

- (A) No building shall exceed two (2) stories in height, except this requirement shall not apply to the Planned Development-Mixed Use Business (PD-MUB) zoning district.
- (B) All buildings shall have a minimum of two (2) loading bays.
- (C) All loading bays shall be located so that vehicles using such bays shall not be visible from public streets. All loading bays shall be screened from view by the building, landscaping, walls or decorative fencing. Except during the process of loading or unloading, trucks and trailers shall not be parked outside the building, unless parked in screened areas not visible from adjacent roads or properties.
- (D) No more than 49 percent of the gross floor space of each building shall be used for non-accessory office uses.

- (E) Office uses recognized as appropriate in flex-industrial/office buildings shall be associated with permitted and special exception uses and shall not include professional office uses with high-turnover or high intensity traffic, such as but not limited to corporate headquarters (unless associated with a permitted use), law offices, architectural offices, insurance offices, medical offices and health maintenance organizations.
- (F) No outdoor storage is permitted.
- (G) All sources of emission of noise and/or vibration shall meet the performance standards of Sections 5-1505.

5-609

Child Care Facilities. Child care homes and centers are permitted provided they comply with the following standards:

(A) Child Care Homes:

- (1) Notwithstanding Section 5-600 of this Ordinance, this Section 5-609(A)(1) and Sections 5-609(A)(2), (4), (5) and (6) below shall not be modified by Minor Special Exception.
- (2) The total number of children cared for in a child care home shall not exceed a maximum of twelve (12) children under the age of thirteen (13).
- (3) When calculating the total number of children cared for in a child care home, the provider's own children, children residing on the premises, and non-resident children shall be included.
- (4) The child care home shall be the principal residence of the child care home provider.
- (5) The child care home shall comply with any and all requirements of the County and State Codes, including without limitation, obtaining a Zoning Permit in accordance with Section 6-1000 of this Ordinance, obtaining a County Business License, and obtaining a State Family Day Home License in accordance with the Code of Virginia, as applicable, prior to establishing the use.
- (6) Prior to the issuance of a Zoning Permit for a child care home, written notice of the Zoning Permit application shall be sent to the last known address of the owner of each adjacent property as shown on the County's current real estate tax assessment records. For the purposes of this Section 5-609(A)(6) "adjacent" shall mean properties abutting the subject property and all property immediately and diagonally across the street or road from the subject property, but not including properties separated from the subject property by a roadway having more than two through lanes of travel, or, properties across such roadway that are more than 100 feet from the boundary of the subject property. Such written notice

shall be sent by certified or registered mail. When such notice is not sent by the County, mail receipts or an affidavit shall be submitted to the Zoning Administrator showing that the required notice was sent. Such written notice shall include the following information:

- (a) A statement that a Zoning Permit application for a child care home has been submitted to the County;
 - (b) The address of the property subject to the Zoning Permit application for the child care home;
 - (c) A statement informing the adjacent property owner that if they have any objection to the proposed child care home that they can send their objection in writing to the Zoning Administrator, which must be received within thirty (30) days from the date the notification letter was sent, and that such written objection shall include the specific issues that are the basis for their objection. The address of the Zoning Administrator shall also be included in the notice letter.
- (7) The Zoning Permit application for the child care home shall include a Sketch Plan, in accordance with Section 6-703 of this Ordinance, The Sketch Plan shall show the size and location of the required outdoor play area and fence required by (8) below, and the required parking spaces.
- (8) If the Zoning Permit application for the child care home is denied, the child care home may be permitted by approval of a Minor Special Exception by the Board of Supervisors, in accordance with the provisions of Section 6-1300 of this Ordinance.
- (9) Unless exempted by (9)(d) below, an outdoor play area shall be provided on the lot where the child care home is located. The outdoor play area shall meet the following standards:
- (a) The minimum size of the outdoor play area shall be seventy-five (75) square feet for each child permitted in the outdoor play area at any given time.
 - (b) A fence at least three and one half (3 ½) feet in height shall completely enclose the outdoor play area so that children are safely contained inside, and that all persons entering the outdoor play area are within direct line of sight from the child care home.
 - (c) The outdoor play area shall be located in the rear or side yard.
 - (d) No outdoor play area shall be required on-site when it is demonstrated that the child care home is located within

1,000 feet of an existing park or outdoor play area of at least two (2) times the size required for the child care home, providing that such park or outdoor play area may be accessed without crossing an arterial or collector road. Such park or outdoor play area shall either be a public park (neighborhood, community or regional park) or other public play area or park which is shown on the approved concept development plan, site plan, or subdivision plat for the development within which the child care home is located, and which is for the use of owners and residents of the portion of the said development where the child care home is located.

- (10) Two non-resident assistants/employees shall be permitted.
- (11) The hours of operation for the child care home shall be limited to five days a week between the hours of 6:00 AM and 7:00 PM.
- (12) Signage for the child care home shall be as permitted in Section 5-1200 of this Ordinance.
- (13) Parking spaces required by Section 5-1102 of this Ordinance shall be designed for the drop off/pick up of children and shall be designed and constructed to enhance the safety of children as they arrive and leave the child care home.
- (14) For child care homes permitted to care for more than nine (9) children, including the provider's own children, children residing on the premises, and non-resident children:

The child care home shall be permitted only in a single family detached dwelling that is located on a lot that is a minimum of 5,000 square feet in size.

(B) Child Care Centers:

- (1) The child care center shall comply with any and all requirements of the County and State Codes, including without limitation, obtaining a Zoning Permit in accordance with Section 6-1000 of this Ordinance, obtaining a County Business License, and obtaining a State Child Day Center License in accordance with the Code of Virginia, as applicable, prior to establishing the use. Notwithstanding Section 5-600 of this Ordinance, this Section 5-609(B)(1) shall not be modified by Minor Special Exception.
- (2) Except as provided under (2)(e) below, an outdoor play area shall be provided on the lot where the child care center is located. The outdoor play area shall meet the following standards:

- (a) The minimum size of the outdoor play area shall be seventy-five (75) square feet for each child permitted in the outdoor play area at any given time.
 - (b) A fence at least three and one half (3 ½) feet in height shall completely enclose the outdoor play area so that children are safely contained inside, and that all persons entering the outdoor play area are within direct line of sight from the child care center classroom areas.
 - (c) The outdoor play area shall not be located within the minimum required front yard, but may extend into the minimum required side and rear yards. No play equipment shall be located within any required yard or setback of any district.
 - (d) The outdoor play area shall be safely segregated from parking, loading, or service areas (such as dumpster pads or delivery sites).
 - (e) No outdoor play area shall be required on-site when it is demonstrated that the child care center is located within 1,000 feet of an existing park or outdoor play area of at least two (2) times the size required for the child care center, providing that such park or outdoor play area may be accessed without crossing an arterial or collector road. Such park or outdoor play area shall either be a public park (neighborhood, community or regional park) or other public play area or park which is shown on the approved concept development plan, site plan, or subdivision plat for the development within which the child care center is located, and which is for the use of owners and residents of the portion of the said development where the child care center is located.
- (3) Parking areas and vehicular circulation patterns shall meet the following standards:
- (a) Parking areas shall be designed to enhance the safety of children as they arrive at and leave the facility.
 - (b) A designated area for the drop off/pick up of children, providing at a minimum one (1) parking space per twenty (20) children, shall be located in proximity to the child care structure in such a way that provides safe and clearly designated access to enter or exit the center. Such parking spaces may be used to meet the minimum off-street parking requirements of Section 5-1102.

(A) **Locational Criteria.**

- (1) All hospital sites shall have frontage on a public, hard surfaced road capable of accommodating the traffic generated by the site.
- (2) Hospital structures shall be set back a minimum of 250 feet from County-designated Agricultural-Forestal districts.

(B) **Site Development Criteria.**

- (1) Hospitals serving over one hundred (100) inpatients shall be served by public water and sewer systems.
- (2) Principal structures shall be set back a minimum of 100 feet from property lines or shall meet the minimum yard setback requirements of the district within which it is located or the adjacent district setback requirements, whichever are greater.
- (3) Accessory structures and parking shall be set back a minimum of 25 feet from any rights-of-way, private access easements, and property lines which adjoin agricultural or residential districts, or shall meet the minimum yard setback requirements of those adjoining districts, whichever are greater.

5-611

Hotel/Motel. The following standards shall apply to the development of hotel/motel:

(A) **Locational Criteria.**

- (1) Hotel/Motel shall be located on, or with ready access to, collector or arterial roads.
- (2) Hotel/Motel buildings and uses shall not be located in environmentally critical or sensitive areas as defined by the Comprehensive Plan.

(B) **Site Development Criteria.**

- (1) Hotel/Motel uses shall be served by a public water and sewerage disposal system.
- (2) Hotel/Motel uses shall be separated from agricultural uses by a minimum Buffer Yard Type A with a minimum width of 100 feet. Hotel/Motel uses shall be separated from residential and institutional uses by a minimum Buffer Yard Type B with a minimum width of 100 feet.

- (C) **Hotels/Motels in the PD-OP and PD-IP Districts.** Hotels/Motels in the PD-OP and PD-IP districts shall be permitted if the use complies with the following standards.

- (1) The hotel/motel use shall include a minimum total of 30 square feet per number of hotel rooms of dividable meeting/conference space.
- (2) A restaurant and/or carry-out food service shall be provided on-site.
- (3) The following amenities shall be provided: Swimming pool, exercise room or fitness facility, a guest store or area offering personal necessities or other items, in addition to the required meeting/conference space.

5-612 Guest Houses. Guest houses are subject to the following additional standards:

- (A) Only guests or occupants of the principal residence shall use the guest house.
- (B) Guest houses may not be rented, operated for gain, or otherwise used as a separate dwelling.
- (C) The floor area of any guest house shall not exceed the lesser of (i) 70% of the gross floor area of the principal structure and a footprint not more than 70% of the principal structure or (ii) 2,500 square feet of gross floor area.
- (D) A structure existing prior to January 7, 2003, that is: 1) located within a County Historic Site (HS) District or Historic and Cultural Conservation (HCC) District under Section 6-1800 et seq.; 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 a VLR or NRHP listed or eligible Historic District, may be used as a Guest House and shall be exempt from the floor area requirements specified above, provided that any expansion or enlargement of such structure shall not exceed 15% of the total floor area existing prior to January 7, 2003. Documentation shall be provided to the Zoning Administrator demonstrating that the Virginia Department of Historic Resources has confirmed the listing or eligibility of structures.

5-613 Accessory Dwelling. Accessory dwellings are subject to the following additional regulations:

- (A) Accessory dwellings shall not exceed the following maximum size:
 - (1) In Non-Suburban Districts under Article 2, the lesser of (i) 70% of the gross floor area of the principal structure and a footprint not more than 70% of the principal structure or (ii) 2,500 square feet in gross floor area.
 - (2) In the Suburban Districts under Article 3 and the Planned Development Districts under Article 4 the lesser of (i) 70% of the gross floor area of the principal structure and a footprint not more than 70% of the principal structure or (ii) 1,200 square feet in gross floor area.

- (B) On lots served by individual sewage disposal systems, an accessory dwelling shall be permitted only upon approval from the Health Department. On lots served by communal sewer systems or communal wastewater systems, accessory dwellings shall be permitted only upon approval from Loudoun County Sanitation Authority (LCSA) or the operator of the utility as defined by Chapter 10.1 or 10.2 of Title 56 of the Code of Virginia.
- (C) Only one (1) accessory dwelling shall be permitted on a lot. One additional accessory dwelling is permitted on a parcel with an area of 20 acres or more.
- (D) Accessory dwellings may be located within an accessory building, agricultural structure, or in the principal structure.
- (E) All of the use limitations of Section 5-102 shall be met.
- (F) In the AR-1 and AR-2 Districts, one additional accessory dwelling shall be permitted for each 25 acres in excess of 20 acres. Additional dwellings may be permitted by special exception for seasonal labor.
- (G) A structure existing prior to January 7, 2003, that is: 1) located within a County Historic Site (HS) District or Historic and Cultural Conservation (HCC) District under Section 6-1800 et seq.; 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 a VLR or NRHP listed or eligible Historic District, may be used as an accessory dwelling and shall be exempt from the floor area and minimum lot area requirements specified above, provided that any expansion or enlargement of such structure shall not exceed 15% of the total floor area existing prior to January 7, 2003. Documentation shall be provided to the Zoning Administrator demonstrating that the Virginia Department of Historic Resources has confirmed the listing or eligibility of structures.

5-614

Small Businesses.

- (A) **Purpose and Intent.**
 - (1) **General.** The purpose of this section is to allow residents in the AR-1, AR-2, A-3, A-10, TR, CR, JLMA, PD-RV and PD-CV districts to locate and operate small-scale service and contracting businesses or lease such businesses, which preserve the rural and historic character of the districts and agriculture as an industry. It is the general intent of this Ordinance that commercial uses locate in and around existing urban areas that have adequate roads, public facilities and utilities. However, some small businesses may locate within these districts in order to provide economical and convenient services to the rural area, to supplement farming as a source of income and to operate a home-based business where feasible. Some small businesses can operate in the rural areas with

special designs and conditions that mitigate impacts on neighboring rural residential properties.

- (2) **Allow Local, Small-Scale Businesses to Locate and Operate.** The intent of this Section is to allow local, small-scale businesses to locate and operate. It is not intended to permit franchises, branch facilities or other partial elements of larger enterprises that have other business facilities in other locations. Such larger scale enterprises, including expanding businesses which initially located in rural areas under the provisions of this Section, must locate in the County's industrial and commercial zoning districts where they will not adversely impact residential neighborhoods or agricultural activities.
 - (3) **Uses Temporary for Starting New Business.** The uses approved under the provisions of this section shall be considered temporary for the purpose of starting new businesses. Once a small business needs to expand its area, number of employees, or commercial and customer traffic beyond the capacity and character of the rural area, the business shall relocate to a location appropriately zoned for commercial, business or employment uses. The Board of Supervisors may impose appropriate conditions limiting the duration or transfer of special exceptions granted under the provisions of this Ordinance.
 - (4) **Adaptive Re-use of Farm Structures.** In addition to home occupations and small businesses, the adaptive re-use of farm structures for the intended use of home occupations and small businesses is allowed with respect to the use of small businesses.
- (B) **Definitions.** For the purposes of Section 5-614, Small Businesses in the AR, A-3, A-10, TR, CR, JLMA and PD-CV districts, terms used are defined under "Small Business" in Article 8 of this ordinance.
- (C) **Permitted Small Business Uses.**
- (1) Small business uses, as listed in subsection D, which meet all of the conditions in Section 5-614(E) shall be allowed on lots of ten (10) acres or greater, subject to approval of a zoning permit/sketch plan, as defined in Section 5-614(H).
- (D) **Small Business Uses Permissible by Special Exception.** Small businesses not meeting the criteria of Section 5-614(C) may be allowed by special exception, granted by the Board of Supervisors upon recommendation of the Planning Commission. Special exception applications made pursuant to this Section are subject to the procedures and standards established in Section 6-1300 as well as to the uses, standards and restrictions that follow. The following uses may be approved as "small businesses" in the AR-1, AR-2, A-3, A-10, TR, CR, JLMA and PD-CV zoning districts:

- (1) Business service occupations.
- (2) Personal service occupations.
- (3) Repair service occupations.
- (4) Contractors and contracting.
- (5) Professional office-based services.
- (6) Studios for fine arts and crafts.
- (7) Antique sales and the sale of any goods or items produced on the premises.
- (8) Except as provided above, no retail or wholesale commercial businesses are permitted.

(E) Small Business Site Development Criteria.

(1) Standards and Restrictions for Small Business Uses.

	Acreage	No. of Employees	Heavy Equip. (On-Site)	Business Vehicles (On-Site)
(a)	0-3	1 maximum	none	2 maximum
(b)	3 but <10	3 maximum	none	2 maximum
(c)	10 but <50	4 maximum	2 maximum	4 maximum
(d)	50 or greater	10 maximum	5 maximum	6 maximum

(e) Business vehicle may not have more than two axles.

(2) Regulations for Structures.

	Acreage	Size of Structures
(a)	3-5	2,000 sq. ft. maximum
(b)	5 but <10	2,500 sq. ft. maximum
(c)	10 or greater	5,000 sq. ft. maximum for the initial 10 acres, plus an additional 1,000 sq. ft. for each additional 10 acres, not to exceed 15,000 sq. ft. maximum

(d) Building Height: 35 feet maximum.

- (3) Notwithstanding the limitations placed on home occupations in Section 5-400, 100% of an existing farm structure may be used. An approved zoning/building permit shall be received for the change in use.

(4) **Regulations for Storage Yards.**

- | | Acreage | Size of Storage Yards |
|-----|----------------|---|
| (a) | 3-5 | 2,000 sq. ft. maximum |
| (b) | 5 but <10 | 2,500 sq. ft. maximum |
| (c) | 10 or greater | 5,000 sq. ft. maximum for the initial 10 acres, plus an additional 1,000 sq. ft. for each additional 10 acres, not to exceed 15,000 sq. ft. maximum |
- (d) Storage yards shall be screened consistent with the requirements of Section 5-653(C) (Screening of Outdoor Storage and Storage Yards). Outdoor storage space must be enclosed on all sides by a fence.

(5) **Setback requirements.**

- (a) All structures or storage yards of less than 2,000 sq. ft. for uses allowed under this Section shall be set back a minimum of 100 feet from all lot lines.
- (b) All structures or storage yards in excess of 2,000 sq. ft. shall be set back at least 300 feet from all lot lines.
- (c) All structures or storage yards used for the storage of heavy equipment shall be set back at least 300 feet from all lot lines and 500 feet from existing residential dwellings.
- (6) All businesses which use, or store on site, heavy equipment shall access a paved or all-weather state-maintained road.

(F) **Sketch and Site Plans.**

- (1) **Sketch Plan.** A sketch plan is required as part of a zoning permit application for permitted small businesses. Sketch plans shall include a drawing of all aspects of the business operations including the size and dimensions of the residence; the size and dimensions of areas within the residence to be used for the business; size, dimensions, and location of any structures, outdoor storage yards, and screening and buffering; size and dimensions of parking areas and signs if any; and the approximate location of any on-site major floodplain as determined from the County flood plain map. In addition, the sketch plan shall include the required off-site information needed to illustrate conformance with the small business regulations, (Section 5-614), such as distances between storage yards, structures and adjacent residential structures and other buildings, the location and width of adjacent right-of-way, adjoining properties, and easements. The sketch plan need not be drawn to scale, nor does it have to be prepared by a licensed professional. However, distances from structure to adjacent lot lines must be accurately depicted.

- (2) **Special Exceptions.** Special exceptions may contain a condition for a site plan, in lieu of a sketch plan as defined herein, when the Board of Supervisors finds such a condition is necessary to mitigate potential off-site impacts of the proposed use.
- (G) **Signs.** Signs for permitted and special exception small businesses approved under Section 5-614 are subject to the regulations contained in Section 5-1200 of this Ordinance for Businesses.
- (H) **Applicability of District Regulations to Small Business Uses.**
 - (1) The AR-1, AR-2, A-3, A-10, TR, CR, JLMA and PD-CV district regulations and the general regulations which are consistent with these provisions shall apply to small business uses located in those districts.
 - (2) To the extent permitted by other provisions of the Loudoun County Zoning Ordinance, any use accessory and subordinate to a principal agricultural use shall not be affected by Section 5-614. In addition, nothing herein shall affect any legal nonconforming use as provided for in Article I.
- (I) **Parking.**
 - (1) **General.** Parking shall be provided in accordance with Section 5-1102 when employees and customers are to be on the premises.
 - (2) **Landscaping/Buffering/Screening.** Parking areas shall comply with Section 5-1407.
 - (3) **Location.** No parking shall be permitted in a required yard or setback.
- (J) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).
- (K) **Noise Standards.** The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).

5-615 Farm Machinery Sales and Service.

- (A) The establishment shall be located on a paved, state-maintained road not more than 1,000 feet from a primary state road.
- (B) The structures, storage, and parking areas and/or the perimeter of the property shall have a Buffer Yard Type B to screen such areas from adjacent residential buildings.
- (C) Buildings shall be set back a minimum of 75 feet from all property lines.

- (D) Parking, driveways (other than entrance) and storage yards shall be set back a minimum 75 feet from the property line along any road frontage, and a minimum of 50 feet from all other property lines.
- (E) Sites for such establishments shall not be less than three (3) nor more than ten (10) acres.
- (F) Accessory retail sales shall be limited to farm and garden equipment parts and related tools and accessories. In no case shall the floor area devoted to the display and sale of such related tools and accessories be more than 15% of the floor area of the building site. No other non-farm equipment sales shall be permitted, including, but not limited to, lumber, hardware, building materials, or like items.
- (G) No structure shall be located within 500 feet of an existing residential structure.
- (H) The total Floor Area Ratio for all structures shall not exceed 0.1.

5-616 Utility Substations. The following standards shall apply to the development of utility substations.

- (A) Utility substation, transmission.
 - (1) In all agricultural and residential districts, utility substations shall be located on lots of one (1) acre or more.
 - (2) In all commercial and industrial districts, utility substations shall be located on at least the minimum lot size of the district.
- (B) Utility substation, distribution.
 - (1) In all agricultural and residential districts, utility substations shall be located on lots of one (1) acre or more.
 - (2) In all commercial and industrial districts, utility substations shall be located on lots of one (1) acre or more.
- (C) All utility substations shall be located in areas consistent with the adopted Comprehensive Plan. A Commission Permit shall be required unless the utility substation is specially delineated in the Comprehensive Plan.
- (D) All utility transmission and distribution substations and accessory storage yards shall have a minimum Buffer Yard Type C provided, however, in areas where required utility connections preclude installation of large and small deciduous trees, the maximum percentage applicable to shrubs under Section 5-1408(B)(2)(d) shall not apply. In lieu of the minimum and maximum percentages applicable to evergreen trees under Section 5-1408(B)(2)(b), a minimum of 40% and a maximum of 70% of the required plant units shall be evergreen trees..
- (E) Such utilities may be accessed by a private access easement.

5-617

Freestanding Convenience Food Stores. Except to the extent permitted on smaller lots in the Rural Commercial (RC) and Planned Development-Mixed Use Business (PD-MUB) zoning districts.

- (A) Convenience food stores shall be located on lots of 50,000 square feet or greater.
- (B) Convenience food store shall contain no more than 5,000 square feet of retail area.
- (C) If a convenience food store is located at the intersection of two streets, the lot must have at least 200 feet of frontage on each street.
- (D) Any convenience food store located within 200 feet of a residentially zoned, used, and/or planned district or land bay must provide an acoustical barrier, such as landscaping, berms, fences and/or walls, to attenuate noise to levels required by Section 5-1507.

5-618

Telecommunications Use And/Or Structures. The following performance standards shall be applied to telecommunication uses and/or structures.

(A) **Antennas.**

- (1) **Antennas, Any Portion of Which Exceeds a Height of 60 Feet As Measured from Natural Ground Elevation, When Mounted on Buildings and Structures.** Antennas and related unmanned equipment connected to such antennas, any portion of which that exceeds a height of sixty (60) feet, as measured from natural ground elevation, mounted on buildings or structures may be developed subject to the following performance standards to the extent telecommunications antennas are listed as a permitted use in the underlying zoning district.
 - (a) Omnidirectional or whip antennas shall not exceed twenty (20) feet in height or seven (7) inches in diameter and shall be of a material or color which matches the exterior of the building or structure upon which they are mounted.
 - (b) Directional or panel antennas shall not exceed ten (10) feet in height or two (2) feet in width and shall be of a material or color which matches the exterior of the building or structure upon which they are mounted.
 - (c) Dish antennas shall not exceed six (6) feet in diameter and shall be screened from public view.
 - (d) No commercial advertising shall be allowed on any antenna.
 - (e) Signals, lights, and/or illumination shall not be permitted on any antenna, unless required by the Federal Communications Commission (FCC), the Federal Aviation

Administration (FAA), State or Federal authorities, or the County.

- (f) Cylinder shrouds for the concealment of antennas shall not exceed eleven (11) feet in height or twenty-six (26) inches in diameter and shall be of a material or color which matches the exterior of the building or structure upon which they are mounted. No portion of the antenna shall be exposed outside the shroud.
 - (g) The related unmanned equipment structure(s) shall not contain more than five hundred (500) square feet of total gross floor area per user on each site and shall not exceed twelve (12) feet in height. If located within the building or structure upon which the antennas are mounted, they may be located in the areas which are excluded from the determination of net floor area without changing the exclusion of those areas from the calculation of the density of the structure. Such structures shall be of a material or color which matches the exterior of the building or structure upon which they are mounted.
 - (h) If the equipment structure is located on the roof of a building, the area of the equipment and structures shall not occupy more than twenty-five percent (25%) of the roof area.
 - (i) All antennas and related unmanned equipment shall be removed within ninety (90) days after such antennas or related unmanned equipment are no longer in use.
 - (j) The original approved height of a monopole or tower may be increased twenty (20) feet for the collocation of telecommunications antennas, provided that the height of such monopoles and towers, including collocated antennas, shall not exceed one hundred ninety-nine (199) feet, as measured from the natural ground elevation.
- (2) **Antennas, No Portion of Which Exceeds a Height of 60 Feet As Measured From Natural Ground Elevation, when Mounted on Buildings or Structures (Including Antenna Support Structures).** Antennas and related unmanned equipment connected to such antennas, no portion of which exceeds a height of sixty (60) feet, as measured from the natural ground elevation, when mounted on buildings or structures (including antenna support structures), may be developed subject to the following performance standards to the extent telecommunication antennas are listed as a permitted use in the underlying zoning district:
- (a) Omnidirectional or whip antennas shall not exceed eight and one-half (8 ½) feet in height or three (3) inches in

diameter and shall be of a material or color which matches the exterior of the building or structure on which they are mounted. Such antennas shall be flush mounted so that neither the antenna nor any portion of the supporting mount shall extend more than two (2) feet from the building or structure.

- (b) Directional or panel antennas shall not exceed five (5) feet in height or one (1) foot in width and shall be of a material or color which matches the exterior of the building or structure on which they are mounted. Such antennas shall be flush mounted so that neither the antenna nor any portion of the supporting mount shall extend more than two (2) feet from the building or structure.
- (c) Dish antennas shall not exceed three (3) feet in diameter and shall be of a material or color which matches the exterior of the building or structure on which they are mounted.
- (d) No commercial advertising shall be allowed on any antenna.
- (e) Signals, lights, and/or illumination shall not be permitted on any antenna, unless required by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), State or Federal authorities, or the County.
- (f) Cylinder shrouds for the concealment of antennas shall not exceed six (6) feet in height or fourteen (14) inches in diameter and shall be of a material or color which matches the exterior of the building or structure upon which they are mounted. No portion of the antenna shall be exposed outside the shroud.
- (g) No more than one (1) related unmanned equipment structure shall be located on an antenna support structure. Such related unmanned equipment structure shall not exceed five (5) feet in height or twenty (20) cubic feet in volume and shall be of a material or color which matches the exterior of the antenna support structure on which it is mounted.
- (h) Antennas and related unmanned equipment structures located on the roof of a building shall not exceed the building height of such building by more than fifteen (15) feet and shall not occupy more than twenty-five percent (25%) of the roof area.

- (i) All antennas and related unmanned equipment shall be removed within ninety (90) days after such antennas or related unmanned equipment are no longer in use.
- (3) **Antenna Hub Sites.** Antenna hub sites may be developed provided such sites comply with the following criteria:
 - (a) Related unmanned equipment at antenna hub sites shall not contain more than five hundred (500) square feet of total gross floor area and shall not exceed twelve (12) feet in height.
 - (b) The maximum permitted floor area ratio for the zoning district, if applicable, shall not be exceeded.
 - (c) Antenna hub sites shall meet the minimum yard requirements of the district in which they are located.
 - (d) Antenna hub sites shall be compatible with development located in the surrounding visual range regarding the setting, color, lighting, topography and materials. To the maximum extent feasible, related unmanned equipment at an antenna hub site shall be located in the interior of the property on which it is located.
 - (e) Related unmanned equipment at antenna hub sites shall be screened by a solid fence, wall or berm eight (8) feet in height with an evergreen hedge reaching an ultimate height of at least eight (8) feet and a planted height of at least four (4) feet. If equipment is added to an existing screened enclosure that contains telecommunication uses and/or structures, the screening requirements may be satisfied with the existing screening.
 - (f) Antenna hub sites that are fully enclosed within a building shall not be subject to the above criteria.
 - (g) Antenna hub sites shall be removed within ninety (90) days after such antenna hub sites are no longer in use.
- (B) **Monopoles.** Monopoles and related unmanned equipment structure(s) may be developed as a permitted or special exception use, as listed below:
 - (1) **Monopoles, Permitted By Right.** Monopoles shall be permitted by right subject to the performance criteria listed in Section 5-618(B)(3), in the following situations:
 - (a) In all zoning districts, if located within an overhead utility transmission line right of way with existing structures greater than eighty (80) feet in height.

- (b) In the PD-OP, GB, PD-GI, PD-SA, PD-IP, PD-RDP, or MR-HI zoning districts provided it is located 750 feet or greater from an adjoining residential district.
 - (c) In the PD-GI and MR-HI zoning districts further subject to Section 5-618(B)(4) if located less than 750 feet from an adjoining residential district.
 - (d) In the AR, A-10, TR, JLMA-1, JLMA-2, JLMA-3, A-3, CR-1, CR-2, CR-3, CR-4, PD-TREC and RC zoning districts, when accessory to a fire or rescue station.
- (2) **Monopoles, Special Exception Required.** Except as provided above, telecommunications monopoles shall be permissible subject to approval of a special exception and subject to the general performance criteria listed in Section 5-618(B)(3) and additional submission requirements listed in 5-618(B)(4), in the following situations:
- (a) In the AR-1, AR-2, A-10, TR, JLMA-1, JLMA-2, JLMA-3, A-3, CR-1, CR-2, CR-3, CR-4, PD-TREC and RC zoning districts, except as provided in Section 5-618(B)(1)(d), and in the CLI, PD-CC(CC), PD-CC(SC), PD-CC(RC), PD-TC, PD-TRC, PD-MUB, PD-RV and PD-CV zoning districts.
 - (b) In the PD-OP, GB, PD-SA, PD-IP and PD-RDP zoning districts when located less than 750 feet from an adjoining residential district.
 - (c) In all zoning districts, except PD-AAAR, as an accessory use to a fire and rescue station, except as provided in Section 5-618(B)(1)(d).
 - (d) In all zoning districts, within the right of way of a private toll road.
 - (e) In the PD-H and R zoning districts when located on property owned by:
 - (i) Any department or branch of the Federal Government, Commonwealth of Virginia, Loudoun County Government, or Loudoun County School Board; or
 - (ii) Public Utilities.
- (3) **Monopoles, General Performance Criteria.** All telecommunications monopoles, whether permitted by right or permissible with the approval of a special exception application, shall be subject to the following criteria:

- (a) The proposed telecommunications monopole shall be compatible with development in the vicinity with regards to the setting, color, lighting, topography, materials and architecture. In addition, the facility shall be located in the interior of the property and areas of existing vegetation, if applicable, shall be used to screen the facility.
- (b) New telecommunications monopoles shall be designed to accommodate at least three (3) providers, unless:
 - (i) Doing so would create an unnecessary visual impact on the surrounding area; or
 - (ii) No additional need is anticipated for any other potential user in the vicinity; or
 - (iii) There is some valid economic, technological, or physical justification as to why co-location is not possible.

The applicant shall identify the conditions under which future co-location by other service providers is permitted.

- (c) The height of such monopole, including antennas, shall not exceed 199 feet, as measured from the natural ground elevation.
- (d) Satellite and microwave dishes attached to monopoles shall not exceed two (2) feet in diameter.
- (e) Except as provided in Section 5-618(B)(3)(o) and Section 5-618(B)(4)(d), telecommunications monopoles shall not be located any closer than one (1) foot for every five (5) feet in height to any property line. Structures and buildings may be constructed within the setback areas of the monopole, provided other zoning standards are met.
- (f) The related unmanned equipment structure(s) shall not contain more than 500 square feet of total gross floor area per telecommunications provider on each site. Structures shall not exceed 12 feet in height.
- (g) Unless otherwise required by the Federal Communications Commission or the Federal Aviation Administration, monopoles shall blend with the background.
- (h) No signals or lights or illumination shall be permitted on a monopole, unless required by the Federal Communications Commission, the Federal Aviation Administration, State or Federal authorities, or the County.

- (i) No commercial advertising or signs shall be allowed on a monopole.
- (j) A commission permit shall be required, except when located in accordance with Section 5-618(B)(1)(a), provided the monopole shall not exceed the height of existing overhead utility transmission line structures by more than twenty (20) feet as measured from natural ground elevation.
- (k) No monopole shall be located within a County designated historic district.
- (l) All unused equipment and facilities from a commercial public telecommunications site shall be removed within 90 days of cessation of commercial public telecommunication use and the site shall be restored as closely as possible to its original condition.
- (m) Applicants for any commercial public telecommunications facility shall demonstrate that they have complied with applicable regulations of the FCC and the FAA. A finding from the FAA that the proposed facility is not a hazard or obstruction to aviation is necessary prior to the issuance of a zoning permit. If a proposed telecommunications facility is higher than 199 feet or within five (5) miles of the property boundary of either Dulles or Leesburg Airports, the applicant shall provide verification that: 1) the appropriate airport authority (Metropolitan Washington Airports Authority or the Town of Leesburg) has been notified in writing; and 2) the FAA has determined that the proposed facility is neither a hazard nor an obstruction to aviation.
- (n) When locating on a Loudoun County or Loudoun County Sanitation Authority site or fire and/or rescue company site: 1) the telecommunications equipment shall not interfere with the existing telecommunications equipment of the primary use; and 2) the setback provisions of Section 5-618(B)(3)(e) shall not apply.
- (o) Applicants proposing a new telecommunications monopole within one (1) mile of a County designated historic district or a Virginia Byway shall submit a minimum of three (3) visual simulations and written justification as to why the monopole could not be sited elsewhere. This requirement shall also be applied if a telecommunications monopole is proposed on a property listed on the National Register of Historic Places.

- (p) Telecommunications monopoles shall not be located along ridge lines, but downslope from the top of ridge lines, to protect views of the Catoclin, Bull Run, Hogback, Short Hill, and Blue Ridge Mountains.
 - (q) Applicants shall submit documentation, in written and graphic form, regarding the service area to be provided by the proposed telecommunications monopole.
- (4) **Monopoles, Additional Submission Requirements.** The following additional information shall be submitted by applicants for monopoles required to be approved by special exception.
- (a) The applicant shall provide photoimagery or other visual simulation of the proposed telecommunications monopole shown with the existing conditions of the site. This simulation shall be provided from a minimum of three (3) perspectives. The applicant shall address how the facility can be designed to mitigate the visual impact on area residents, facilities, and roads.
 - (b) Except for areas where permitted by right, an applicant for a new commercial public telecommunication monopole shall demonstrate that location on an existing telecommunications facility or structure greater than 40 feet in height is not feasible. The applicant shall evaluate telecommunications facilities and structures greater than 40 feet in height within a one (1) mile radius of the proposed facility within the Eastern Loudoun Urban Growth Area. Elsewhere in the County, the applicant shall evaluate these locations within a two (2) mile radius of the proposed facility. Technological, physical, and economic constraints may be considered in determining infeasibility. Co-location may be determined to be infeasible in the following situations:
 - (i) Planned equipment would exceed the structural capacity of existing and approved telecommunications facilities, considering existing planned use of those facilities, and such facilities cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost;
 - (ii) Planned equipment will cause interference with other existing or planned equipment for that telecommunications facility, and that interference cannot be prevented at a reasonable cost;
 - (iii) Existing or approved telecommunications facilities do not have space on which planned equipment can be placed so as to provide adequate service; and

- (iv) Existing and approved telecommunications facilities will not provide adequate signal coverage.
 - (c) In addition to those entitled to notice under the provisions of Section 6-600 of this Ordinance, all owner(s), or their agent(s), of all properties abutting or immediately and diagonally across the street or road from those properties whose owners are entitled to notice under Section 6-600, shall be provided with the same written notice. The applicant is also encouraged to meet with community and homeowners association groups in the area.
 - (d) Telecommunications monopoles permissible by special exception pursuant to Section 5-618(B)(2)(d) shall not be subject to the lot requirements, building requirements, and open space requirements, if applicable, of the zoning district in which they are located.
- (C) **Telecommunications Towers.** Telecommunications towers with related unmanned equipment structure(s) may be developed as a permitted or special exception use as listed below, subject to the performance standards of this section.
- (1) **Telecommunications Towers, Permitted By Right.** Transmission towers shall be permitted by right subject to the performance criteria listed in Section 5-618(C)(3):
 - (a) In the MR-HI and PD-GI zoning districts if the tower is forty (40) feet or less in height and is mounted on an existing structure.
 - (b) In the MR-HI and PD-GI zoning districts if the tower is greater than forty (40) feet in height and will be further subject to the performance standards of Section 5-618(C)(4).
 - (2) **Telecommunications Towers, Special Exception Required.** Telecommunications towers shall be permissible by special exception subject to the performance standards listed in Sections 5-618(C)(3) and 5-618(C)(4) in the following situations:
 - (a) In the A-10, AR-1, AR-2, TR, JLMA-1, JLMA-2, JLMA-3, A-3, CR-1, CR-2, CR-3, CR-4, RC, CLI, PD-CC(CC), PD-CC(SC), PD-CC(RC), PD-TC, PD-TREC, PD-MUB and PD-TRC zoning districts.
 - (b) In the PD-OP, GB, PD-SA, PD-IP and PD-RDP zoning districts.
 - (c) In all zoning districts, except PD-AAAR, PD-RV and PD-CV, as an accessory use to a fire and rescue station.

(d) In the PD-H and R zoning districts when located on property owned by:

(i) Any department or branch of the Federal Government, Commonwealth of Virginia, Loudoun County Government, or Loudoun County School Board; or

(ii) Public Utilities.

(3) **Telecommunications Towers, General Performance Criteria.**

All telecommunications towers, whether permitted by right or permissible with the approval of a special exception application, shall be subject to the following criteria:

(a) The telecommunications tower shall be compatible with development in the vicinity with regards to the setting, color, lighting, topography, materials and architecture. In addition, the facility shall be located in the interior of the property and areas of existing vegetation, if applicable, shall be used to screen the facility.

(b) New telecommunications towers shall be designed to accommodate at least three (3) providers, unless:

(i) Doing so would create an unnecessary visual impact on the surrounding area; or

(ii) No additional need is anticipated for any other potential user in the vicinity; or

(iii) There is some valid economic, technological, or physical justification as to why co-location is not possible.

The applicant shall identify the conditions under which future co-location by other service providers is permitted.

(c) Telecommunications towers, including antennas, shall not exceed 199 feet, as measured at the natural ground elevation, unless the applicant can clearly demonstrate that the facilities of 199 feet or less cannot render needed services. At the applicant's expense, the County may have an independent analysis performed on the applicant's proposal.

(d) Satellite and microwave dishes attached to the towers shall not exceed six (6) feet in diameter.

(e) Except as provided in Section 5-618(C)(3)(o), towers shall be set back one (1) foot for every five (5) feet in height from the property line. Structures and buildings may be

constructed within the setback area of the tower, provided other zoning standards are met.

- (f) The related unmanned equipment structure(s) shall not contain more than 500 square feet of total gross floor area per telecommunications provider on each site. Structures shall not exceed 12 feet in height.
- (g) Unless otherwise required by the Federal Communications Commission or the Federal Aviation Administration, telecommunications towers shall blend with the background.
- (h) No signals or lights or illumination shall be permitted on a monopole, unless required by the Federal Communications Commission, the Federal Aviation Administration, State or Federal authorities, or the County.
- (i) No commercial advertising shall be allowed on the tower.
- (j) A commission permit shall be required.
- (k) No transmission tower shall be located within a County designated historic district.
- (l) No tower shall be located within a PD-RV zoning district.
- (m) All unused equipment and facilities shall be removed from a commercial public telecommunications site within 90 days of cessation of commercial public telecommunication use and the site shall be restored as closely as possible to its original condition.
- (n) Applicants for any commercial public telecommunications facility shall demonstrate that they have complied with applicable regulations of the FCC and the FAA. A finding from the FAA that the proposed facility is not a hazard or obstruction to aviation is necessary prior to the issuance of a zoning permit. If a proposed telecommunications facility is higher than 199 feet or within five (5) miles of the property boundary of either Dulles or Leesburg Airports, the applicant shall provide verification that: 1) the appropriate airport authority (Metropolitan Washington Airports Authority or the Town of Leesburg) has been notified in writing; and 2) the FAA has determined that the proposed facility is neither a hazard nor an obstruction to aviation.
- (o) When locating on a Loudoun County or a Loudoun County Sanitation Authority site or fire and/or rescue company site: 1) the telecommunications equipment will not

interfere with the existing telecommunications use of the primary use; and 2) the setback provision of Section 5-618(C)(3)(e) does not apply.

- (p) Applicants proposing a new telecommunications tower within one (1) mile of a County designated historic district or Virginia Byway shall provide a minimum of three (3) visual simulations and written justification as to why the tower could not be sited elsewhere. This requirement shall also be applied if a telecommunications tower is proposed on a property listed on the National Register of Historic Places.
 - (q) Telecommunications towers shall not be located along ridge lines, but downslope from the top of ridge lines, to protect views of the Catoctin, Bull Run, Hogback, Short Hill, and Blue Ridge Mountains.
 - (r) Applicants shall submit documentation, in written and graphic form, regarding the service area to be provided by the proposed telecommunications tower.
- (4) **Telecommunications Towers, Additional Submission Requirements.** The following additional performance standards shall apply to transmission towers when approved by special exception:
- (a) The applicant shall provide photoimagery or other visual simulation of the proposed facility shown with the existing conditions of the site. This simulation shall be provided from a minimum of three (3) perspectives. The applicant shall address how the facility can be designed to mitigate the visual impact on area residents, facilities, and roads.
 - (b) Except for areas where permitted by right, an applicant for a new commercial public telecommunication monopoles shall demonstrate that location on an existing telecommunications facility or structure greater than 40 feet in height is not feasible. The applicant shall evaluate telecommunications facilities and structures greater than 40 feet in height within a one (1) mile radius of the proposed facility within the Eastern Loudoun Urban Growth Area. Elsewhere in the County, the applicant shall evaluate these locations within a two (2) mile radius of the proposed facility. Technological, physical, and economic constraints may be considered in determining infeasibility.

Co-location may be determined to be infeasible in the following situations:

- (i) Planned equipment would exceed the structural capacity of existing and approved telecommunications facilities, considering existing planned use of those facilities, and such facilities cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost;
 - (ii) Planned equipment will cause interference with other existing or planned equipment for that telecommunications facility, and that interference cannot be prevented at a reasonable cost;
 - (iii) Existing or approved telecommunications facilities do not have space on which planned equipment can be placed so as to provide adequate service; and
 - (iv) Existing and approved telecommunications facilities will not provide adequate signal coverage.
- (c) In addition to those entitled to notice under the provisions of Section 6-600 of this Ordinance, all owner(s), or their agent(s), of all properties abutting or immediately and diagonally across the street or road from those properties whose owners are entitled to notice under Section 6-600, shall be provided with the same written notice. The applicant is also encouraged to meet with community and homeowners association groups in the area.
- (d) Applicants for new telecommunications towers shall demonstrate that a telecommunications monopole, of comparable transmission capabilities, cannot be utilized or cannot provide an equivalent level of service.

5-619

Rural Corporate Retreat.

- (A) **Purpose and Intent.** The purpose of this section is to provide for rural agricultural corporate retreat facilities that will be compatible with, and supportive of the primary land use of agriculture, forestry, open space and/or historic preservation.
- (1) The Rural Corporate Retreat is intended to promote the rural amenities of the AR, A-3, A-10, TR-10, JLMA-3 and JLMA-20 districts as an ideal work place. The Rural Corporate Retreat user is encouraged to incorporate existing structures, which could be restored and maintained into the retreat facilities to preserve the existing rural character.
 - (2) Rural Corporate Retreats shall be permitted in the AR, A-3, A-10, TR-10, JLMA-3 and JLMA-20 districts on the basis of land size and average daily users. Permitted Rural Corporate Retreats shall meet specific development criteria outlined in subsection 5-619(C)

below. Any Rural Corporate Retreat that does not meet the criteria of subsection 5-619(C), may be permitted subject to special exception approval.

- (3) The Rural Corporate Retreat use shall not involve the handling or processing of hazardous or toxic materials. The Rural Corporate Retreat use shall comply with the applicable performance standards of Section 5-1500.

(B) **Rural Corporate Retreat Development Criteria.**

- (1) **Minimum Acreage.** The minimum acreage shall be 50 acres.
- (2) **Open Space.** A minimum of 75% of the total property acreage shall be kept in an agricultural, forestry, open space, and/or historic preservation use.
- (3) **Frontage and Access.** The property on which the Rural Corporate Retreat is located shall have frontage and access on a state-maintained road.
- (4) **Floor Area Ratio.** The maximum floor area ratio shall be 0.04. The total acreage shall be used for determining the permitted floor area.
- (5) **On-Site Food Services.** The retreat facilities may provide on-site food service for employees and retreat visitors, but may not contain restaurant facilities open to the general public.
- (6) **Setbacks.** All retreat facilities buildings shall be set back a minimum of 200 feet from adjacent properties.
- (7) **Storage Areas.** Storage areas related to the retreat facilities shall be permitted.
- (8) **Programs.** The retreat facilities use may include training programs, seminars, and similar activities.
- (9) **Special Events.** Special events shall receive approval pursuant to Section 5-500, unless the facility meets the requirements of Section 5-642.
- (10) **Products Sold On-Site.** No products shall be sold on-site except those that are clearly incidental and integral to the purpose and program of the retreat.
- (11) **One Principal Dwelling.** No more than one principal dwelling unit shall be permitted. Tenant dwellings shall be permitted in accord with Section 5-602.

- (12) **On-Site Recreation.** The retreat facilities may provide on-site recreation facilities to be used solely by employees and visitors, but not by the general public.
- (13) **Average Daily User and Acreage Ratio:** 100 users per 50 acres. Notwithstanding, there shall be no more than 450 users on greater than 200 acres without first securing special exception approval. The term Average Daily Users includes employees and visitors to the site. Service trips, such as food or supply deliveries, package delivery, and similar trips are in addition to the average daily users.
- (14) **Exclusions.** Buildings or structures used exclusively for agricultural use, the principal dwelling unit, and tenant dwellings are excluded from these requirements and from the floor area ratio calculations.

(C) **Sketches, Site Plans, Special Exceptions and Statements of Use.**

- (1) **Sketch Plan.** A sketch plan is required as a part of a zoning permit application for permitted Rural Corporate Retreats. Sketches shall include an accurate drawing of all aspects of the Rural Corporate Retreat including the size and dimensions of buildings; the size and dimensions of land area devoted to the Rural Corporate Retreat use; the size and dimensions of the land to be maintained in agricultural, forestry, open space, and/or historic preservation use; the size and dimensions of parking areas; building setbacks; the size, dimension, and location of any signs; and the approximate location of any on-site major floodplain as determined from the County flood plain map. In addition, the sketch plan shall include the required information needed to illustrate conformance with the Rural Corporate Retreat regulations of this Section 5-619.
- (2) **Statement of Use.** For all Rural Corporate Retreats, a statement of use shall be filed in conjunction with the sketch or site plan. The statement of use shall define the operations of the Rural Corporate Retreat and shall outline how the use meets the development criteria.

5-620

Manufactured Housing. The following standards shall apply to the development of manufactured housing:

- (A) Homes shall be a minimum of 900 square feet in floor area, and a minimum of 19 feet in width.
- (B) Roofs shall be pitched with a minimum vertical rise of four inches for each twelve inches of horizontal run.
- (C) Exterior materials shall be of a color, material and scale compatible with site-built, single family construction.

- (D) Homes shall have a non-reflective roof material which is or simulates asphalt or wood shingles, tile or slate or other products as used in surrounding areas.
- (E) All homes shall have a pitched roof with a minimum of either a 6" overhang and a 4" gutter or 12" overhang on the front and back and a minimum of 6" on the sides.
- (F) Perimeter non-load bearing foundation enclosures shall be compatible with foundation materials on site-built residential structures, and shall be limited to masonry, stone or concrete.
- (G) Homes shall have wheels, axles, transporting lights, and removable towing apparatus removed from the site, and shall be placed on a permanent foundation.
- (H) Storage areas for RV unit shall be provided on a separate lot. If such lot is exterior to the development it shall be effectively buffered from the street and adjacent dwellings. If the storage area is located on an interior lot, the buffering shall not be required.
- (I) Manufactured homes in the AR-1, AR-2, A-3, A-10, and TR-10 districts shall not be subject to this section.
- (J) Nothing in this subsection shall be deemed to supersede valid restrictive covenants of record, except that a manufactured home built in accordance with the HUD code shall not be deemed a mobile home.

5-621

Public Utilities. Lot requirements for Municipal Corporations, VDOT, LCSA, Public Utilities and Public Service Corporations.

- (A) In all zoning districts, public utilities shall be located on lots of one half (1/2) acre or more.
- (B) Landscaping/Buffering/Screening
 - (1) All utility facilities, except Water well, municipal, shall have a minimum Buffer Yard Type C.
 - (2) **Water well, municipal** shall have a minimum Buffer Yard Type A if the well area includes other accessory structures or buildings. Side and rear buffer yards shall be supplemented with an additional two (2) evergreen trees per 100 linear feet.
- (C) Such utilities may be accessed by private access easement.
- (D) Utility Substations are governed by Section 5-616 of this Ordinance.
- (E) **Water well, municipal.** Prior to approval of the first site plan for a new Water well, municipal use, an Applicant shall complete the testing and reporting requirements of either Section 5-621(E)(1) or Section 5-621(E)(2), below, with the choice of either the (E)(1) or the (E)(2) testing

to be at Applicant's discretion, and shall provide the results to the Director of the Department of Building and Development in conjunction with the said site plan application: Such tests shall be required to be conducted only during the initial testing period prior to the approval of a site plan for a new municipal water well and shall not require continuous monitoring of off-site wells after site plan approval.

- (1) Yield and Drawdown Tests as required by the Virginia Department of Health-Office of Drinking Water, and monitoring of existing private wells within 500 feet of the proposed well, as recommended by the Virginia Department of Health-Office of Drinking Water and with the consent of the property owner; or
- (2) A Hydrogeologic Report prepared in accordance with Section 6.240.A (Background Information), Section 6.240.B (Analysis of Background Information), Section 6.240.E (Pumping Test), and Section 6.240.G (Groundwater monitoring program proposal) of the Facilities Standards Manual. Monitoring of private wells is to be conducted only with the consent of the property owner.

5-622

Magazine Contained Explosive Facilities.

- (A) **Purpose and Intent.** The intent of this section is to allow businesses with magazine contained explosives storage facilities to be located within the A-3 zoning district, while preserving the rural character of the district. A commercial business operation requiring a magazine contained explosives facility shall be located in a commercial or industrial zoning district.
- (B) **Effective Control.** In order to qualify for a special exception as a magazine contained explosives facility, the applicant shall demonstrate unified ownership/control of the parcel that is the subject of the special exception application and the commercial business operation cited in (A) above.
- (C) **Site Development Criteria.**
 - (1) **Acreage.** The minimum gross acreage of a parcel used for storage of magazine contained explosives shall be 50 acres. A minimum of three acres shall be located outside of major floodplain. In no event shall the acreage be less than that necessary to comply with the regulations contained in the most current adopted edition of the "Virginia Statewide Fire Prevention Code" (VSFPC) and all other applicable state and local codes and ordinances whichever is more restrictive.
 - (2) **Setbacks.**
 - (a) **Adjacent to Roads.** No magazine facility or loading area shall be permitted closer than 500 feet to the right-of-way of a state maintained road or the minimum setback contained in the VSFPC, whichever is more restrictive.

- (b) **Adjacent to Other Properties.** No magazine facility shall be permitted closer than 350 feet or the minimum setback contained in the VSFPC, whichever is more restrictive.
- (3) **Access.** Magazine Contained Explosives Facilities may be located on lots accessed by private access easement.
- (D) **Construction and Placement.** Construction and Placement of a magazine for the containment of explosives shall conform to all applicable State and Federal requirements.
- (E) **Open Space.** Except for those areas established for the approved magazine facility on the special exception plat, the remainder of the parcel shall be maintained for agricultural, horticultural, and forestry uses during the term of the special exception. Uses and structures accessory to the magazine facility and an agricultural, horticultural, and/or forestry use on the property may be permitted, including security buildings, barns and one single family dwelling.
- (F) **Conveyance.** Approval of a special exception or zoning permit pursuant to this section shall not convey with the transfer of the property or business which are the subject of these applications

5-623

PD-IP Private School Notification Standards.

- (A) **Purpose and Intent.** Operators of a private school located within a PD-IP District must notify all applicants, at the time of application, of the potential permitted and special exception uses within such a district.
- (B) **Standard Notification.** The notification document shall include a list of the uses permitted within the industrial zone. The document shall include a section that requires prospective student's parent to sign a statement stating that they have reviewed or have been offered the opportunity to review this document. Said document shall remain on file at the school for the period of the student's enrollment.

5-624

Vehicle Wholesale Auction.

- (A) **Locational Criteria.**
 - (1) Vehicle wholesale auctions shall be located on a public, paved road capable of accommodating the traffic generated by the use.
 - (2) Vehicle wholesale auctions shall be located on parcels where at least a portion of the parcel is located within the noise contour areas of the Airport Impact Overlay District, as existing at the time of initial site plan approval.
 - (3) Vehicle wholesale auctions shall be located on a parcel with an area of 50 acres or more.
- (B) **Site Development Criteria.**

- (1) Any car-carrier loading/unloading area and vehicle storage areas shall be located separately from the customer parking areas, and such areas shall be identified with directional signage.
- (2) The use shall be served by public sewer.
- (3) Car washing associated with the use shall utilize recycled water.
- (4) The sale and/or storage of vehicles that are not in operating condition shall not be permitted.
- (5) Outdoor vehicle storage, parking spaces, and loading spaces shall be specifically identified on an approved site plan and shall be limited to such areas.
- (6) Outdoor vehicle storage shall be setback at least 100 feet from any road right-of-way.
- (7) The test driving of all vehicles shall be conducted on-site.
- (8) Vehicle wholesale auctions shall not be conducted before 8:00 a.m., after 6:00 p.m., or on Saturdays or on Sundays.

5-625

Winery, Commercial. Commercial wineries in the AR, JMLA, and Route 28 CO, PD-CM and CB districts shall comply with the following standards:

(A) Intensity/Character.

- (1) **Site Size.** The minimum lot area for a commercial winery is 10 acres.
- (2) **Wine Tasting Rooms and Accessory Food Sales.** Facilities for wine tasting rooms and accessory food sales (including a kitchen) shall not exceed 49 percent of the total gross floor area of all structures at the commercial winery.
- (3) **Hours of Operation.** Hours of operation shall be limited to 10:00 a.m. to 10:00 p.m.

(B) Size of Use.

- (1) **Floor Area Ratio.** The floor area ratio for a commercial winery shall not exceed 0.04.
- (2) **Storage Yards.** The total area of storage yards shall not exceed 20 percent of the total area of the principal structure.

(C) Location on Site/Dimensional Standards. A commercial winery shall be set back at least 125 feet from all lot lines.

(D) Landscaping/Buffering/Screening.

- (1) **Buffer.** The use shall comply with Section 5-1404(A)(6).
 - (2) **Parking and Storage Areas.** Parking areas shall comply with Section 5-1407. Storage areas shall comply with the requirements of Section 5-1406.
- (E) **Roads/Access Standards.**
- (1) **General Access Standards.** A commercial winery shall comply with the road access standards of Section 5-654.
 - (2) **Driveways.** Driveways to a commercial winery shall not be located within a required buffer yard area except as minimally necessary to access the site.
 - (3) **Vehicles/Equipment.** Commercial wineries that use heavy equipment shall have direct access to a paved public road.
- (F) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).
- (G) **Parking.**
- (1) **General.** Parking and loading shall be provided as required by Section 5-1102.
 - (2) **Surface.** All parking shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

5-626

Agriculture, Horticulture and Animal Husbandry.

- (A) **Parcel Size.**
- (1) Agriculture, Horticulture and Animal Husbandry uses shall have no minimum lot size.
 - (2) Animal Husbandry shall not be permitted on a parcel of less than five (5) acres in size unless such parcel has obtained an approved Conservation Farm Plan with a Best Management section as described in Section 5-626(B) below.
- (B) **Conservation Farm Plan.** Prior to the establishment of an Animal Husbandry use on a property of less than five (5) acres the owner of the parcel shall be required to execute a Conservation Farm Plan (also known as a farm management plan) including a waste management plan, through and with the Loudoun Soil and Water Conservation District (SWCD) and the Virginia Cooperative Extension Service (VCES) and provide a copy of such executed Plan to the Zoning Administrator. The Plan shall indicate the types and quantity of proposed animals, location and size of existing and proposed structures, grazing areas, and location and type of wells and septic fields and reserve septic fields. A Best Management section shall be included identifying the best management practices necessary to

support the proposed types and quantity of animals. Review of the Plan shall take into consideration the type and construction of any wells, septic fields and reserve septic fields and environmental features such as steep slopes, rock outcroppings and streams. The Best Management Section shall be reviewed by the Virginia Cooperative Extension Service to confirm that it is consistent with generally accepted Animal Husbandry standards and documentation indicating such confirmation shall be provided to the Zoning Administrator. After approval, no additional animals may be added to the site without an approved amendment to the Plan.

- (C) **Setbacks for Certain Structures.** No structure for housing livestock including barns, run-in sheds, stables, and the like shall be located closer than 60 feet from the property line of an adjoining lot where a residential dwelling existing or under construction at the time of construction of the structure is the principal use. This setback shall not apply if such residential dwelling is located more than 60 feet from the property line adjoining the structure.

5-627

Agriculture Support Uses (Direct Association with Agriculture, Horticulture or Animal Husbandry).

(A) **Intensity/Character.**

- (1) **In Association with On-Going Agriculture, Horticulture, or Animal Husbandry Use.** The agriculture support use (direct association) shall be allowed only in direct association with an on-going agriculture, horticulture, or animal husbandry use or activity.
- (2) **Site Size.** The minimum lot area for any agriculture support use (direct association) shall be 5 acres, except the following uses shall have the following minimum lot area:

Use	Lot Area (Minimum)
Equestrian Event Facility	25 acres
Stable, Livery	25 acres

- (3) **Visitors/Customers/Parking Spaces.** The minimum lot area shall increase based on the number of visitors/customers attracted to the use, as follows:

Use	Scope of Use/Event	Lot Area (Minimum)
Level I— small scale	No more than 200 visitors on any one day; no more than 100 vehicles allowed on site at any one time.	5 acres, up to 25

Use	Scope of Use/Event	Lot Area (Minimum)
Level II—medium scale	> 200 visitors on any one day, no more than 400; no more than 200 vehicles allowed on site at any one time.	>25 acres, up to 50
Level III—large scale	> 400 visitors on any one day, no more than 600; no more than 300 vehicles allowed on site at any one time, except 4 additional visitors and 2 additional vehicles allowed per acre in excess of 100 acres.	>50 acres, up to 100

- (4) **Hours of Operation.** Hours of operation for any agriculture support use (direct association) shall be limited to the hours from 6:00 a.m. to 9:00 p.m.
- (5) **Owner.** The agriculture support use (direct association) shall be operated or maintained by the owner or occupant of the land upon which the primary associated agriculture, horticulture, or animal husbandry use is being conducted.

(B) **Size of Use.**

- (1) **Structure.** The size of structures used in the agricultural support use (direct association) shall not exceed the following gross floor area (total all structures):

Use	Lot Area	Size of Structures (Maximum)
Level I—small scale	5 to 25 acres	12,000 square feet
Level II—medium scale	>25 acres, up to 50 acres	24,000 square feet
Level III—large scale	> 50 acres, up to 100 acres. Additional structure size allowed by right at rate of 2,400 square feet per 10 acres in excess of 100 acres, up to 48,000 square feet in total structure size for agriculture support (direct association uses)	36,000 square feet

- (2) **Storage Areas.** The total area of all storage areas used in the agricultural support use (direct association) shall not exceed the following size in square feet:

Use	Lot Area	Size of Structures (Maximum)
Level I—small scale	5 to 25 acres	5,000 square feet
An additional 1,000 square feet of storage area shall be allowed by right for each additional 10 acres, not to exceed a maximum of 20,000 square feet.		

- (C) **Location on Site/Dimensional Standards.** Structures or storage areas of an agricultural support use (direct association) shall be set back from lot lines as follows:

Use		Lot Area (Min.)	Size of Structures (Max.)	Setback from Lot Lines
Level I—small scale		5 to 25 acres	12,000 square feet	60 ft.
Level II—medium scale		>25 acres, up to 50 acres	24,000 square feet	120 ft.
Level III—large scale		> 50, up to 100 acres	36,000 square feet	175 ft.

- (D) **Landscaping/Buffering/Screening.**

- (1) **Buffer.** The use shall comply with Section 5-1404(A)(6).
- (2) **Storage Areas.** All storage areas shall comply with Section 5-1406.

- (E) **Road/Access Standards.**

- (1) **General Access Standards.** An agriculture support use (direct association) shall comply with the road access standards of Section 5-654.
- (2) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.
- (3) **Vehicles/Equipment.** Any agricultural support use (direct association) that involves the use of or services heavy equipment shall have direct access to a paved public road maintained by the state. Direct access shall not be provided by a private easement.

- (F) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

- (G) **Noise Standards.** The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).

- (H) **Hazardous Chemicals, Pesticide Use.** The use and application of herbicides, pesticides, and potentially hazardous chemicals and substances such as paints and solvents shall be prohibited within the required buffer.

- (I) **Parking.**

- (1) **General.** Parking shall be provided as required by Section 5-1102.
- (2) **Surface.** All parking areas serving the agricultural support use (direct association) shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

Farm Based Tourism. Farm based tourism uses in the AR, TR, JLMA, and Route 28 CO, PD-CM and CB districts shall comply with the following standards:

(A) **Intensity/Character Standards.**

- (1) **Site Size.** The minimum lot area for a farm based tourism use shall be 5 acres.
- (2) **Visitors/Customers/Parking Spaces.** The lot area shall increase based on the number of visitors/customers attracted to the use, as follows:

Use	Scope of Use/Event	Lot Area Requirement
Level I—small scale	No more than 300 visitors on any one day; no more than 150 vehicles allowed on site at any one time.	>5 acres, up to 40
Level II—medium scale	> 300 visitors daily, no more than 600 visitors on any one day; no more than 300 vehicles allowed on site at any one time.	>40 acres, up to 80
Level III—large scale	> 600 visitors daily, no more than 800 visitors on any one day; no more than 400 vehicles allowed on site at any one time.	>80 acres

- (3) **Hours of Operation.** Hours of operation shall be limited to 8:00 a.m. to 6:00 p.m.
- (4) **Owner.** The farm based tourism use shall be operated or maintained by the owner, operator, or occupant of the land upon which the primary associated agriculture, horticulture or animal husbandry use is being conducted.

(B) **Size of Use Standards.**

- (1) **Structure.**
 - (a) The size of structures used for the farm based tourism use shall not exceed the following gross floor areas (total all structures):

Use	Lot Area (Minimum)	Size of Structures (Maximum)
Level I—small scale	5 acres, up to 40 acres	Up to 5,000 square feet
Level II—medium scale	>40 acres, up to 80 acres	> 5,000 square feet, up to 7,500 square feet
Level III—large scale	>80 acres	> 7,500 square feet, up to 10,500 square feet

- (2) **Storage Areas.** The total area of all storage areas shall not exceed 25 percent of the total floor area of the structures used for the farm based tourism use.

(C) **Location on Site/Dimensional Standards.**

- (1) **Lot Lines.** Structures for farm based tourism uses shall be set back from lot lines as follows:

Use	Size of Structures (Maximum)	Setback from Lot Lines
Level I—small scale	Up to 5,000 square feet	100 ft.
Level II—medium scale	>5,000 square feet up to 7,500 square feet	150 ft.
Level III—large scale	>7,500 square feet, up to 10,000 square feet	200 ft.

(D) **Landscaping/Buffering/Screening.**

- (1) **Buffer.** The use shall comply with Section 5-1404(A)(6).
- (2) **Parking Areas.** Parking areas shall comply with Section 5-1407.
- (3) **Storage Areas.** All storage areas shall comply with Section 5-1406.

(E) **Road/Access Standards.**

- (1) **General Access Standards.** Farm based tourism uses shall comply with the road access standards of Section 5-654.
- (2) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(F) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-654(A) (Exterior Lighting Standards).

(G) **Parking.**

- (1) **General.** Parking shall be provided as required by Section 5-1102.
- (2) **Surface.** All parking areas shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

(H) A structure existing prior to January 7, 2003, that is: 1) located within a County Historic Site (HS) District or Historic and Cultural Conservation (HCC) District under Section 6-1800 et seq.; 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 a VLR or NRHP listed or eligible Historic District, may be used for Farm Based Tourism and shall be exempt from the minimum lot area and Level I lot area and setback from lot lines requirements, provided that any expansion or enlargement of such structure shall not exceed 15%

of the total floor area existing prior to January 7, 2003. Documentation shall be provided to the Zoning Administrator demonstrating that the Virginia Department of Historic Resources has confirmed the listing or eligibility of structures.

5-629

Sawmills. Sawmills shall comply with the following standards.

(A) Intensity/Character Standards.

- (1) **Site Size.** The minimum lot area for a sawmill shall be 12 acres.
- (2) **Customers/Parking Spaces.** The minimum lot area shall increase based on the number of customers attracted to the use, as follows.

Use	Scope of Use/Event	Lot Area (Minimum)
Level I—small scale	No more than 25 customers on any one day; no more than 13 vehicles allowed on site at any one time.	12 acres
Level II—medium scale	> 25 customers on any one day, no more than 100; no more than 50 vehicles allowed on site at any one time.	20 acres
Level III—large scale	> 100 customers on any one day, no more than 150; no more than 75 vehicles allowed on site at any one time.	25 acres

- (3) **Hours of Operation.** Hours of operation for a sawmill shall be limited from 6:00 a.m. to 6:00 p.m.

(B) Size of Use Standards.

- (1) **Structure.** Excluding the actual timber cutting equipment, the size of all structures used at the sawmill shall not exceed the following gross floor areas (total all structures):

Use	Lot Area (Minimum)	Size of Structures (Maximum)
Level I—small scale	12 acres	3,500 square feet
Level II—medium scale	20 acres	5,500 square feet
Level III—large scale	25 acres	7,000 square feet

- (2) **Storage Yards.** The size of storage yards used for a sawmill shall not exceed the following size in square feet:

Use	Lot Area (Minimum)	Size of Storage Yard (Maximum)
Level I—small scale	12 acres	4,500 square feet
Level II—medium scale	20 acres	9,000 square feet
Level III—large scale	25 acres	15,000 square feet

(C) Location on Site/Dimensional Standards.

- (1) **Lot Lines.** Structures and storage yards shall be set back from lot lines as follows:

Use	Size of Structures (Maximum)	Setback from Lot Lines
Level I—small scale	Up to 3,500 square feet	225 ft.
Level II—medium scale	>3,500 square feet, up to 5,500 square feet	275 ft.
Level III—large scale	>5,500 square feet, up to 7,000 square feet	325 ft.

- (2) **Sawdust and or Wood Chip Pile.** Sawdust or wood chip piles at the sawmills shall not exceed 25 feet.

(D) **Landscaping/Buffering/Screening.**

- (1) **Buffer.** The use shall comply with Section 5-1404(A)(6).
- (2) **Parking Areas.** Parking areas shall comply with Section 5-1407.
- (3) **Storage Yards.** All storage yards shall comply with Section 5-1406.

(E) **Roads/Access Standards.**

- (1) **General Access Standards.** A sawmill shall comply with the road access standards of Section 6-564.
- (2) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(F) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652 (Exterior Lighting Standards).

(G) **Noise Standards.** The maximum allowable dB(A) level of impulsive sound emitted by the use, as measured at the property line, shall not exceed 55 dB(A).

(H) **Parking.**

- (1) **General.** Parking and loading shall be provided as required by Section 5-1102.
- (2) **Surface.** All parking areas serving the sawmill shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

5-630 Agriculture Support Use (No Direct Association with Agriculture, Horticulture, Animal Husbandry).

(A) **Intensity/Character.**

- (1) **Site Size.** The minimum lot area for an agriculture support use (no direct association) shall be 5 acres, except the following uses shall have the following minimum lot area:

Use	Lot Area (Minimum)
Agricultural Research Facility	25 acres
Central Farm Distribution Hub for Agricultural Products	25 acres
Equestrian Event Facility	25 acres
Stable, Livery	25 acres

- (2) **Visitors/Customers/Parking Spaces.** The minimum lot area shall increase based on the number of visitors/customers attracted to the use, as follows:

Use	Scope of Use/Event	Lot Area Minimum
Level I - small scale	No more than 200 visitors on any one day; no more than 100 vehicles allowed on site at any one time.	5 to 25 acres
Level II - medium scale	More than 200 visitors on any one day and less than 400; no more than 200 vehicles allowed on site at any one time.	>25 acres, up to 50
Level III - large scale	More than 400 visitors on any one day and less than 600; no more than 300 vehicles allowed on site at any one time, except that 5 additional visitors and 2 additional vehicles are allowed per acre in excess of 100 acres.	>50 to 100 acres

- (3) **Hours of Operation.** Hours of operation for an agricultural support use (no direct association) shall be limited to the hours from 6:00 a.m. to 10:00 p.m.

(B) **Size of Use.**

- (1) **Structure Size.** The size of structures used on the agricultural support use (no direct association) shall not exceed the following floor area ratio or gross floor area, as applicable:

Use	Lot Area (Minimum)	Size of Structures (Maximum)
Agricultural Research Facility	25 acres	Maximum FAR: 0.02
Central Farm Distribution Hub for Agricultural Products	25 acres	Maximum FAR: 0.02
All Other Uses		
Level I—small scale	5 to 25 acres	12,000 square feet
Level II—medium scale	>25 acres, up to 50 acres	24,000 square feet
Level III—large scale	> 50 acres, up to 100 acres. Additional structure size	36,000 square feet

Use	Lot Area (Minimum)	Size of Structures (Maximum)
	allowed by right at rate of 2,400 square feet per 10 acres in excess of 100 acres, up to 48,000 square feet in total structure size for agriculture support use (no direct association)	

(2) **Storage Areas.** The total area of storage areas shall not exceed 10 percent of the total area of the principal structure.

(C) **Location on Site/Dimensional Standards.** An agricultural support use (no direct association) shall be set back from lot lines as follows:

Use	Lot Area (Min)	Size of Structures (Max.)	Setback from Lot Lines
Agricultural Research Facility	25 acres	Maximum FAR (all structures): 0.02	150 ft.
Central Farm Distribution Hub for Agricultural Products	25 acres	Maximum FAR (all structures): 0.02	150 ft.
All Other Uses			
Level I—small scale	5 to 25 acres	12,000 square feet	60 ft.
Level II—medium scale	>25 acres, up to 50 acres	24,000 square feet	120 ft.
Level III—large scale	> 50, up to 100 acres	36,000 square feet	175 ft.

(D) **Landscaping/Buffering/Screening.**

(1) **Buffer.** The use shall comply with Section 5-1404(A)(6).

(2) **Parking Areas.** Parking areas shall comply with Section 5-1407.

(3) **Storage Areas.** All storage areas shall comply with Section 5-1406.

(E) **Roads/Access Standards.**

(1) **General Access Standards.** An agricultural support use (no direct association) shall comply with the road access standards in Section 5-654.

(2) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(3) **Vehicles/Equipment.** Any use that involves the use of or services heavy equipment shall have direct access to a paved public road.

- (4) **Number of Access Points.** There shall be no more than two points of access from the use to a public road. This requirement shall not preclude an additional access for emergency vehicles only.
- (F) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).
- (G) **Noise Standards.** The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).
- (H) **Parking.**
 - (1) **General.** Parking shall be provided as required by Section 5-1102.
 - (2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

5-631

Animal Hospital. Animal hospitals in the PD-GI, AR and JLMA districts shall comply with the following standards.

- (A) **Intensity/Character.**
 - (1) **Site Size.** The minimum lot area for any animal hospital shall be 5 acres.
- (B) **Size of Use.**
 - (1) **Floor Area Ratio.** The maximum floor area ratio shall not exceed 0.04.
 - (2) **Storage Yards.** The total area of storage yards shall not exceed 10 percent of the total area of the principal structure.
 - (3) **Location on Site/Dimensional Standards.** An animal hospital shall have the following minimum required yards:
 - (a) Structures of less than 5,000 square feet of gross floor area: 100 feet minimum from all lot lines.
 - (b) Structures greater than 5,000 square feet and less than 15,000 square feet of gross floor area: 150 feet minimum from all lot lines.
 - (c) Structures greater than 15,000 square feet of gross floor area: 200 feet minimum from all lot lines.
- (C) **Landscaping/Buffering/Screening.**
 - (1) **Buffer.** The use shall comply with Section 5-1404(A)(6).
 - (2) **Parking Areas.** Parking areas shall comply with Section 5-1407.

- (3) **Storage Yards.** All storage yards shall comply with Section 5-1406.
- (D) **Roads/Access.**
 - (1) **General Access Standards.** An animal hospital shall comply with the road access standards of Section 5-654.
 - (2) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.
 - (3) **Number of Access Points.** There shall be no more than two points of access from an animal hospital to a public road. This requirement shall not preclude an additional access for emergency vehicles only.
- (E) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).
- (F) **Noise Standards.** The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).
- (G) **Parking.**
 - (1) **General.** Parking and loading shall be provided as required by Section 5-1102.
 - (2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

5-632 Seasonal Labor Dormitory. Seasonal labor dormitory uses in the AR and JLMA-20 districts shall comply with the following standards.

- (A) **Intensity/Character.**
 - (1) **Location of Use.** The use shall be located on the site of active agriculture, horticulture or animal husbandry operations.
 - (2) **Dwelling Unit 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.
 - (3) **Residents.** Residents shall be employed on site at an on-going agriculture, horticulture or animal husbandry operation during their occupancy of the unit.
- (B) **Location on Site.**
 - (1) **Located on Internal Site Roads.** Dormitories shall be accessed by internal site roads and shall not have direct access to public roads.

- (2) **Setback from Single-Family Dwellings.** Dormitories shall be set back 300 feet from off-site single family detached units.
- (C) **Landscaping/Buffering/Screening.** Yards, berms, vegetative screening, fences or walls shall be provided to buffer adjacent properties and public streets from dormitory structures.
- (D) **Sanitary and Bathing Facilities.** All dwellings shall have indoor sanitary and bathing facilities consistent with the requirements of the Loudoun County Health Department.
- (E) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).
- (F) **Parking.**
 - (1) **General.** Parking shall be provided as required by Section 5-1102.
 - (2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.
 - (3) **Landscaping/Buffering/Screening.** Parking areas shall comply with Section 5-1407.

5-633

Airport/Landing Strip. The following standards shall apply to airport/landing strips in the AR, JLMA-20 and TR-10 districts.

- (A) **Intensity/Character.**
 - (1) **Scope of Aviation Operations.**
 - (a) The airport/landing strip shall be for private aviation aircraft only, limited exclusively to the use of the landowner and guests; commercial operations, including flight training, ground school, and sales, are prohibited.
 - (b) Instrument-guided flight to access the airport/landing strip is prohibited.
 - (c) Jet-propelled aircraft shall not use the airport/landing strip.
 - (d) Takeoffs or landings are prohibited between the hours of 6:00 p.m. and 6:00 a.m.
 - (2) **Accessory Aircraft Repairs and Servicing.**
 - (a) Typical accessory support services for the airport landing strip are allowed, including but not limited to fueling stations, fuel tanks, and storage.
 - (b) Routine minor repairs and necessary maintenance of aircraft are permitted accessory uses, provided all routine

repairs and maintenance occur within an enclosed structure, such as a hangar.

- (B) **Site Size.** The minimum lot area for an airport/landing strip shall be 80 acres, except that a use consisting only of a landing strip with no accessory structures or facilities other than a fueling station shall be a minimum of 15 acres in size.

(C) **Structure Size.**

- (1) **Structure Size.** The size of structures necessary to service the use, such as aircraft service buildings, shall not exceed the following gross floor area (total all structures): 15,000 square feet.
- (2) **Storage Yards.** The maximum total area of storage yards for all lots smaller than 25 acres shall be 5,000 square feet. For lots greater than 25 acres, an additional 1,000 square feet shall be allowed for each additional 10 acres, not to exceed a maximum of 20,000 square feet.

(D) **Location on Site/Dimensional Standards.**

- (1) **Aviation Structures, Storage Yards and Runway or Landing Strip.** All aviation structures, storage yards, and the runway or landing strip, shall be set back from lot lines as follows:
 - (a) Structures less than 2,500 square feet of gross floor area: 125 feet minimum from all lot lines.
 - (b) Structures greater than 2,500 and up to 15,000 square feet of gross floor area: 200 feet minimum from all lot lines.
 - (c) Structures over 15,000 square feet of gross floor area: 250 feet minimum from all lot lines.
 - (d) Runway or landing strip: 650 feet minimum from all lot lines.

(E) **Landscaping/Buffering/Screening.**

- (1) **Runway Buffer Area.** A buffer area shall be provided extending from the end of all runways or landing strips. The size of the buffer shall encompass a minimum land area equal to a one-quarter mile radius measured from the edge of the end of every runway. No uses shall be allowed within this runway buffer area.
- (2) **Parking.** Parking areas shall comply with Section 5-1407.
- (3) **Outdoor Services/Activities.** All tanks, storage yards, and vehicles and equipment stored outdoors shall be screened and landscaped consistent with the standards of Section 5-1406.

- (F) **Road/Access.** Any airport/landing strip use shall comply with the road access standards of Section 5-654.
- (G) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).
- (H) **Parking.**
 - (1) **General.** Parking shall be provided as required by Section 5-1102.
 - (2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

5-634

Agricultural Cultural Center. An agricultural cultural center in the AR and Route 28 CO, PD-CM and CB districts shall comply with the following standards:

- (A) **Intensity/Character of Use.** The minimum lot area for an agricultural cultural center shall be 10 acres.
- (B) **Size of Use.**
 - (1) **Floor Area Ratio.** The maximum floor area ratio shall be 0.04.
 - (2) **Storage Yards.** The total area of all storage yards shall be limited to 10 percent of the total gross floor area of the principal structure on the site. Outdoor exhibit space open to members of the public shall not be counted as part of the area of storage yards.
- (C) **Location on Site.**
 - (1) **Lot Lines.** An agricultural cultural center shall be set back from lot lines as follows:
 - (a) Structures of less than 9,000 square feet of gross floor area: 125 feet minimum from all lot lines.
 - (b) Structures greater than 9,000 square feet, and up to 18,000 square feet of gross floor area: 175 feet minimum from all lot lines.
 - (c) Structures over 18,000 square feet of gross floor area: 225 feet minimum from all lot lines.
- (D) **Landscaping/Buffering/Screening.**
 - (1) **Buffer.** The use shall comply with Section 5-1404(A)(6).
 - (2) **Parking Areas.** Parking areas shall comply with Section 5-1407.
 - (3) **Storage Yards.** All storage yards shall comply with Section 5-1406.
- (E) **Roads/Access.**

- (1) **General Access Standards.** An agricultural cultural center shall comply with the road access standards of Section 5-654.
- (2) **Number of Access Points.** There shall be no more than one point of access to a public road. This requirement shall not preclude an additional access for emergency vehicles only.
- (3) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.
- (F) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).
- (G) **Parking.**
 - (1) **General.** Parking and loading shall be provided as required by Section 5-1102.
 - (2) **Surface.** All parking areas serving an agricultural cultural center of up to 5,000 square feet gross area shall use a dust-free surfacing material as provided in the Facilities Standards Manual. Parking areas in excess of 5,000 square feet of gross floor area shall provide paved parking for visitors and users.
- (H) A structure existing prior to January 7, 2003, that is: 1) located within a County Historic Site (HS) District or Historic and Cultural Conservation (HCC) District under Section 6-1800 et seq.; 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 a VLR or NRHP listed or eligible Historic District, may be used as an Agricultural Cultural 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 January 7, 2003. Documentation shall be provided to the Zoning Administrator demonstrating that the Virginia Department of Historic Resources has confirmed the listing or eligibility of structures.

5-635

Fairground. The following standards shall apply to fairgrounds in the AR and JLMA-20 districts.

- (A) **Intensity/Character of Use.** The minimum lot area for the use shall be 25 acres.
- (B) **Size of Use.**
 - (1) **Floor Area Ratio.** The maximum floor area ratio shall be 0.04.
 - (2) **Storage Areas.** The total area of storage areas shall not exceed 10 percent of the total area of the principal structures.
 - (3) **Building Height.** Building height shall not exceed 35 feet.

- (4) **Location on Site.** The use shall be set back from lot lines as follows:
 - (a) Structures of less than 20,000 square feet of gross floor area: 150 feet minimum from all lot lines.
 - (b) Structures greater than 20,000 square feet, up to 40,000 square feet of gross floor area: 200 feet minimum from all lot lines.
 - (c) Structures greater than 40,000 square feet of gross floor area: 225 feet minimum from all lot lines.
- (C) **Landscaping/Buffering/Screening.**
 - (1) **Buffer.** The use shall comply with Section 5-1404(A)(6).
 - (2) **Parking Areas.** Parking areas shall comply with Section 5-1407.
 - (3) **Storage Areas.** All storage areas shall comply with Section 5-1406.
- (D) **Roads/Access.**
 - (1) **General Access Standards.** Fairgrounds shall comply with the road access standards of Section 5-654.
 - (2) **Number of Access Points.** There shall be no more than two points of access to a fairground. This requirement shall not preclude an additional access for emergency vehicles only.
 - (3) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.
- (E) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A)(1)-(3).
- (F) **Noise.**
 - (1) **Location in Relation to Residential Use.** No loading/unloading activities, or other noise-producing activities shall be allowed within 250 feet of an existing adjacent single family detached use during the hours of 11:00 p.m. and 6:00 a.m.
 - (2) **Maximum dB(A).** The maximum allowable dB(A) level of impulsive sound emitted from the use, as measured at the property line, shall not exceed 55 dB(A). In addition, outdoor music shall not be allowed after 11:00 PM.
- (G) **Parking.**
 - (1) **General.** Parking shall be provided as required by Section 5-1102.

- (2) **Surface.** All parking areas serving a fairground shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

5-636

Arboretum, Botanical Garden, Nature Study Area. The following standards shall apply to the development of arboretums, botanical gardens, and nature study areas in the AR, JLMA-20 and PD-CV districts.

(A) Intensity/Character of Use.

- (1) **Site Size.** The minimum lot area for any arboretum, botanical garden or nature study area shall be 5 acres.
- (2) **Hours of Operation.** The hours of operation shall be limited to 6:00 a.m. to 9:00 p.m., except that permitted temporary special events at an arboretum, botanical garden, or nature study area may operate beyond the 9:00 p.m. time according to the terms of the temporary special events permit.
- (3) **Accessory Uses.** Accessory uses shall only be permitted on lots 20 acres in size or larger. Accessory uses to an arboretum, botanical garden, or nature study area may include retail sales (e.g., gift shops), small restaurants or cafes, or visitor centers subject to the following standards:
 - (a) Retail sales shall be limited to the sale of items directly related to the nature and character of the principal permitted use.
 - (b) Accessory uses other than a visitor center shall contain no more than 1,000 square feet of gross floor area. A visitor center shall contain no more than 2,500 square feet of gross floor area.

(B) Size of Use.

- (1) **Floor Area Ratio.** The maximum floor area ratio shall be 0.02.
- (2) **Storage Areas.** The total area of storage areas shall not exceed 10 percent of the total area of the principal structure.

(C) Roads/Access. Uses shall comply with the road access standards of Section 5-654.

(D) Parking.

- (1) **General.** Parking and loading shall be provided as required by Section 5-1102.
- (2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

- (E) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).
- (F) A structure existing prior to January 7, 2003, that is: 1) located within a County Historic Site (HS) District or Historic and Cultural Conservation (HCC) District under Section 6-1800 et seq.; 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 a VLR or NRHP listed or eligible Historic District, may be used as an Arboretum, Botanical or Garden Nature Study Area 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 January 7, 2003. Documentation shall be provided to the Zoning Administrator demonstrating that the Virginia Department of Historic Resources has confirmed the listing or eligibility of structures.

5-637

Cemetery, Mausoleum, Crematorium. The following standards shall apply to the development of cemeteries, mausoleums, and crematoriums, except this section shall not apply to crematoriums permitted in the Planned Development-Mixed Use Business (PD-MUB) zoning district.

(A) **Intensity/Character of Use.**

- (1) **Site Size.** The minimum lot area for any cemetery, mausoleum, or crematorium shall be 10 acres.
- (2) **Hours of Operation.** The hours of operation shall be limited to 6:00 a.m. to 9:00 p.m. or dusk, whichever occurs first.

(B) **Size of Use.**

- (1) **Maximum Floor Area Ratio.** The maximum floor area ratio shall be 0.04.
- (2) **Storage Areas.** The total area of storage areas shall not exceed 10 percent of the total area of the principal structure.

(C) **Location on Site/Dimensional Standards.**

- (1) **General.** Cemetery, mausoleum, or crematorium uses shall be set back 150 feet from lot lines.
- (2) **Setback from Residences without Property Owner Consent.** Cemetery, mausoleum and crematorium uses shall be set back a minimum of 250 yards from a residence if property owner consent is not received to be located closer to the residence. Cemetery, mausoleum or crematorium uses shall be set back a minimum of 300 yards from a city, town or water company well (Section 57-26 Code of Virginia).

(D) **Landscaping/Buffering/Screening.**

- (1) **Buffer.** The use shall comply with Section 5-1404(A)(6).
- (2) **Parking Areas.** Parking areas shall comply with Section 5-1407.
- (3) **Storage Areas.** All storage areas shall comply with Section 5-1406.
- (E) **Roads/Access.**
 - (1) **General Access Standards.** Uses shall comply with the road access standards of Section 5-654.
 - (2) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.
- (F) **Parking.**
 - (1) **General.** Parking and loading shall be provided as required by Section 5-1102.
 - (2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.
- (G) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

5-638

Public Safety Uses (Fire and/or Rescue Station, Police Station or Substation). The following standards shall apply to the development of Fire and/or Rescue Stations and Police Stations or substations in the AR, TR and JLMA districts. Such standards shall not apply to the development of a temporary Fire and/or Rescue Station in the AR, TR and JLMA districts.

- (A) **Fire and/or Rescue Station.**
 - (1) **Size of Use.**
 - (a) **Site Size.** The minimum lot area for any Fire and/or Rescue Station shall be two (2) acres.
 - (b) **Floor Area Ratio.** The maximum floor area ratio shall be 0.3.
 - (c) **Storage Yards.** The total area of storage yards shall not exceed 20 percent of the total area of the principal structure.
 - (d) **Setback from Lot Lines.** Structures associated with Fire and/or Rescue Stations shall be set back 100 feet from all lot lines. Such setback may be reduced to 60 feet from lot lines if a Buffer Yard Type C is provided along such lot line.

(2) **Landscaping/Buffering/Screening.**

- (a) **Buffer.** The use shall comply with Section 5-1404(A)(6).
- (b) **Parking Areas.** Parking areas shall comply with Section 5-1407.
- (c) **Storage Yards.** All storage yards shall comply with Section 5-1406.

(3) **Roads/Access.**

- (a) **General Access Standards.** Uses shall comply with the road access standards of Section 5-654.
- (b) **Number of Access Points.** There shall be no more than two points of access to a public road. This requirement shall not preclude an additional access for emergency vehicles only.

(4) **Parking.** Parking and loading shall be provided as required by Section 5-1102(B)(4). These spaces shall be in addition to vehicle storage spaces for vehicles not in use.

(5) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A)(1) and (2) (Exterior Lighting Standards).

(B) **Police Station or Substation.**

(1) **Size of Use.**

- (a) **Site Size.** The minimum lot area for a Police Station or Substation shall be two (2) acres.
- (b) **Floor Area Ratio.** The maximum floor area ratio shall be 0.3.
- (c) **Storage Yards.** The total area of storage yards shall not exceed 20 percent of the total area of the principal structure.
- (d) **Setback from Lot Lines.** Police Stations or Substations shall be set back from lot lines as follows:
 - (i) Structures of less than 4,000 square feet of gross floor area: 60 feet minimum from all lot lines.
 - (ii) Structures greater than 4,000 square feet, and up to 8,000 square feet of gross floor area: 100 feet minimum from all lot lines.

- (iii) Structures greater than 10,000 square feet of gross floor area: 120 feet minimum from all lot lines.
- (2) **Landscaping/Buffering/Screening.**
 - (a) **Buffer.** The use shall comply with Section 5-1404(A)(6).
 - (b) **Parking Areas.** Parking areas shall comply with Section 5-1407.
 - (c) **Storage Yards.** All storage yards shall comply with Section 5-1406.
- (3) **Roads/Access.**
 - (a) **General Access Standards.** Uses shall comply with the road access standards of Section 5-654.
 - (b) **Number of Access Points.** There shall be no more than two points of access to a public road. This requirement shall not preclude an additional access for emergency vehicles only.
- (4) **Parking.** Parking and loading shall be provided as required by Section 5-1102(B)(4). These spaces shall be in addition to vehicle storage spaces for vehicles not in use.
- (5) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A)(1) and (2) (Exterior Lighting Standards).

5-639 Religious Assembly Uses (Church, Synagogue, Temple, Mosque). The following standards shall apply to the development of religious assembly uses in the AR, JLMA and TR-10 districts

- (A) **Size of Use.**
 - (1) **Site Size.** The minimum lot area for a religious assembly use shall be:
 - (a) Religious assembly uses with seating capacity of 300 seats or less: 10 acres.
 - (b) Religious assembly uses with seating capacity of 300 seats or more seats, or religious assembly uses that include accessory uses (schools, day care centers, recreation facilities): 20 acres.
 - (2) **Maximum Floor Area Ratio.** The maximum floor area ratio, as measured utilizing all structures and the total gross acreage of the site shall be 0.20.

- (3) **Storage Yards.** The total area of storage yards shall not exceed 10 percent of the total area of the principal structure.
- (B) **Location on Site.**
 - (1) **Setbacks from Lot Lines.** A religious assembly use (including all accessory uses and structures) shall be set back from lot lines a minimum of 75 feet for buildings and other structures and a minimum of 50 feet for parking.
- (C) **Child Care Facilities.** Religious assembly uses with child care facilities shall comply with the requirements of Section 5-609.
- (D) **Landscaping/Buffering/Screening.**
 - (1) **Buffer.** The use shall comply with Section 5-1404(A)(6).
 - (2) **Parking Areas.** Parking areas shall comply with Section 5-1407.
 - (3) **Storage Yards.** All storage yards shall comply with Section 5-1406.
- (E) **Roads/Access.**
 - (1) **General Access Standards.** Religious assembly uses shall comply with the road access standards of Section 5-654.
 - (2) **Number of Access Points.** There shall be no more than two points of access to a public road from a religious assembly use. This requirement shall not preclude an additional access for emergency vehicles only.
- (F) **Parking.**
 - (1) **General.** Parking and loading shall be provided as required by Section 5-1102.
 - (2) **Surface.** All parking areas shall use a dust-free surfacing material as provided in the Facilities Standards Manual.
- (G) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).
- (H) **Modification of Performance Standards.** The Zoning Administrator shall have the authority to grant modifications to any of the standards listed in this Section 5-639 in order to eliminate a substantial burden on religious exercise as guaranteed by the federal *Religious Land Use and Institutionalized Persons Act of 2000* (42 U.S.C. Sec. 2000cc), as amended. In granting such a modification, the Zoning Administrator may require conditions consistent with the federal Act that will secure

substantially the objectives of the modified standard and that will substantially mitigate any potential adverse impact on the environment or on adjacent properties.

5-640

Conference and Training Centers. Conference and training centers in the AR, JLMA-20 and TR-10 districts shall comply with the following standards.

(A) **Intensity/Character.** The minimum lot area shall be as follows.

Use	Lot Area (Minimum)	Average Daily Users
Level I-small scale	50 acres	Up to 50 users
Level II-medium scale	100 acres	>50 and up to 100 users
Level III-large scale	150 acres	>100 and up to 150 users
Level IV	Requires special exception approval pursuant to Section 6-1300	>150 users
Average daily users include the employees, trainees and conferees the conference and training center is designed to accommodate. Service trips, which are trips made to the facility for the purpose of delivering food, supplies, and related materials are in addition to the average daily users.		

(B) **Size of Use.**

- (1) **Floor Area Ratio.** The maximum floor area ratio shall be 0.04.
- (2) **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.
- (3) **Special Events Only by Section 5-500 or Special Exception.** Special events shall receive approval pursuant to Section 5-500, or be specifically provided for in the approval of a special exception (Section 6-1300), as applicable.
- (4) **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, golf equipment, 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.
- (5) **Storage Yards.** The total area of storage yards shall not exceed 10 percent of the total area of the principle structures.
- (6) **On-Site Recreation Facilities.** On-site recreation facilities may be used solely by employees, trainees or conferees.
- (7) **Open Space.** A minimum of 75 percent of the site shall remain as open space.

- (8) **Location on Site/Dimensional Standards.** Conference and training centers shall be set back from lot lines as follows:

Use	Lot Area (Min)	Setback from Lot Lines
Level I—small scale	50 acres	150 ft.
Level II—medium scale	100 acres	200 ft.
Level III—large scale	150 acres	250 ft.

(C) **Landscaping/Buffering/Screening.**

- (1) **Buffer.** The use shall comply with Section 5-1404(A)(6).
- (2) **Parking Areas.** Parking areas shall comply with Section 5-1407.
- (3) **Storage Yards.** All storage yards shall comply with Section 5-1406.

(D) **Roads/Access.**

- (1) **General.** The conference and training center use shall comply with the road access standards of Section 5-654.
- (2) **Number of Access Points.** There shall be no more than one point of access to a public road. This requirement shall not preclude an additional access for emergency vehicles only.
- (3) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(E) **Parking.**

- (1) **General.** Parking and loading shall be provided as required by Section 5-1102.
- (2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

(F) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(G) **Noise Standards.** The maximum allowable dB(A) level of impulsive sound from the site, as measured at the property line, shall not exceed 55 dB(A). In addition, outdoor music shall not be allowed after 11:00 PM.

5-641

Teahouse; Coffeehouse. Teahouse or coffeehouse uses in the AR districts shall comply with the following standards.

- (A) **Intensity/Character Standards.** Hours of operation shall be limited to 6:00 a.m. to 9:00 p.m.
- (B) **Size of Use.**

- (1) **Site Size.** The minimum lot area shall be 5 acres.
- (2) **Structure.** The size of structures used shall not exceed 2,500 square feet in gross floor area (total all structures).
- (C) **Location on Site/Dimensional Standards.** The teahouse or coffeehouse use shall be setback 50 feet from lot lines.
- (D) **Landscaping/Buffering/Screening.** Parking areas shall comply with Section 5-1407.
- (E) **Parking.** Parking and loading shall be provided as required by Section 5-1102.
- (F) **Roads Access Standards.**
 - (1) **General Access Standards.** The use shall comply with the road access standards in Section 5-654.
 - (2) **Number of Access Points.** There shall be no more than one point of access to a public road. This requirement shall not preclude an additional access for emergency vehicles only.
- (G) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A)(1), (2) and (4).
- (H) A structure existing prior to January 7, 2003, that is: 1) located within a County Historic Site (HS) District or Historic and Cultural Conservation (HCC) District under Section 6-1800 et seq.; 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 a VLR or NRHP listed or eligible Historic District, may be used as a Teahouse or Coffeehouse and shall be exempt from the minimum lot area and floor area requirements specified above, provided that any expansion or enlargement of such structure shall not exceed 15% of the total floor area existing prior to January 7, 2003. Documentation shall be provided to the Zoning Administrator demonstrating that the Virginia Department of Historic Resources has confirmed the listing or eligibility of structures.

5-642

Banquet/Event Facility. Any Banquet/Event Facility use, except within the PD-MUB and CLI district, shall comply with the following standards:

- (A) **Intensity/Character.**
 - (1) **Hours of Operation.** Hours of operation shall be limited to 7:00 AM to 12:00 midnight.
 - (2) **Size of Use.** The minimum lot area for a Banquet/Event Facility shall be 20 acres.
 - (3) **Floor Area.** The floor area ratio shall not exceed 0.04.

- (4) **Location on Site/Dimensional Standards.** The Board of Supervisors may increase the outdoor area setback in establishing conditions associated with a Minor Special Exception for the Banquet/Event Facility use.
- (a) The Banquet/Event Facility use shall be setback 100 feet from all lot lines.
 - (b) Parking shall be setback 100 feet from all lot lines.
 - (c) 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.
- (5) **Number of Attendees.** The maximum number of attendees for incremental acreage is based at the rate of 200 plus two (2) persons per acre over 20 acres.

Minimum Acreage	No. of Attendees
20 acres	200 attendees
50 acres	260 attendees
75 acres	310 attendees
100 acres	360 attendees

(B) **Landscaping/Buffering/Screening.**

- (1) **Buffer.** The use shall comply with Section 5-1404(A)(6).
- (2) **Parking Areas.** Parking areas shall comply with Section 5-1407.
- (3) **Storage Yards.** All storage yards shall comply with Section 5-1406.

(C) **Roads/Access Standards.**

- (1) **General Access Standards.** A Banquet/Event Facility shall comply with the road access standards of Section 5-654.
- (2) **Number of Access Points.** There shall be no more than two points of access to a publicly maintained road for the Banquet/Event Facility use. This requirement shall not preclude an additional access for emergency vehicles only.
- (3) For any Banquet/Event Facility 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.

(D) **Parking.**

- (1) **General.** Parking and loading shall be provided as required by Section 5-1102.
- (E) **Exterior Lighting.** All exterior lighting shall comply with the standards of Section 5-652(A)(1)-(3) (Exterior Lighting Standards). In addition to the requirements of Section 5-652, the maximum height of pole-mounted exterior lighting, outside of parking areas, shall be 12 feet.
- (F) **Noise.** A Banquet/Event Facility shall comply with the noise standards of Section 5-652(B) (Noise Standards).

5-643

Restaurant. Any restaurant use in the AR-1, AR-2, JLMA-2, and JLMA-3 zoning districts shall comply with the following standards.

- (A) **Intensity/Character Standards.** Hours of operation shall be limited from 6:00 a.m. to 12:00 midnight.
- (B) **Size of Use.**
 - (1) **Site Size.** The minimum lot area shall be 20 acres except that there shall be no minimum lot size for adaptive reuse of farm structures existing as of January 7, 2003.
 - (2) **Floor Area Ratio.** 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 existing as of January 7, 2003.
 - (3) **Location on Site/Dimensional Standards.** The use shall be set back from lot lines as follows:
 - (a) Structures of up to 1,500 square feet of gross floor area: 100 feet minimum from all lot lines.
 - (b) Structures greater than 1,500 and up to 4,000 square feet of gross floor area: 150 feet minimum from all lot lines.
 - (c) Structures over 4,000 square feet of gross floor area: 175 feet minimum from all lot lines.
- (C) **Parking.** Parking and loading shall be provided as required by Section 5-1102.
- (D) **Landscaping/Buffering/Screening.**
 - (1) **Buffer.** The use shall comply with Section 5-1404(A)(6).
 - (2) **Parking Areas.** Parking areas shall comply with Section 5-1407.
 - (3) **Storage Yards.** All storage yards shall comply with Section 5-1406.
- (E) **Roads/Access Standards.**

- (1) **General.** A restaurant shall comply with the road access standards of Section 5-654.
 - (2) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.
 - (3) **Number of Access Points.** There shall be no more than one point of access to a public road. This requirement shall not preclude an additional access for emergency vehicles only.
- (F) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

5-644

Educational or Research Facilities Use Related to the Agriculture, Horticulture and Animal Husbandry Uses in the District. Any educational or research facilities use related to the agriculture, horticulture and animal husbandry uses in the AR and TR districts shall comply with the following standards.

(A) **Size of Use Standards.**

- (1) **Site Size.** The minimum lot area shall be 25 acres.
- (2) **Visitors/Customers/Parking Spaces.** The minimum lot area shall increase based on the number of visitors/customers attracted, as follows.

Scope of Use/Event	Lot Area (Minimum)
No more than 200 visitors on any one day; no more than 100 vehicles allowed on site at any one time. Additional visitors allowed by right at rate of 5 per acre in excess of 25 acres.	25 acres

- (3) **Structure.** The floor area ratio shall not exceed 0.04.
 - (4) **Storage Yards.** The maximum total area of storage yards shall not exceed 10 percent of the total area of the principal structure.
- (B) **Location on Site/Dimensional Standards.** The use shall be set back from lot lines as follows:
- (1) Structures up to 7,000 square feet of gross floor area: 100 feet minimum from all lot lines.
 - (2) Structures greater than 7,000 square feet of gross floor area and up to 12,000: 150 feet minimum from all lot lines.
 - (3) Structures greater than 12,000 square feet of gross floor area: 200 feet minimum from all lot lines.
- (C) **Parking.** Parking and loading shall be provided as required by Section 5-1102.

(D) **Landscaping/Buffering/Screening.**

- (1) **Buffer.** The use shall comply with Section 5-1404(A)(6).
- (2) **Parking Areas.** Parking areas shall comply with Section 5-1407.
- (3) **Storage Yards.** All storage yards shall comply with Section 5-1406.

(E) **Roads/Access.**

- (1) **General.** The use shall comply with the road access standards of Section 5-654.
- (2) **Number of Access Points.** There shall be no more than two points of access to a public road. This requirement shall not preclude an additional access for emergency vehicles only.
- (3) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(F) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(G) **Noise Standards.** The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).

(H) A structure existing prior to January 7, 2003, that is: 1) located within a County Historic Site (HS) District or Historic and Cultural Conservation (HCC) District under Section 6-1800 et seq.; 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 a VLR or NRHP listed or eligible Historic District, may be used as an Educational or Research Facilities Use Related to the Agriculture, Horticulture and Animal Husbandry 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 January 7, 2003. Documentation shall be provided to the Zoning Administrator demonstrating that the Virginia Department of Historic Resources has confirmed the listing or eligibility of structures.

5-645

Camp, Day and Boarding. Day and boarding camps in the AR, TR, JLMA and PD-CV districts shall comply with the following standards.

(A) **Intensity/Character.**

(1) **Site Size.**

- (a) The minimum lot area for a day and boarding camp for less than 15 campers shall be 20 acres.

- (b) The minimum lot area for a day and boarding camp for more than 15 campers shall comply with the following standards.

Use	Scope of Use/Campers	Lot Area (Minimum)
Level I— small scale	Up to 30 campers daily.	15 acres
Level II— medium scale	Up to 100 campers or borders daily.	40 acres
Level III— large scale	Up to 250 campers or borders daily.	100 acres
Level IV	> 250 campers or borders daily.	Special exception pursuant to Section 6-1300

- (2) **Not Permanent Residence.** Day and boarding camps shall not be used as permanent residences, except for the owner or manager and permanent maintenance personnel.
- (3) **Service Buildings.** Service buildings with restroom and other facilities shall be provided in accordance with the Loudoun County Health Department requirements.
- (B) **Location on Site/Dimensional Standards.** Structures shall be set back from lot lines as follows:

Use	Setback from Lot Lines
Level I—small scale	150 ft.
Level II—medium scale	200 ft.
Level III—large scale	250 ft.
Level IV	300 ft.

- (C) **Landscaping/Buffering/Screening.**
- (1) **Buffer.** The use shall comply with Section 5-1404(A)(6).
- (2) **Parking Areas.** Parking areas shall comply with Section 5-1407.
- (D) **Roads/Access.**
- (1) **General Access Standards.** The use shall comply with the road access standards of Section 5-654.
- (2) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.
- (3) **Number of Access Points.**
- (a) **Camp with Less Than 15 Campers/Level I Camp.** There shall be no more than one point of access to a public road from a camp with less than 15 campers or a Level I

day and boarding camp. This requirement shall not preclude an additional access for emergency vehicles only.

- (b) **Level II or III Day and Boarding Camp.** There shall be no more than two points of access to a road from a Level II or III day and boarding camp. This requirement shall not preclude an additional access for emergency vehicles only.

(E) **Parking.**

- (1) **General.** Parking shall be provided as required by Section 5-1102.
- (2) **Surface.** All parking and loading areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

(F) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(G) **Noise Standards.** The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).

5-646

Campgrounds. Campgrounds in the AR, TR, and JLMA districts shall comply with the following standards.

(A) **Intensity/Character.**

(1) **Site Size.**

- (a) The minimum lot area for a campground shall be 40 acres.
- (b) The minimum lot area for a campground shall increase based on the following standards.

Use	Scope of Use/Campsites	Lot Area (Minimum)
Level I—small scale	Up to 50 campsites	40 acres
Level II—medium scale	>50 up to 100 campsites	80 acres
Level III—large scale	>100 up to 150 campsites	160 acres
Level IV	> 150 campsites	Special exception pursuant to Section 6-1300

- (2) **Not Permanent Residence.** Campgrounds shall not be used as permanent residences, except for the owner or manager and permanent maintenance personnel.
- (3) **Camping Sites.** Camping sites shall be a minimum of 1,250 square feet and at least 25 feet in width.
- (4) **Recreational Area.** Each campground shall provide a recreational area consisting of 100 square feet per campsite.

- (5) **Public Telephone.** At least one (1) public telephone shall be provided for each 50 campsites.
- (6) **Streets and Walks Lighted.** Streets and walks shall be lighted every 400 feet.
- (7) **Service Buildings.** Service buildings with restroom and other facilities shall be provided in accordance with the Loudoun County Health Department requirements.
- (8) **Groundcover.** All areas within a campground shall have sufficient groundcover to prevent erosion and blowing dust.

(B) **Size of Use.**

- (1) **Structure Size.** The size of structures (excluding tent platforms) used at a campground shall not exceed the following standards:

Use	Scope of Use/Campers	Total Size of Structures (Maximum)
Level I—small scale	Up to 50 campsites	8,000 square feet
Level II—medium scale	>50 up to 100 campsites	16,000 square feet
Level III—large scale	>100 up to 150 campsites	32,000 square feet
Level IV	>150 campsites	Special exception pursuant to Section 6-1300

- (C) **Location on Site/Dimensional Standards.** A campground shall be set back from lot lines as follows:

Use	Lot Area (Min)	Size of Structures (Max)	Setback from Lot Lines
Level I—small scale	40 acres	8,000 square feet	150 ft.
Level II—medium scale	80 acres	16,000 square feet	200 ft.
Level III—large scale	160 acres	32,000 square feet	250 ft.

(D) **Landscaping/Buffering/Screening.**

- (1) **Buffer.** The use shall comply with Section 5-1404(A)(6).
- (2) **Parking Areas.** Parking areas shall comply with Section 5-1407.

(E) **Roads/Access.**

- (1) **General Access Standards.** The use shall comply with the road access standards of Section 5-654.
- (2) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.
- (3) **Number of Access Points.**

- (a) There shall be no more than one point of access to a public road from a Level I campground. This requirement shall not preclude an additional access for emergency vehicles only.
- (b) There shall be no more than two points of access to a public road from a Level II, III or IV campground. This requirement shall not preclude an additional access for emergency vehicles only.

(F) **Parking.**

- (1) **General.** Parking shall be provided as required by Section 5-1102.
- (2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

(G) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(H) **Noise Standards.** The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).

5-647

Cross-Country Ski Business and Eco-Tourism. Any cross-country ski business and eco-tourism use in the AR, JLMA-20 and TR-10 districts shall comply with the following standards:

(A) **Intensity/Character of Use.** The hours of operation shall be limited to 6:00 a.m. to 9:00 p.m.

(B) **Size of Use.**

- (1) **Size of Use.** The minimum lot area of an eco-tourism use shall be 5 acres.
- (2) **Structure Size.** The size of structures used shall not exceed 5,000 square feet in gross floor area.
- (3) **Storage Areas.** The total area of storage areas shall not exceed 1000 square feet.

(C) **Roads/Access.**

- (1) **General Access Standards.** The eco-tourism use shall comply with the road access standards in Section 5-654.
- (2) **Number of Access Points.** There shall be no more than one point of access to a public road. This requirement shall not preclude an additional access for emergency vehicles only.

(D) **Exterior Lighting.** The only exterior lighting allowed for an eco-tourism use shall be for security purposes only.

(E) **Parking.**

- (1) **General.** Parking and loading shall be provided as required by Section 5-1102.
- (2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

- (F) A structure existing prior to January 7, 2003, that is: 1) located within a County Historic Site (HS) District or Historic and Cultural Conservation (HCC) District under Section 6-1800 et seq.; 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 a VLR or NRHP listed or eligible Historic District, may be used as a Cross-Country Ski Business or for Eco Tourism and shall be exempt from the minimum lot area and floor area requirements specified above, provided that any expansion or enlargement of such structure shall not exceed 15% of the total floor area existing prior to January 7, 2003. Documentation shall be provided to the Zoning Administrator demonstrating that the Virginia Department of Historic Resources has confirmed the listing or eligibility of structures.

5-648

Golf Course. Any golf course in the AR, TR, JLMA and PD-CV districts shall comply with the following standards.

(A) **Intensity/Character.**

- (1) **Site Size.** The minimum lot area for a golf course shall be:
 - (a) 75 acres for 9 holes.
 - (b) 150 acres for 18 holes.
- (2) **Hours of Operation.** The hours of operation for a golf course shall be limited to 6:00 a.m. to 9:00 p.m.
- (3) **Accessory Uses.** Accessory uses to a golf course may include a club house which includes a pro shop and small restaurant or café, subject to the following standards:
 - (a) The golf pro shop shall be limited to sales of golf-related items.
 - (b) Accessory uses shall constitute no more than 25 percent of the total size of the golf clubhouse.

(B) **Size of Use.**

- (1) **Structure Size.** The size of structures used at a golf course shall not exceed 25,000 square feet in gross floor area (total all structures).

- (2) **Storage Yards.** The total area of storage yards shall not exceed 5,000 square feet.
- (C) **Location on Site/Dimensional Standards.** A golf course shall be set back 200 feet from lot lines.
- (D) **Parking.**
 - (1) **General.** Parking shall be provided as required by Section 5-1102.
 - (2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.
- (E) **Landscaping/Buffering/Screening.**
 - (1) **Buffer.** The use shall comply with Section 5-1404(A)(6).
 - (2) **Parking Areas.** Parking areas shall comply with Section 5-1407.
- (F) **Roads/Access.**
 - (1) **General Access Standards.** A golf course shall comply with the road access standards in Section 5-654.
 - (2) **Number of Access Points.** There shall be no more than two points of access to a public road from a golf course. This requirement shall not preclude an additional access for emergency vehicles only.
- (G) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

5-649

Outdoor Amphitheater. Any outdoor amphitheater in the AR districts shall comply with the following standards.

- (A) **Intensity/Character.**
 - (1) **Site Size.** The minimum lot area for an outdoor amphitheater shall be 50 acres.
 - (2) **Accessory Uses.** Accessory uses to an outdoor amphitheater may include concession facilities for the sales of drinks and food during events, and offices used solely for the purpose of operating and managing the outdoor amphitheater. The concession facilities shall constitute no more than 5,000 square feet, and be integrated into the general structure and design of the outdoor amphitheater.
- (B) **Size of Use.** The seating capacity of the outdoor amphitheater shall not exceed 2,000 persons.
- (C) **Location on Site/Dimensional Standards.** An outdoor amphitheater shall be set back from lot lines a minimum of 1000 feet.

(D) **Landscaping/Buffering/Screening.**

- (1) **Buffer.** The use shall comply with Section 5-1404(A)(6).
- (2) **Parking Areas.** Parking areas shall comply with Section 5-1407.

(E) **Roads/Access.**

- (1) **General.** The use shall comply with the road access standards of Section 5-654.
- (2) **Number of Access Points.** There shall be no more than two points of access to an outdoor amphitheater. This requirement shall not preclude an additional access for emergency vehicles only.
- (3) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(F) **Parking.**

- (1) **General.** Parking and loading shall be provided as required by Section 5-1102.
- (2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

(G) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards), except that fully shielded lighting fixtures are not required around the outdoor amphitheater itself.

(H) **Noise Standards.** The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).

5-650

Antique Shop; Art Gallery or Studio; Craft Shop. Any antique shop, art gallery or studio, or craft shop in the AR, TR-10 and PD-CV districts shall comply with the following standards.

(A) **Intensity/Character Standards.** Hours of operation shall be limited to 8:00 a.m. to 9:00 p.m.

(B) **Size of Use.**

- (1) **Site Size.** The minimum lot area shall be 1 acre.
- (2) **Structures.**
 - (a) The total size of all structures used for art galleries or studios and craft shops shall not exceed 3,000 square feet in gross floor area.

- (b) The total size of all structures used for antique shops shall not exceed 10,000 square feet in gross floor area.
- (C) **Location on Site/Dimensional Standards.** The antique shop, art gallery or studio, or craft shop shall be set back a minimum of 100 feet from all lot lines.
- (D) **Landscaping/Buffering/Screening.**
 - (1) **Buffer.** The use shall comply with Section 5-1404(A)(6).
 - (2) **Parking Areas.** Parking areas shall comply with Section 5-1407.
- (E) **Parking.**
 - (1) **General.** Parking and loading shall be provided as required by Section 5-1102.
 - (2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.
- (F) **Roads/Access Standards.**
 - (1) **General Access Standards.** The use shall comply with the road access standards in Section 5-654.
 - (2) **Number of Access Points.** The use shall have no more than one point of access to a public road. This requirement shall not preclude an additional access for emergency vehicles only.
- (G) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).
- (H) **Noise.** The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).
- (I) A structure existing prior to January 7, 2003, that is: 1) located within a County Historic Site (HS) District or Historic and Cultural Conservation (HCC) District under Section 6-1800 et seq.; 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 a VLR or NRHP listed or eligible Historic District, may be used as an Antique Shop; Art Gallery or Studio; or Craft shop shall be exempt from the minimum lot area, set back from lot line, and floor area requirements, provided that any expansion or enlargement of such structure shall not exceed 15% of the total floor area existing prior to January 7, 2003. Documentation shall be provided to the Zoning Administrator demonstrating that the Virginia Department of Historic Resources has confirmed the listing or eligibility of structures.

(A) **Intensity/Character Standards.**

- (1) **Hours of Operation.** Hours of operation shall be limited to 8:00 a.m. to 9:00 p.m.
- (2) **Sanitary Facilities.** Bathroom facilities shall be provided on site, consistent with the requirements of the Uniform Statewide Building Code.

(B) **Size of Use.**

- (1) **Site Size.** The minimum lot area shall be 10 acres.
- (2) **Structure.** There shall be only one structure allowed on the lot which shall not exceed 10,000 square feet in size.
- (3) **Outdoor Storage.** The maximum area of outdoor storage shall not exceed 2,000 square feet.

(C) **Location on Site/Dimensional Standards.** The auction house shall be set back a minimum of 100 feet from all lot lines.

(D) **Landscaping/Buffering/Screening.**

- (1) **Buffer.** The use shall comply with Section 5-1404(A)(6).
- (2) **Parking Areas.** Parking areas shall comply with Section 5-1407.
- (3) **Outdoor Storage.** All outdoor storage shall comply with Section 5-1406.

(E) **Roads/Access Standards.**

- (1) **General Access Standards.** An auction house shall comply with the road access standards in Section 5-654.
- (2) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.
- (3) **Number of Access Points.** There shall be no more than one point of access to a public road. This requirement shall not preclude an additional access for emergency vehicles only.

(F) **Parking.**

- (1) **General.** Parking and loading shall be provided as required by Section 5-1102.
- (2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

(G) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

- (H) **Noise Standards.** The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).
- (I) A structure existing prior to January 7, 2003, that is: 1) located within a County Historic Site (HS) District or Historic and Cultural Conservation (HCC) District under Section 6-1800 et seq.; 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 a VLR or NRHP listed or eligible Historic District, may be used as an Auction House and shall be exempt from the minimum lot area, and set back from lot line requirements, provided that any expansion or enlargement of such structure shall not exceed 15% of the total floor area existing prior to January 7, 2003. Documentation shall be provided to the Zoning Administrator demonstrating that the Virginia Department of Historic Resources has confirmed the listing or eligibility of structures.

5-652 Exterior Lighting and Noise Standards for Specific Uses. The following exterior lighting and noise standards shall apply to specific uses in this section when they are expressly referenced in the standards for the specific use.

(A) **Exterior Lighting Standards.**

- (1) **Pole-Mounted Exterior Lighting.** The maximum height of pole-mounted exterior lighting shall be 25 feet.
- (2) **Shielded Lighting/Light Element.** Fully shielded lighting fixtures shall be used in all areas. The light element (lamp or globe) of a fixture shall not extend below the cutoff shield.
- (3) **Hours of Operation.** All exterior lighting shall be extinguished from 10:00 p.m. to 6:00 a.m., except for exterior lighting that is determined necessary for security purposes.
- (4) **No Illuminated Signage.** Signage related to the use shall not be illuminated.

(B) **Noise Standards.**

- (1) **Location in Relation to Residential Use.** No loading/unloading activities or other noise-producing activities shall be allowed within 250 feet of an existing single family residential use.
- (2) **Maximum dB(A).** The maximum allowable dB(A) level of impulsive sound emitted from the use, as measured at the property line of any adjacent residential lot where the lot is designed for a single family dwelling unit as a principal use, shall not exceed 55 dB(A). In addition, outdoor music shall not be allowed after 11:00 PM.

5-653 [RESERVED]

5-654

Road Access Standards for Specific Uses. The following road access standards shall apply to specific uses in this section when they are expressly referenced in the standards for specific use. All Facilities Standards Manual provisions regarding waivers apply.

TABLE 5-654: ROAD ACCESS STANDARDS

Maximum Vehicles Per Day (VPD) ⁽¹⁾	Onsite Private Road Construction Standards	Public Road Access	
		Public Paved Road Standards ⁽²⁾	Public Unpaved Road Standards ⁽²⁾
1 - 20 VTD	FSM Chapter 4, Table 3, Type C1 Roadway	Permitted	Permitted
21 - 70 VTD	FSM Chapter 4, Table 3, Type C2 Roadway	Permitted	Permitted
71 - 250 VTD	FSM Chapter 4, Table 3, Type C3 Roadway	Permitted	Permitted
251 - 600 VTD	FSM Chapter 4, Table 1, Type A1 Roadway	Permitted	Special Exception Review required (Section 6-1300)
More than 600 VTD	FSM Chapter 4, Table 1, Type A1 Roadway	Special Exception Review required (Section 6-1300)	Special Exception Review required (Section 6-1300)

⁽¹⁾ VPD is to be calculated based on an estimated two trips (one in, one out) per individual vehicle.
⁽²⁾ Characteristics of the first public road accessed by project's private access road.

5-655

Elementary, Middle, or High School for 15 or fewer pupils.

- (A) **Size of Use.** The minimum lot area for an elementary, middle, or high school for fifteen (15) or fewer pupils is 5 acres, except to the extent permitted on smaller lots in the PD-MUB or PD-TC zoning districts.
- (B) **Road/Access Standards** shall comply with the road access standards of Section 5-654.
- (C) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) Exterior Lighting Standards).
- (D) Outdoor play space shall be provided in accordance with the standards established in Section 5-609 Child Outdoor play space shall be provided in accordance with the standards established in Section 5-609 Child Care.

5-656

Convent or Monastery. In the AR, TR, and JLMA-3 districts, a convent or monastery shall comply with the following additional requirements:

- (A) **Intensity/Character.**
 - (1) The minimum lot area shall be as follows, unless the convent or monastery is developed as an adaptive re-use pursuant to Section 5-656(A)(2):

Use	Size of Lot (Minimum)	No. of Residents
Level I – small scale	5 acres	4-10 residents
Level II – medium scale	10 acres	11-20 residents

Level III – large scale	20 acres	21-30 residents
Level IV- requires special exception approval pursuant to Section 6-1300	30 acres	31-40 residents

(B) **Building/Lot requirements.**

- (1) **Size of use.** The floor area ratio shall not exceed 0.04.
- (2) **Minimum Required Yard Standards.** The minimum required yards shall be as follows:
 - (a) Level I – small scale: 50 feet minimum from all lot lines;
 - (b) Level II – medium scale: 100 feet minimum from all lot lines
 - (c) Level III- large scale: 150 feet minimum from all lot lines
- (3) **Landscaping/Buffering/Screening.**
 - (a) The use shall comply with Section 5-1404(A)(6).
 - (b) Parking areas shall comply with Section 5-1407.
 - (c) Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.
- (4) **Roads/Access.** The convent or monastery shall comply with the road access standards in Section 5-654.
- (5) **Parking.**
 - (a) **General.** Parking and loading shall be provided as required by Section 5-1102.
 - (b) **Surface.** All parking areas serving the use shall use a dust-free surfacing material, as provided in the Facilities Standards Manual.
- (6) **Exterior Lighting.** All exterior lighting shall comply with the standards of Section 5-652(A) Exterior Lighting Standards.

- (C) A structure existing prior to January 7, 2003, that is: 1) located within a County Historic Site (HS) District or Historic and Cultural Conservation (HCC) District under Section 6-1800 et seq.; 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 a VLR or NRHP listed or eligible Historic District, may be used as a Convent or Monastery and shall be exempt from the Level I minimum lot area, yard and floor area ratio requirements, provided that any expansion or enlargement of such structure shall not exceed 15% of the total floor area existing prior to January 7, 2003. Documentation shall

be provided to the Zoning Administrator demonstrating that the Virginia Department of Historic Resources has confirmed the listing or eligibility of structures.

5-657

Stockpiling of Dirt. Any stockpiling of dirt in the AR and TR districts shall comply with the following standards:

(A) Intensity/Character Standards.

(1) Size of Use.

- (a) Minimum Lot Size.** Five (5) Acres
- (b) Pile Area.** A single stockpile of dirt pile shall not exceed an area greater than two (2) acres.
- (c) Height.** A single stockpile of dirt shall not exceed 25 feet above original natural grade. For each additional five (5) acres in lot area, the height may increase one (1) foot and in no case shall the height exceed 50 feet above original natural grade. Additionally, no stockpile shall be visible above the existing tree line as viewed from any property line.
- (d) Slope.** Slope shall not exceed a 3:1 ratio.

(2) Siting.

- (a)** No stockpile of dirt is permitted in the Mountainside Overlay District and/or FOD.
- (b)** To the maximum extent feasible stockpiles of dirt shall not be located in wetlands, hydric soils, or areas identified as containing endangered species or plants.
- (c)** Stockpiles of dirt shall only be permitted on forested sites when there is an approved forest management plan.

(3) Location on Site/Dimensional Standards.

- (a) Setback from Single-Family Dwellings.** No stockpile of dirt, loading/unloading activities, general stockpile of dirt operations, or related activities shall be allowed within 500 feet of an existing residential structure.
- (b) Other setbacks.** No stockpile of dirt shall be located within 100 feet of any lot line and/or street to include ingress-egress easements.

(4) Hours of Operation. The hours of operation shall be limited to 7:00 AM to 6:00 PM.

(B) **Access/Vehicular Circulation.**

- (1) **Access.** Access to the lot shall be from a paved, State maintained road at least twenty (20) feet in width.
- (2) **Driveways/Internal Access Roads (driveways).** Driveways shall not be located within a required buffered setback area except as minimally necessary to access the site. Such driveways shall be all-weather roads negotiable by loaded transport vehicles.
- (3) **Vehicular Circulation.** Adequate-stacking space shall be provided on site to accommodate anticipated traffic. Such stacking space shall be screened in accordance with the requirements in Section 5-650(B).
- (4) **Debris.** To prevent the tracking of debris, mud, dirt or other material on public rights-of-way, the public rights-of-way shall be hosed off on a daily basis when the stockpile of dirt facility is in operation. During winter months the road shall be chemically treated to prevent icing conditions after hosing off the road.

(C) **Materials.** Stockpiles of dirt may be comprised only of uncontaminated dirt and naturally occurring rock. Incorporated organic material, including roots, twigs, limbs, logs, leaves, and grass may not exceed three (3) percent by volume at any location in the stockpile of dirt. Processing within the stockpile of dirt is limited to grading, sorting, and compacting of dirt and waste rock. Screening of dirt shall not be permitted.

(D) **Exterior Lighting.** Exterior Lighting shall be permitted for security purposes only and in accordance with Section 5-649. Signage for the stockpile of dirt use shall not be illuminated.

(E) **Landscaping/Buffering/Screening.** The use shall comply with Section 5-1404(A)(6).

(F) **Noise.** Noise created by the activity at the stockpile of dirt shall comply with Section 5-649(B).

Compliance with other Ordinances. Nothing herein shall relieve the stockpile of dirt activity from complying with other Federal, State or County Codes. Where there is a conflict in the applicable ordinances, the more restrictive shall apply. A Zoning Permit is required prior to the commencement of the Stockpiling of Dirt. In addition, prior to commencing any stockpile of dirt activity, a preliminary soil report shall be provided to the County Soil Scientist in accordance with Chapter 6 of the Facilities Standards Manual.

5-658

Funeral Homes. Funeral homes, when located within the PD-IP zoning district, are subject to the following additional provisions:

- (A) The funeral home must be located within a freestanding building and be the sole principal use on the lot.

- (B) The minimum lot size for a funeral home use shall be 1.5 acres.
- (C) The funeral home use shall be established on a parcel of land fronting on, and with direct access to, an existing collector or arterial road.
- (D) Sufficient car stacking space shall be provided on the lot such that a collector or arterial road need not be used for the forming of funeral processions. The area of the lot used for the forming of funeral processions shall have direct, but limited, access to the collector or arterial road.

5-659

Drive-through Facilities Associated With Banks, Financial Institutions and Pharmacies. Drive-through facilities with up to 3 service lanes and an escape lane shall be permitted in association with banks, financial institutions and pharmacies that also provide a standard range of customer services in a building, subject to the following additional provisions:

- (A) Where the bank or financial institution or pharmacy property abuts any property zoned, used, or planned for residential uses a Buffer Yard Type C shall be provided adjacent to such property, except that this requirement shall not apply to vertically mixed-use buildings containing residential uses in the PD-MUB or PD-TC zoning districts. In lieu of the maximum percentages applicable to large deciduous trees under Section 5-1408(B)(2)(a), small deciduous trees under Section 5-1408(B)(2)(c), and evergreen trees under Section 5-1408(B)(2)(b), a maximum of 30% of the required plan units may be large deciduous trees and/or small deciduous trees. All other plant units shall consist of evergreen trees and/or evergreen shrubs.
- (B) Stacking space shall be sufficient to avoid vehicle stacking into drive lanes, parking spaces and public streets.

5-660

Country Club. Country clubs in the AR-1 and AR-2 shall comply with the following standards. Throughout this section, “Lot Area” shall include the total acreage of abutting parcels under common ownership and control, or under a common development plan, and “Property Line” shall be the outer line of the properties under common ownership and control, or under a common development plan.”

- (A) **Intensity/Character.** The minimum lot area shall be as follows:

Use	Lot Area (Minimum)
Level I-small scale	50 acres
Level II-medium scale	75 acres
Level III-large scale	150 acres

- (B) **Size of Use.**

- (1) **Floor Area Ratio.** The maximum floor area ratio shall be 0.04.

- (2) **Maximum Structure Size.** The maximum size of structures shall be as follows:

Use	Maximum Total Size of Permitted Principal Structures (GFA)
Level I—small scale	25,000 sq. ft.
Level II—medium scale	50,000 sq. ft.
Level III—large scale	75,000 sq. ft.

- (3) **Accessory Structures.** The total area of all accessory structures shall not exceed 15 percent of the total gross floor area of the principal structures used for the Country Club use.

- (4) **Distribution of Uses.**

Use	Total Maximum Gross Floor Area of the Principal Permitted Structures
Dining and Restaurant Facilities	30 percent
Banquet and Conference Facilities	25 percent
Spa and Health Facilities	15 percent

(C) **Use Limitations.**

- (1) Enclosed principal structures for dining and banquet facilities, conference facilities, spa, fitness facilities, and recreational activities (such as pool and tennis) shall be sited and designed to take advantage of the topography and existing vegetation to blend into the rural landscape to the maximum extent feasible. Such principal structures shall be clustered to maximize usage of site infrastructure (i.e. parking, travelway, utilities). Principal structures that have reason to be separated from the main Country Club complex (e.g. maintenance facilities, structures housing livestock) are not required to be clustered.
- (2) Structures shall be sited to minimize visual impacts on adjacent properties and promote the rural character of the landscape. Siting on primary ridgelines or hilltops, if visible from the adjacent public roadways is prohibited; however, if, because of engineering constraints (e.g. utility easements, drainage, access easements, soil conditions, etc.) it becomes necessary to site a facility on a primary ridgeline or hilltop, then the applicant shall provide additional landscaping and buffering to mitigate the visual impact from adjacent public roadways.

(D) **Minimum Required Yards.**

- (1) Principal and accessory structures shall have a minimum yard of 50 feet from all property lines (the “property line” is determined to be the outer line of the properties under common ownership and control).
- (2) In order to encourage preservation of environmental resources, the yard requirements may be reduced up to 25% by the Zoning Administrator.
- (3) Accessory structures, not requiring a building permit, may be located a minimum of 25 feet from all property lines.

(E) **Landscaping/Buffering/Screening.**

- (1) **Buffer.** Principal or accessory structures associated with the Country Club use shall provide a Buffer Yard Type B in accordance with Section 5-1404(D) where adjacent to parcels of 3 acres or less that are not part of a common development plan.
- (2) **Parking Areas.** Parking areas shall comply Section 5-1407.
- (3) **Storage Yards.** All storage yards shall comply with Section 5-1406.

(F) **Roads/Access.**

- (1) **General.** The country club use shall comply with the road access standards of Section 5-654.
- (2) **Number of Access Points.** There shall be no more than two direct points of access from a Country Club use to a public road. This requirement shall not preclude an additional access for emergency vehicles.
- (3) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(G) **Water and Sewer.** A Country Club shall be served by a communal water system and a communal wastewater collection and pre-treatment or treatment system.

(H) **Parking.**

- (1) **General.** Parking and loading shall be provided as required by Section 5-1102.
- (2) **Surface.** Where practicable, a pervious surface shall be provided. Where not practicable, a dust-free surfacing material shall be provided in accordance with the requirements of the Facilities Standards Manual.

- (I) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).
- (J) **Noise Standards.** The maximum allowable dB(A) level of impulsive sound from the site, as measured at the property line, shall not exceed 55 dB(A).

5-661 Business Service Establishment.

- (A) Retail sales to the general public shall not exceed twenty percent (20%) of the gross floor area devoted to the business service establishment.

5-662 Contractor Service Establishment.

- (A) Retail sales to the general public shall not exceed ten percent (10%) of the gross floor area devoted to the contractor service establishment.
- (B) Outdoor storage of equipment, supplies, and construction trailers are permitted, provided such are fully screened from public roads and adjacent lots where contractor service establishments are permitted.

5-663 Wholesale Trade Establishment.

- (A) Retail sales to the general public shall not exceed twenty percent (20%) of the gross floor area devoted to the wholesale trade establishment.

5-664 Data Center. The following standards shall apply to data centers in the CLI, PD-OP, PD-RDP, and PD-IP zoning districts.

- (A) **Principal Building Facades.** Principal building facades shall include all building facades that face adjacent public roads. Principal building facades associated with new construction shall meet the following standards:
 - (1) Principal building facades shall avoid the use of undifferentiated surfaces by including at least two (2) of the following design elements: change in building height, building step-backs or recesses, fenestration, change in building material, pattern, texture, color, or use of accent materials.
 - (2) When a building has more than one principal facade, such principal building facades shall be consistent in terms of design, materials, details, and treatment.
- (B) **Screening of Mechanical Equipment.** In order to minimize visibility from adjacent roads and adjacent properties, ground level and roof top mechanical equipment shall be screened. This screening may be provided by a principal building. Mechanical equipment not screened by a principal building shall be screened by a visually solid fence, screen wall or panel, parapet wall, or other visually solid screen that shall be constructed of materials compatible with those used in the exterior construction of the principal building. Notwithstanding the requirements of this section,

mechanical equipment located in a manner found to have no adverse impact on adjacent roads and adjacent properties, as determined by the Zoning Administrator, shall not be required to be screened.

- (C) **Exterior Lighting.** All exterior lighting shall be designed and constructed with cutoff and fully shielded fixtures that direct light downward and into the interior of the property and away from adjacent roads and adjacent properties.

- (D) **Pedestrian and Bicycle Facilities.**

- (1) **Provision of Sidewalks and/or Trails.** Sidewalks and/or trails for pedestrian and/or bicycle access shall be provided, at a minimum, along any side of a public road that abuts the property upon which the data center is located.
 - (2) **Sidewalk and/or Trail Connections.** To provide for future sidewalk and/or trail connections, the sidewalks and/or trails for pedestrian and/or bicycle access provided pursuant to Section 5-664(D)(1) above shall be equivalent to any other sidewalk and/or trail for pedestrian and/or bicycle access that is located on the same side of the public road, and within 500 feet, of the property upon which the data center is located.

- (E) **Landscaping/Buffering/Screening.**

- (1) **Buffer Yards.** In lieu of the buffer yard required under Table 5-1404(B), any side/rear yard abutting property located within the CR, JLMA, TR, R, PD-H, PD-CV, PD-RV, or PD-AAAR zoning districts that is not developed with commercial or industrial uses shall include a Buffer Yard Type C with required plantings located on an earthen berm that has a minimum height of six (6) feet and shall not have a grade steeper than 2:1.
 - (2) **Road Corridor Buffer.** In lieu of the road corridor buffer required under Section 5-1403(B), any front yard abutting a collector or arterial road shall include a Road Corridor Buffer Type 3 with required plantings located on an earthen berm that has a minimum height of six (6) feet and shall not have a grade steeper than 2:1, unless a Gateway Corridor Buffer is required in which case the Gateway Corridor Buffer shall be provided.
 - (3) In lieu of the requirements of Section 5-1408(B)(2), the following requirements shall apply to the plant types used to meet Section 5-664(E)(1) and Section 5-664(E)(2). Maximum percentages shall apply solely in determining the quantity of a given plant type that can be counted towards meeting a Plant Unit requirement, and shall not preclude the installation of additional plant material from that plant type, if desired.

- (a) A maximum of 30% of the required plant units may be large deciduous trees.
- (b) A minimum of 40% and a maximum of 70% of the required plant units shall be evergreen trees that are a minimum of eight (8) feet in height at the time of planting.
- (c) A maximum of 30% of the required plant units may be small deciduous trees.
- (d) A maximum of 20% of the required plant units may be a combination of shrubs, ornamental grasses, and perennials.
- (e) Use of natural topography and preservation of existing vegetation, supplemented by new vegetation, if needed, may be substituted for the above requirements if determined by the County Urban Forester to provide screening at the density, depth, and height equivalent to the Buffer Yard Type C with earthen berm required under Section 5-664(E)(1) or Road Corridor Type 3 with earthen berm required under Section 5-664(E)(2).
- (f) The maximum percentages of plant types provided under (a) through (d) above shall be applied along each property line where the buffer yard or road corridor buffer is required.

5-665 Storage, Mini-Warehouse. A storage mini-warehouse use shall comply with the following regulations in the GB, PD-IP and PD-GI zoning districts.

- (A) **Landscaping/Buffering/Screening.** The use shall comply with Section 5-1400. When the use abuts a major collector road, in lieu of the road corridor buffer for other major collector roads required under Section 5-1403(B), a Road Corridor Buffer Type 3 shall be provided.
- (B) **Security.** If a security device is provided for the building or a security fence is installed around the use, in consultation with Fire, Rescue and Emergency Services, the owner shall demonstrate on the site plan the selection of a device to allow adequate and timely access of emergency vehicles to the storage, mini-warehouse use and such device shall be installed prior to occupancy permit.
- (C) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A)(Exterior Lighting Standards).
- (D) The storage, mini-warehouse use shall comply with the road access standards of Section 5-654.

5-666 Schools, Public (Elementary, Middle or High).

- (A) **Utilities.** All public schools shall be served by either central or municipal sewer and water utilities.

(B) **Lighting:**

- (1) **Light Fixtures.** Exterior building lighting, including security lighting, and parking lot lighting shall be full cutoff and fully shielded and shall direct light downwards and into the interior of the property and away from surrounding public or private roads and properties.
- (2) **Exterior Building Lighting.** Exterior building lighting, including security lighting, shall not exceed a maximum average illumination of five (5) foot-candles at grade level unless otherwise required by law, ordinance, or regulation.
- (3) **Parking Lot Lighting.** Parking lot lighting shall not exceed a maximum average illumination of two (2) foot-candles at grade level. Parking lot lighting shall be turned off within one hour following the end of evening activities, or by 11 p.m., whichever occurs first.
- (4) **Recreational and Athletic Fields and Facilities Lighting.** Lighting for recreational and athletic fields and facilities shall be turned off by 11 p.m., shall be directed inward and downward toward the field being illuminated, shall incorporate a reflector technology system that directs light onto the field being illuminated and shall be cut-off and shielded in directions away from the recreational or athletic field to minimize glare and spillage onto adjacent properties. Lighting for recreational and athletic fields and facilities must not cause illumination in excess of ten foot-candles above background light levels measured at the boundary of any residential district, or, in residential or agricultural districts, at the lot line of any adjacent lot. Light poles for recreational and athletic fields and facilities shall not exceed 80 feet in height.
- (5) **Height of Light Fixtures.** The mounting height of any exterior light fixture shall not exceed 20 feet, except for light poles for athletic fields. Height shall be measured from the ground to the light fixture.

- (C) **Landscaping/Buffering/Screening.** In addition to meeting the Buffering and Screening requirements of Section 5-1404(B), Public Schools shall provide an additional five (5) evergreen trees per one hundred (100) linear feet along all side yard and rear yard buffers adjoining existing residential uses, except where existing vegetation is to be preserved and provides an equivalent buffer in accordance with the provisions of Section 5-1400.

- (D) **Trails.** Any on-site pedestrian circulation network shall be designed so as to connect to any existing or proposed public use trails on adjacent properties which are designed to abut or connect to the public school site.

- (E) **Bike Racks.** At least one bike rack shall be installed at the Public School building with space to accommodate at least 10 bicycles.
- (F) **Noise.** Installation of outdoor public address systems shall be limited to the recreational and athletic fields. Noise emanating from the public address system shall not exceed 60 dBA at the property boundaries and use of the system shall be prohibited after 11 p.m. and before 8:00 a.m.
- (G) **Setbacks:**
 - (1) **From Agriculture or Residential.** Principal Public School buildings shall have a minimum setback of fifty (50) feet from adjacent agriculturally or residentially zoned properties or, if located within a mixed use zoning district, from any land bay designated for agricultural or residential use. Such building setback shall not apply to accessory public school buildings, but such accessory buildings must conform to applicable zoning district yard requirements.
 - (2) **From Industrial/Commercial/Office.** Principal Public School buildings shall have a minimum setback of one hundred (100) feet from adjacent industrial, commercial or office zoned properties or, if located within a mixed use zoning district, from any land bay designated for industrial, commercial or office uses. Such building setback shall not apply to accessory public school buildings, but such accessory buildings must conform to applicable zoning district yard requirements.
- (H) **Building and Site Design.**
 - (1) **Stormwater Management.** Unless stormwater management is to be provided by an existing approved off-site storm water management facility, stormwater management and Best Management Practices shall be used on-site, in accordance with the Virginia Stormwater Management Handbook and the Loudoun County Facilities Standards Manual.
 - (2) **Bus Parking Area.** Stormwater runoff from the bus parking area shall be routed to an oil and water separator or a system providing equivalent treatment for water quality purposes.
 - (3) **Design.** Public school building design shall avoid the use of continuous plane building surfaces and wherever practicable shall break up large building segments into smaller segments through the use of fenestration and setbacks. Public School buildings shall include accent materials around the building exterior to provide further architectural interest.
 - (4) The following erosion and sediment control practices shall be required during construction where an outfall drains to a sensitive environmental feature (streams, wetlands, and very steep slopes).

In such instances these requirements shall be applied adjacent to the sensitive environmental feature if on-site, or if off-site, along the property line(s) proximate to the sensitive environmental feature:

- (a) Super silt fence shall be substituted for silt fence;
- (b) Sediment traps and basins shall provide double the minimum required volume (268 cubic yards per acre) except that this volume may be reduced to avoid impacts to sensitive environmental features;
- (c) Stabilization matting shall be required in all vegetated, constructed channels and on slopes greater than 3:1.

(5) **Floodplain:**

- (a) A maximum of 20% of on-site areas in major and minor floodplain may be used for utilities, trails or other uses permitted within the floodplain, exclusive of road crossings. Areas so used shall be excluded from the calculation for meeting the forest cover requirement of (c) below;
- (b) Road Crossings shall not be subject to the use limitation of (a) above, and areas used for road crossings shall be excluded from the calculation for meeting the forest cover requirement of (c) below;
- (c) Unless excluded by (a) or (b) above, 80% of major and minor floodplain located on-site shall be forested, either through the retention of existing forest cover or through the planting of unforested floodplain with at least five different native deciduous species at a density of 300 3-gallon plants (180 canopy trees and 120 understory trees) per acre on a 12 x 12 grid.

(I) **Transportation.**

- (1) Public Schools shall be located with direct access to at least one paved, public road, or to at least one paved private road subject to a public access easement. Public Schools shall have a secondary means of access, which may be provided by either a paved or unpaved roadway. Access to a public school site shall be capable of accommodating traffic generated by the site.
- (2) Entrances/Exits shall be provided with sight distances adequate to meet minimum Virginia Department of Transportation standards.
- (3) Right and left turn lanes, into and out of a site, shall be provided, as needed, to accommodate traffic generated by the site.

- (4) At signalized intersections (stop signs or traffic signals) adjacent to a school site, crosswalks shall be provided to access the site, as needed, to accommodate pedestrian traffic generated by the site.
- (5) A traffic impact analysis, in conformance with the County's Facilities Standards Manual, shall be provided to the County in conjunction with each site plan application for a Public School building, and such traffic impact analysis shall specifically include, but not be limited to, an analysis of the need for right and left turn lanes into and out of the public school site and the crosswalks to provide pedestrian access to the public school site.
- (J) No Public School shall be located within the portions of the County subject to the Airport Impact Overlay District Ldn 65 or higher aircraft noise contour.
- (K) A Phase I Archaeological survey shall be provided to the County in conjunction with each site plan application for a Public School building.

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Brewery, Limited. A limited brewery shall be licensed as a Limited Brewery in accordance with Section 4.1-208 of the Code of Virginia, as amended, and shall be located in the AR-1, AR-2, A-10, or A-3 districts. No Limited Brewery shall be established either as the initial use of the subject property or by change of use of the property until a sketch plan has been approved. The owner of a limited brewery is requested to contact the Loudoun County Department of Fire, Rescue and Emergency Management and Department of Building and Development for an informational inspection of the building(s) or structure(s) to be used for the limited brewery prior to establishing use.

- (A) **Sketch Plan.** A sketch plan is required as part of a zoning permit application for a Limited Brewery. Such sketch plans shall include the following:
 - (1) Property boundaries;
 - (2) Location, function (manufacturing, storage, tasting, residence, etc.), size and dimensions of structure(s) and outdoor area(s). If structure(s) are located more than 300 feet from the property line approximate distances may be provided;
 - (3) Location of residences not located on the property that are within 300' of a structure;
 - (4) Location and dimensions of all ingress/egress points (including emergency access), access drives and easements;
 - (5) Location of parking areas;
 - (6) Location of floodplain, well, septic fields, and restroom facilities;

- (7) Location of landscaping and screening for outdoor tasting room and event areas within 300' of a residence not located on the property;
 - (8) Location, height, and type of proposed lighting; and
 - (9) Location of vegetation, fences, streams, directional signs, or other similar feature that may limit access onto or direct access away from an adjacent residential property line within 300' of tasting room and event areas.
- (B) The Sketch Plan need not be drawn to scale, nor does it have to be prepared by a licensed professional. However, distances from structures to adjacent lot lines must be accurately depicted.
 - (C) Limited Breweries that share a private access easement with another property owner/s, must show the easement allows a use of this type or written permission must be obtained by the sharing parties.

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Craft Beverage Manufacturing. Craft Beverages Manufacturing shall comply with the following standards:

(A) **Intensity/Character.**

(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) 5,000 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) **Restaurant.** A restaurant may be provided in accordance with the underlying zoning district.

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

(B) **Exterior Lighting Standards.** All exterior lighting for outdoor tasting rooms or similar outdoor activities shall comply with the standards of Section 5-652(A)(1) and (2) (Exterior Lighting Standards).

(C) **Water and Sewer.** The use shall be served by central water and central sewer.

Short-Term Rental – Residential Accessory.

- (A) **Modifications Not Permitted.** Notwithstanding Section 5-600, this Section 5-669(A) and Sections 5-669(B), 5-669(C)(2)(b)(i), 5-669(C)(4), 5-669(C)(5), 5-669(C)(7), 5-669(D), and 5-669(G) below cannot be modified by Minor Special Exception.
- (B) **Registration.** A Short-Term Rental – Residential Accessory use shall be permitted only on a property that is currently registered by the Operator in accordance with Chapter 1470 of the Codified Ordinances of Loudoun County, unless exempt from the registration requirement under Section 1470.03.
- (1) An “Operator” must meet the definition of “Operator” under Chapter 1470 of the Codified Ordinances of Loudoun County.
 - (2) The annual registration required by Chapter 1470 of the Codified Ordinances of Loudoun County must be on display in a conspicuous location inside the main entrance into the Short-Term Rental – Residential Accessory use and included with all advertising materials.
- (C) **Intensity and Character.**
- (1) **Management Requirements.** The Operator, or a Manager designated by the Operator, must be available at all times when the property is occupied by renters to address issues that arise. During all rental periods, the Operator or Manager must:
 - (a) Respond by phone or electronic means within 30 minutes and be available to be onsite within 60 minutes.
 - (b) Provide the contact information of the Operator and/or Manager to guests of the Short-Term Rental – Residential Accessory use in writing prior to the beginning of the rental period. The contact information also must be posted in a conspicuous location within the area being used as the Short-Term Rental – Residential Accessory use.
 - (2) **Rental Capacity.** The following capacity limits apply to a Short-Term Rental – Residential Accessory use per night:
 - (a) **Guest Rooms.** The number of rooms used for overnight accommodations for guests must not exceed 4 per parcel if owned in fee simple or per ownership unit if under condominium ownership.
 - (b) **Guest Capacity.**
 - (i) **Individual Sewage Disposal System.** For parcels served by an individual sewage disposal system, the total number of guests permitted per night must not

exceed the maximum permitted capacity of the individual sewage disposal system, as approved by the Health Department.

- (ii) **Single Family Detached Development.** The total number of guests permitted per night must not exceed a maximum of 8 guests per parcel if owned in fee simple or per ownership unit if under condominium ownership. This requirement is not intended to limit the number of guests that may sleep in each room.
 - (iii) **Multi-family Dwelling Unit Development or Single-Family Attached Dwelling Unit Development.** The total number of guests permitted per night must not exceed a maximum of 4 guests per parcel if owned in fee simple or per ownership unit if under condominium ownership. This requirement is not intended to limit the number of guests that may sleep in each room.
- (3) **Rental Period.** A dwelling unit, or portion thereof, only shall be used as a Short-Term Rental – Residential Accessory use for a maximum of 180 days per calendar year.
- (4) **Food Service Not Permitted.** The Operator or Manager must not prepare, serve, or contract for the catering of, food or alcoholic beverages for consumption by any guests of the Short-Term Rental– Residential Accessory use. The Short-Term Rental – Residential Accessory use must not contain restaurant facilities; independent cooking facilities, if provided, are for use by the guests only.
- (5) **Private Parties and/or Temporary Special Events Not Permitted.** Private parties and/or Temporary Special Events pursuant to Section 5-500(C) are not permitted in association with the Short-Term Rental – Residential Accessory use.
- (6) **Dwelling Unit Types Permitted.** A Short-Term Rental – Residential Accessory use is permitted to operate only in a principal dwelling unit and/or in an accessory dwelling unit approved pursuant to Section 5-613.
- (7) **Residency Requirement.** The Operator must occupy the dwelling unit the Short-Term Rental – Residential Accessory use is accessory to for a minimum of 185 days out of the calendar year.
- (D) **Zoning Permit Requirements.** A Zoning Permit is required for all Short-Term Rental – Residential Accessory uses.

- (1) In addition to the requirements of Section 6-1000, the Zoning Permit application must include authorization for the Zoning Administrator to conduct an inspection prior to approval of the Zoning Permit to verify compliance with all applicable Zoning Ordinance requirements as well as the following:
 - (a) Written consent from the property owner.
 - (b) The name and contact information of the Operator and/or Manager.
 - (c) The type of dwelling unit(s) that will be rented.
 - (d) The address of the dwelling unit(s) that will be rented.
 - (e) The maximum rental capacity.
 - (f) The type of water and sewer service for the proposed use.
 - (g) Any required Virginia Uniform Statewide Building Code (Part 1 Virginia Construction Code and Part 2 Virginia Existing Building Code) approval(s) from the Department of Building and Development, Virginia Statewide Fire Prevention Code approval(s) from the Fire Marshal, and Health Department approval.
 - (h) A drawing that shows the location of the dwelling unit(s) being rented and the required parking on the parcel that is subject to the Zoning Permit application.
 - (i) A floor plan of the dwelling unit(s) being rented illustrating conformance with the safety requirements of Section 5-669(G).
- (2) The approved Zoning Permit for the Short-Term Rental – Residential Accessory use must be displayed in a conspicuous location upon entry into the Short-Term Rental – Residential Accessory use and included with all advertising materials.
- (3) The Zoning Permit for a Short-Term Rental – Residential Accessory use is valid for only the original Operator and dwelling unit(s) listed on the Zoning Permit application and is not transferable to any other Operator or property. Changes to the information pertaining to the Operator or dwelling unit(s) listed on the Zoning Permit will require the approval of a new Zoning Permit.
- (4) No more than one Zoning Permit for a Short-Term Rental – Residential Accessory use shall be permitted per parcel if owned in fee simple or per ownership unit if under condominium ownership. Such zoning permit shall list all principal and/or

accessory dwelling units to be used for the 167 Short-Term Rental – Residential Accessory use.

- (5) A Zoning Permit for a Short-Term Rental – Residential Accessory use is not permitted on a parcel that is subject to an approved zoning permit for a Bed and Breakfast Homestay use, Bed and Breakfast Inn use, Country Inn use, Rural Retreats and Resorts use, Campground Use, or Short-Term Rental – Commercial Whole-House use.
 - (6) The County’s approval of a Zoning Permit for a Short-Term – Residential Accessory use is not intended to abrogate, annul, or otherwise interfere with any easement, covenant or other private agreement or legal relationship, such as those of a Homeowners’ Association or Condominium Owners’ Association. However, where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than such easements, covenants or other private agreements or legal relationships, the regulations of this Ordinance must govern.
- (E) **Simultaneous Rental Contracts Not Permitted.** All guests staying within the same dwelling unit during a rental period for a Short-Term Rental – Residential Accessory use must be covered under the same rental agreement.
- (F) **Parking Requirements.**
- (1) In addition to the off-street parking spaces required for the existing dwelling unit(s) and any other uses on the parcel pursuant to Section 5-1100, one (1) off-street parking space must be provided.
 - (2) The Zoning Administrator may modify the parking requirements of this Section if the Operator can demonstrate that the requirements of this Section cannot be met because of (a) the exceptional size and/or shape of the lot; (b) environmental or engineering constraints on the lot; (c) special accessibility needs; or (d) other extraordinary situations or conditions of the lot. The Zoning Administrator may attach conditions to any modification to ensure that the results of the modification will be in accordance with the purpose and intent of this Section.
 - (3) On-street parking may not count towards the required parking unless specifically requested and approved pursuant to Section 5-669(F)(2).
- (G) **Safety Requirements.** Dwelling units used for the Short-Term Rental – Residential Accessory use must meet the following requirements:
- (1) Each room used for overnight accommodations and floor must have an operational smoke detector that is interconnected with the smoke detectors in the rest of the structure.

- (2) Each floor must have at least one operational fire extinguisher in a conspicuous location that is clearly marked and accessible to guests.
- (3) Each floor must have at least one operational carbon monoxide detector.
- (4) All rooms that may be used for overnight accommodations must have at least two means of continuous and unobstructed egress travel to the outside of the dwelling unit on the ground floor.
- (5) A fire safety plan and emergency contact information, including the contact information for the Operator or Manager, local law enforcement, and fire and rescue, must be posted in a conspicuous location.

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Short-Term Rental – Commercial Whole-House.

- (A) **Modifications Not Permitted.** Notwithstanding Section 5-600, this Section 5-670(A) and Sections 5-670(B), 5-670(C)(2)(b)(i), 5-670(C)(3), 5-670(C)(4), 5-670(D), 5-670(I), and 5-670(J) cannot be modified by Minor Special Exception.
- (B) **Registration.** A Short-Term Rental – Commercial Whole-House use shall be permitted only on a property that is currently registered by the Operator in accordance with Chapter 1470 of the Codified Ordinances of Loudoun County, unless exempt from the registration requirement under Section 1470.03.
 - (1) An “Operator” must meet the definition of “Operator” found in Chapter 1470 of the Codified Ordinances of Loudoun County.
 - (2) The annual registration required by Chapter 1470 of the Codified Ordinances of Loudoun County must be on display in a conspicuous location inside the main entrance into the Short-Term Rental – Commercial Whole-House use and included with all advertising materials.
- (C) **Intensity and Character.**
 - (1) **Management Requirements.** The Operator, or a Manager designated by the Operator, must be available during all times when the property is occupied by renters to address issues that arise. During all rental periods, the Operator or Manager must:
 - (a) Respond by phone or electronic means within 30 minutes and be available to be onsite within 60 minutes.
 - (b) Provide the contact information for the Operator and/or Manager to guests of the Short-Term Rental – Commercial Whole-House use in writing prior to the beginning of the rental period. The contact information also must be posted

in a conspicuous location within the Short-Term Rental – Commercial Whole-House use.

- (2) **Rental Capacity.** The following capacity limits apply to a Short-Term Rental – Commercial Whole-House use per night:
 - (a) **Guest Rooms.** The number of rooms used for overnight accommodations for guests must not exceed 5 per parcel if owned in fee simple or per ownership unit if under condominium ownership.
 - (b) **Guest Capacity.**
 - (i) **Individual Sewage Disposal System.** For parcels served by an individual sewage disposal system, the total number of guests permitted per night must not exceed the maximum permitted capacity of the individual sewage disposal system, as approved by the Health Department.
 - (ii) **Maximum Number of Guests.** The total number of guests permitted per night must not exceed a maximum of 10 guests per parcel if owned in fee simple or per ownership unit if under condominium ownership. This requirement is not intended to limit the number of guests that may sleep in each room, nor the number of dwelling units per parcel used for the Short-Term Rental – Commercial Whole-House use.
- (3) **Food Service Not Permitted.** The Operator or Manager must not prepare, serve, or contract for the catering of food or alcoholic beverages for consumption by any guests of the Short-Term Rental – Commercial Whole-House use. The Short-Term Rental – Commercial Whole-House use must not contain restaurant facilities; the dwelling unit's independent cooking facilities are for use by the guests only.
- (4) **Private Parties and/or Temporary Special Events Not Permitted.** Private parties and/or Temporary Special Events pursuant to Section 5-500(C) are not permitted in association with the Short-Term Rental – Commercial Whole-House use.
- (5) **Dwelling Unit Types Permitted.** A Short-Term Rental – Commercial Whole-House use is permitted to operate only in a not otherwise occupied single family detached dwelling unit and/or in a not otherwise occupied accessory dwelling unit approved pursuant to Section 5-613 that is accessory to a principal single family detached dwelling unit.

- (D) **Zoning Permit Requirements.** A Zoning Permit is required for all Short-Term Rental – Commercial Whole-House uses.
- (1) In addition to the requirements of Section 6-1000, the Zoning Permit application must include authorization for the Zoning Administrator to conduct an inspection prior to approval of the Zoning Permit to verify compliance with all applicable Zoning Ordinance requirements as well as the following:
 - (a) Written consent from the property owner.
 - (b) The name and contact information of the Operator and/or Manager.
 - (c) The type of dwelling unit(s) that will be rented.
 - (d) The address of the dwelling unit(s) that will be rented.
 - (e) The maximum rental capacity.
 - (f) The type of water and sewer service for the proposed use.
 - (g) Any required Virginia Uniform Statewide Building Code (Part 1 Virginia Construction Code and Part 1 Virginia Existing Building Code) approval(s) from the Department of Building and Development, Virginia Statewide Fire Prevention Code approval(s) from the Fire Marshal, and Health Department approval.
 - (h) A drawing that shows the location of the dwelling unit(s) being rented and the required parking on the parcel that is subject to the Zoning Permit application.
 - (i) A floor plan of the dwelling unit(s) being rented illustrating conformance with the safety requirements of Section 5-670(I).
 - (2) The approved Zoning Permit for the Short-Term Rental – Commercial Whole-House use must be displayed in a conspicuous location upon entry into the Short-Term Rental – Commercial Whole-House use and included with all advertising materials.
 - (3) The Zoning Permit for a Short-Term Rental – Commercial Whole-House use is valid for only the original Operator and dwelling unit(s) listed on the Zoning Permit application and is not transferable to any other Operator or property. Changes to the information pertaining to the Operator or dwelling unit(s) listed on the Zoning Permit will require the approval of a new Zoning Permit.
 - (4) No more than one Zoning Permit for a Short-Term Rental – Commercial Whole-House use shall be permitted per parcel. Such

zoning permit shall list all principal and/or accessory dwelling units to be used for the Short-Term Rental – Commercial Whole-House use.

- (5) A Zoning Permit for a Short-Term Rental – Commercial Whole-House use is not permitted on a parcel that is subject to an approved Zoning Permit for a Bed and Breakfast Homestay use, Bed and Breakfast Inn use, Country Inn use, Rural Retreats and Resorts use, Campground Use, or for a Short-Term Rental – Residential Accessory use.
 - (6) The County’s approval of a Zoning Permit for a Short-Term Rental – Commercial Whole-House use is not intended to abrogate, annul, or otherwise interfere with any easement, covenant or other private agreement or legal relationship, such as those of a Homeowners’ Association or Condominium Owners’ Association. However, where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than such easements, covenants or other private agreements or legal relationships, the regulations of this Ordinance must govern.
- (E) **Simultaneous Rental Contracts Not Permitted.** All guests staying within the same dwelling unit during a rental period for a Short-Term Rental – Commercial Whole-House use must be covered under the same rental agreement.
- (F) **Parking Requirement.**
- (1) In addition to the off-street parking spaces required for the existing dwelling unit(s) and any other uses on the parcel pursuant to Section 5-1100, one (1) off-street parking space must be provided.
 - (2) The Zoning Administrator may modify the parking requirements of this Section if the Operator can demonstrate that the requirements of this Section cannot be met because of (a) the exceptional size and/or shape of the lot; (b) environmental or engineering constraints on the lot; (c) special accessibility needs; or (d) other extraordinary situations or conditions of the lot. The Zoning Administrator may attach conditions to any modification to ensure that the results of the modification will be in accordance with the purpose and intent of this Section.
 - (3) On-street parking may not count towards the required parking unless specifically requested and approved pursuant to Section 5-670(F)(2).
- (G) **Exterior Lighting.** Exterior lighting for a Short-Term Rental – Commercial Whole-House use is subject to Sections 5-652(A)(2), and 5-652(A)(3). The maximum height of pole-mounted exterior lighting for a Short-Term Rental – Commercial Whole-House use is 12 feet.

- (H) **Roads/Access.** For any Short-Term Rental – Commercial Whole-House use that is located on a parcel which does not have frontage on a Class I or Class II Road, documentation shall be provided to the Zoning Administrator, at the time of Zoning Permit application, demonstrating that the private road serving such lot may be used to provide access to the Short-Term Rental – Commercial Whole-House use.
- (I) **Safety Requirements.** Dwelling units used for the Short-Term Rental – Commercial Whole-House use must meet the following requirements:
- (1) Each room used for overnight accommodations and floor must have an operational smoke detector that is interconnected with the smoke detectors in the rest of the structure.
 - (2) Each floor must have at least one operational fire extinguisher in a conspicuous location that is clearly marked and accessible to guests.
 - (3) Each floor must have at least one operational carbon monoxide detector.
 - (4) All rooms that may be used for overnight accommodations must have at least two means of continuous and unobstructed egress to the outside of the dwelling unit on the ground floor.
 - (5) A fire safety plan and emergency contact information, including the contact information for the Operator or Manager, local law enforcement, and fire and rescue, must be posted in a conspicuous location.
- (J) Use of Affordable Dwelling Unit Developments and Unmet Housing Needs Units (UHNUs) Not Permitted. All units provided pursuant to Article 7 of this Ordinance and UHNUs provided in accordance with proffered conditions cannot be used for Short-Term Rental – Commercial Whole-House uses.

Transition (TR) Districts Lot Standards.

- (A) **Purpose.** The purpose of the Transition (TR) Districts Lot Standards is to:
- (1) Provide for development in the Transition (TR) zoned areas of the County, in ways that encourage efficient development patterns.
 - (2) Facilitate a transition in the scale of development from the suburban area to the rural area of the County.
 - (3) Facilitate the protection of the 300-foot buffer proposed along the Bull Run.
 - (4) Facilitate the protection of the 300-foot buffer along the Goose Creek and the Goose Creek Reservoir and the Beaverdam Reservoir.
- (B) **Applicability.** The procedures and standards of this section shall apply to the subdivision of two or more lots on all lands located in the TR-10, TR-3 (TR-3UBF, TR-3LBR, TR-3LF), TR-2, and TR-1 (TR-1UBF, TR-1LF) districts.
- (C) **Standards.** The standards of this section shall apply to all development subject to the TR Districts Lot Standards.
- (1) **Base Density.** The maximum gross density allowed in the TR districts under these standards is:
 - (a) TR-10 district: 1 dwelling unit per 10 acres.
 - (b) TR-3 districts: 1 dwelling unit per 3 acres.
 - (c) TR-2 district: 1 dwelling unit per 20,000 sq. ft.
 - (d) TR-1 districts: 1 dwelling unit per 40,000 sq. ft.
 - (2) **Open Space.** A minimum percentage of the site shall consist of open space, as follows:
 - (a) In the TR-10 district, a minimum of 70 percent of the site shall be maintained as open space.
 - (b) In the TR-3 districts:
 - (i) In the TR-3LBR sub-district, a minimum of 70 percent of the site shall be maintained as open space.

- (ii) In the TR-3UBF and TR-3LF sub-districts, a minimum of 50 percent of the site shall be maintained as open space.
 - (c) In the TR-2 district, a minimum of 50 percent of the site shall be maintained as open space.
 - (d) In the TR-1UBF and TR-1LF sub-districts, a minimum of 50 percent of the site shall be maintained as open space.
- (3) **Lot Standards and Open Space Standards.** The two elements of the subdivision are (1) the lot area(s) and (2) the open space. The site layout of these elements shall occur during the review of a preliminary plat for subdivision. Establishment of the lots and open space on the site shall comply with the following standards:
- (a) **Lot Standards.** Lots shall comply with the following standards (see Table 5-701(C)(3)(a)).

TABLE 5-701(C)(3)(a): LOT STANDARDS						
District	Lot Grouping	Min. Size Lot	Min. Front Yard	Min. Rear Yard	Min. Side Yard	Max. Building Height
TR-10	Minimum: 5 Maximum: No maximum Lots of less than 5 acres must be grouped in accordance with Section 5-701(C)(3)(a)(ii).	None	20 feet	25 feet	10 feet	40 feet
TR-3LBR	Minimum: 5; Maximum 25	None	12 feet	25 feet	7 feet	40 feet
TR-3LF, TR-3UBF	Minimum: 5; Maximum 25	None	12 feet	25 feet	7 feet	40 feet
TR-2	Minimum: 5; Maximum 25	None	10 feet	25 feet	5 feet	40 feet
TR-1LF, TR-1UBF	Minimum: 5; Maximum 25	None	10 feet	25 feet	5 feet	40 feet

- (i) **Lot Yield.** The total number of lots on a site shall not exceed the number permitted to accommodate the base density established by Section 5-701(C)(1), regardless of whether the lot is used for a residential or nonresidential use.
- (ii) **Number of Lots in a Group.** Lots that are less than 5 acres in size shall be located in a contiguous group, with adjacent and fronting lots oriented toward each other, as on a street, green or paved square. The number of grouped lots shall consist of a minimum of 5 lots and a maximum of 25 lots with the exception of TR-10, except that a contiguous group may consist of fewer than 5 lots if:

- a. There will be fewer than 5 lots on the entire site that are less than 5 acres in size; or
 - b. It is demonstrated that a grouping of fewer than 5 lots will result in greater amounts of contiguous open space or result in less denigration of features within an environmental overlay district than residential grouping(s) of 5 lots or more.
- (iii) **Number of Groups.** A single group shall contain all the lots on a site that are less than 5 acres, where the total number of such lots is 25 or fewer, except that multiple groups may be allowed where:
 - a. It is demonstrated that multiple groups will result in greater amounts of contiguous open space or result in less denigration of features within an environmental overlay district; and
 - b. None of the groups contain fewer than 5 lots, unless allowed as provided in Section 5-701(C)(3)(a)(ii).
- (iv) **Dimensional Standards of Lots.**
 - a. In the TR districts there is no maximum or minimum lot size.
 - b. The yard requirements for the lots in the TR districts shall comply with the standards established in Table 5-701(C)(3)(a).
 - c. The maximum building height shall not exceed 35 feet.
- (b) **Siting of the Open Space and Building Lots.**
 - (i) The location of the open space on the site shall be identified consistent with the requirements of Section 5-701(D).
 - (ii) The building lots shall be located on that portion of the site that is outside the open space.
 - (iii) The lots and buildings within the subdivision shall be sited so as to reduce visibility of the lot groups from public rights-of-way and from other lot groups, by using existing topography, vegetation, distance and other factors to minimize impact. Options include siting lots and buildings

sufficiently below ridgelines or treelines that the horizon will remain visually defined by the ridgeline or treeline rather than by the rooftops of the buildings, or placing lots and buildings at the far edge of a field as seen from a public right-of-way or other lot group.

- (iv) The residential lot group(s) shall be sited so as to relate to the open space and the other lot groups on the site and on adjacent lands, by maximizing the contiguity of other open space features such as vegetation, and natural features such as stream corridors, floodplains, wetlands, steep slopes, ridges, mountainsides, and wildlife habitat.

(D) Open Space Uses.

- (1) **Open Space Permitted Uses.** In the TR districts the following uses shall be permitted in open space.

- (a) Active and passive recreational uses allowed in open space, as defined in Article 8.
- (b) Easements and improvements for drainage, communal sewer systems and septic systems, communal water supply systems, wells and other water supply systems.
- (c) The following additional use is permitted in open space in the TR-10 district and TR-3 district.
 - (i) Uses permitted in the Agriculture, Horticulture, and Animal Husbandry Use Categories.

- (2) **Common Open Space Permitted Uses.** In the TR districts the following uses shall be permitted in common open space owned by a Homeowners' Association.

- (a) Active and passive recreational uses allowed in open space, as defined in Article 8.
- (b) Easements and improvements for drainage, communal sewer systems and septic systems, communal water supply systems, wells and other water supply systems.
- (c) Tenant Dwelling, accessory to agriculture, horticulture or animal husbandry uses, pursuant to Section 5-602.
- (d) Uses permitted in the Agricultural Support and Services Directly Related to On-going Agriculture, Horticulture and Animal Husbandry Activity, On-Site, Use Category, as follows:

- (i) Direct Market Business for sale of products produced on-site including but not limited to PYO (pick-your-own), pursuant to Section 5-627.
 - (ii) Farm co-ops, pursuant to Section 5-627.
 - (iii) Farm Market, on-site production, pursuant to Section 5-603.
 - (iv) Pet Farm, pursuant to Section 5-627.
 - (v) Stable, Private, pursuant to Section 5-627.
 - (vi) Stable, Livery, with frontage on a state maintained road, pursuant to Section 5-627.
 - (vii) Wayside Stand, pursuant to Section 5-604.
- (e) The following additional uses are permitted in common open space owned by a Homeowners' Association in the TR-10 district and TR-3 district.
 - (i) Arboretum, pursuant to Section 5-636.
 - (ii) Botanical garden or Nature study area, pursuant to Section 5-636.
 - (iii) Nursery, Production, with frontage of a state maintained road, pursuant to Section 5-605.
 - (iv) Uses permitted in the Agriculture, Horticulture, and Animal Husbandry Use Categories.
- (3) **Common Open Space Special Exception Uses.** The following uses may be approved in common open space owned by a Homeowners' Association by the Board of Supervisors, and if approved, may be subject to certain conditions pursuant to Section 6-1300.
 - (a) Uses allowed in the Agricultural Support and Services Directly Related to On-going Agriculture, Horticulture and Animal Husbandry Activity, On-Site, Use Category, as follows:
 - (i) Stable, Livery, without frontage on a state maintained road, pursuant to Section 5-627.
 - (ii) The following additional uses may be approved in common open space owned by a Homeowners' Association in the TR-10 district and TR-3 district.

- a. Agricultural Processing, pursuant to Section 5-627.
- b. Nursery, Production, without frontage of a state maintained road, pursuant to Section 5-605.

(E) Homeowners' Association and Responsibilities.

- (1) If any of the following features are present, the development shall have an incorporated Homeowners' Association ("HOA"). If any of the following areas or improvements are present within the development, the HOA shall have the right and responsibility to maintain the areas or improvements:
 - (a) Common areas within the development, if any, that are not part of the required open space;
 - (b) The open space, if owned by the HOA;
 - (c) Any common recreational facilities;
 - (d) Private roads, if any, within or serving the development;
 - (e) Any storm water management ponds or areas;
 - (f) Fire protection pond(s), dry mains, or other improvements;
 - (g) Such other common facilities or improvements as may be designated in the bylaws of the HOA.
- (2) Prior to approval of a record plat for subdivision for the development:
 - (a) 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.
 - (b) The landowner shall agree that the association shall be established by the landowner or applicant and shall be operating (with financial subsidization by the owner or applicant, if necessary) before approval of the first record plat for the property; and
 - (c) Membership in the association shall be automatic (mandatory) for all purchasers of dwelling units therein and their successors in title.

- (F) **Recognizing Protection by Right to Farm Act.** In the TR districts, record plats and deeds authorized pursuant to this section shall include a statement that agricultural operations enjoy the protection of the Right to Farm Act (Va. Code Section 3.2-300 et seq.).

5-702

Rural Hamlet Option.

- (A) **Purpose and Intent.** The primary purpose of the Rural Hamlet Option is to provide an alternative to conventional A-3 and A-10 district subdivision in rural areas. Such clustered development is intended to better harmonize rural development with surrounding agricultural activities recognizing that it is the County's primary goal to preserve and enhance farming and farmland in rural Loudoun by the most feasible, effective, and equitable methods available. This option is intended to conserve agricultural, forestal and open space land, historic and natural features at the time that such land realizes the development potential currently allowed in the agricultural zoning district. Such clustered development is intended to permit the compact grouping of homes located so as to blend with the existing landscape, such as the rise and fall of the topography, hedgerows and wooded areas, and to preserve to a greater extent the agricultural, forestal and visual character of the landscape.
- (B) **Rural Hamlet Permitted.** Rural hamlets are permitted in the A-3 and A-10 districts. The district regulations shall apply to the extent not in conflict with the regulations contained herein.
- (C) **Rural Hamlet Defined.** A rural hamlet is characterized by the configuration of all or a portion of the density permitted on a tract of land under the district regulations, into a grouping of small residential lots on a portion of the tract. More than one rural hamlet may be located on a tract. A rural hamlet may consist of the following categories of land:
- (1) **Hamlet Lots.** Smaller residential lots located in a contiguous group, with adjacent and fronting lots oriented towards each other as on a street, a green or a paved square. No fewer than five (5) and no more than twenty five (25) hamlet lots may be grouped together as a rural hamlet. Hamlet lots shall have a designated building area. All land not designated as building area, private access easements, and road rights-of-way shall be placed in a permanent open space easement.
 - (2) **Open Space.** Residual land, excluding the building area of hamlet lots and conservancy lots, contiguous to a rural hamlet, which is subject to a permanent open space easement.
 - (3) **Hamlet Green/Square.** Land located in the interior of a rural hamlet, owned in common by hamlet lot owners and which is in a permanent open space easement.
 - (4) **Conservancy Lots.** A lot, excluding the hamlet lots, open space and/or hamlet green/square, which will remain as large parcel(s),

the bulk of which is in permanent open space easement and a portion of which is designated a building area.

- (D) **Uses.** The following shall be the uses for the various categories of rural hamlet land. These uses shall supersede the permitted, minor special exception, and special exception uses that would otherwise apply in the underlying zoning district regulations.

(1) **Building Area of Hamlet Lots and Conservancy Lots.**

- (a) **Permitted Uses.** The following uses shall be permitted in the Building Area of Hamlet Lots and Conservancy Lots.

- (i) Dwelling, single family detached.
- (ii) Bed and breakfast homestay.
- (iii) Guest house.
- (iv) Child Care Home, pursuant to Section 5-609.
- (v) Water supply systems.
- (vi) Wastewater disposal systems.
- (vii) Accessory uses and structures, pursuant to Section 5-101.
- (viii) Accessory dwelling (accessory to single family detached dwelling), pursuant to Section 5-613.
- (ix) Telecommunications antenna, pursuant to Section 5-618(A).

- (2) **Open Space.** All areas of the tract of land devoted to the Rural Hamlet Option other than the building area of hamlet lots and conservancy lots and road rights-of-way, shall be subjected to a permanent open space easement. Such open space may be used for the following uses:

- (a) **Open Space Permitted Uses.** The following uses shall be permitted in open space.

- (i) Agriculture, horticulture, forestry, and fishery uses including barns, stables and other structures accessory or incidental to such uses.
- (ii) Conservation of open land in its natural state, i.e., woodland, fallow fields, grasslands, wetlands, floodplains, and the like.

- (iii) Passive open space or passive recreation, including but not limited to trails, picnic areas, community gardens.
 - (iv) Active recreation space, including golf courses.
 - (v) Equestrian uses of any kind.
 - (vi) Easements and improvements for drainage, access, sewer or water lines, or other public purposes.
 - (vii) Stormwater management facilities for the proposed development or for a larger area in compliance with a watershed stormwater management plan.
 - (viii) Water supply systems.
 - (ix) Accessory uses, such as swimming pools, tennis courts, and other accessory uses and structures pursuant to Section 5-101.
 - (x) Sewage disposal systems.
 - (xi) Telecommunications antenna, pursuant to Section 5-618(A).
- (b) **Common Open Space Permitted Uses.** The following uses shall be permitted in common open space owned by a Homeowners' Association.
- (i) All Open Space Permitted Uses as provided in Section 5-702(D)(2)(a).
 - (ii) Nursery, Production, with frontage on a state maintained road, pursuant to Section 5-605.
 - (iii) Pet Farm, pursuant to Section 5-627.
 - (iv) Stable, Private, pursuant to Section 5-627.
 - (v) Stable, Livery, with frontage on a state maintained road, pursuant to Section 5-627.
 - (vi) Tenant Dwelling, pursuant to Section 5-602, accessory to agriculture, horticulture or animal husbandry uses.
 - (vii) Wayside Stand, pursuant to Section 5-604, accessory to agriculture, horticulture or animal husbandry uses.

(c) **Open Space Special Exception Uses.** The following uses may be approved in open space by the Board of Supervisors, and if approved, may be subject to certain conditions pursuant to Section 6-1300.

(i) Telecommunications monopole, pursuant to Section 5-618(B)(2).

(d) **Common Open Space Special Exception Uses.** The following uses may be approved in common open space owned by a Homeowners' Association by the Board of Supervisors, and if approved, may be subject to certain conditions pursuant to Section 6-1300.

(i) Agricultural Processing, pursuant to Section 5-627, accessory to agriculture, horticulture or animal husbandry uses.

(ii) Arboretum, pursuant to Section 5-636, accessory to agriculture, horticulture or animal husbandry uses.

(iii) Child Care Center, pursuant to Section 5-609, restricted for the use of homeowner association members.

(iv) Farm Market, on-site production, pursuant to Section 5-603.

(v) Nursery, Production, without frontage on a state maintained road, pursuant to Section 5-605.

(vi) Stable, Livery, without frontage on a state maintained road, pursuant to Section 5-627.

(vii) Telecommunications monopole, pursuant to Section 5-618(B)(2).

(E) **Minimum Tract Size.** A rural hamlet shall be located on a tract, or portion thereof, at least forty (40) acres in size.

(F) **Lot Requirements.**

(1) **Hamlet Lot.**

(a) **Lot Size.** 10,000 sq. ft. minimum. 3 acres maximum.

(b) **Building Area.** 5,000 sq. ft. minimum. 15,000 sq. ft. maximum.

(c) **Lot Width.** 64 feet minimum. 150 feet maximum.

(d) **Length/Width Ratio.** 6.0:1 maximum.

- (e) **Front Yard.** (as defined in Article VIII) 6 feet minimum. 40 feet maximum, provided that all principal buildings shall be located so that the maximum deviation for adjacent front facades shall not exceed 15 feet, and provided further that this maximum Front Yard requirement shall not apply to lots located within subdivisions approved under the zoning ordinance in effect prior to June 16, 1993, and subject to the provisions of Section 1-103(H) of this Ordinance.
- (f) **Rear Yard.** 20 feet minimum.
- (g) **Side Yard.** 8 feet minimum.
- (h) **Building Height.** 35 ft. maximum.
- (i) **Building side yard restriction line.** Dwellings, guest houses, garages and other such structures shall not trespass into minimum side yards. However, detached garages located at the rear of a lot (i.e., behind the rear building line) and attached to a similar garage on a contiguous lot may be located within the side yard setback.

(2) **Hamlet Green/Square.** Maximum distance between building areas of cluster lots facing across a hamlet green/square: 350 feet.

(3) **Conservancy Lots.**

	<u>A-3 District</u>	<u>A-10</u>
(a) Lot Size.	10 Acres min.	30 Acre min.
(b) Lot Width.	300 ft. min.	500 ft. min.
(c) Length/Width Ratio.	5:1 max.	5:1 max.
(d) Building Area.	7,500 sq.ft. min.	15,000 sq.ft. min.
(e) Front and Side Yard	25 feet min.	
(f) Rear Yard.	20 feet min.	
(g) Building Height.	35 feet max.	

(G) **Determination of Density.** The potential number of hamlet and conservancy dwelling units shall be based on either of the following, at the option of the landowner:

- (1) In the A-3 District, one (1) dwelling unit per five (5) net acres. In the A-10 District, one dwelling unit per ten (10) acres.
- (2) The number of dwelling units permitted at a minimum lot size of three (3) or ten (10) acres in the A-3 or A-10 zoning districts respectively is based on topography, floodplain and availability of

septic drainfields. Drainfields shall be submitted to the Loudoun County Health Department for approval in accord with the Land Subdivision and Development Ordinance (LSDO).

- (3) For each conservancy lot of fifty (50) acres or greater in size, one (1) additional dwelling unit shall be included in the determination of density.

(H) **Open Space Requirements.**

- (1) **Minimum Open Space.** The minimum amount of land in a Rural Hamlet devoted to open space and subject to permanent open space easements shall be no less than eight-five percent (85%) of the total land area in the Rural Hamlet. All land not designated as building areas, private access easements, and rights-of-way for roads shall be permanent open space.
- (2) **Minimum Open Space Widths Surrounding the Hamlet.** There shall be a minimum of 200 feet width of land in open space between the outside boundary of hamlet lot building areas and the tract boundary. There shall be a minimum of 800 feet between the hamlet lot building area boundaries of two hamlets on the same tract. Reduction of these dimensions may be permitted by the Board of Supervisors (see 5-702(L)), upon recommendation of the Planning Commission, based upon a finding that due to the topography, forestation, or presence of prime agricultural soils or environmentally sensitive areas, such reduction will preserve rural vistas, preserve farmland, screen dwellings from existing roads or adjacent properties, or preserve environmentally sensitive areas.
- (3) **Maximum Hamlet Building Area Depth.** The outside boundaries of the building areas of hamlet lots facing one another across a street shall not exceed 300 feet. The outside boundaries of the building areas of hamlet lots facing one another across a hamlet green/square shall not exceed 550 feet.

(I) **Utilities and Public Facilities Requirements.**

- (1) **Water.** Hamlet lots shall be served either by:
 - (a) Individual wells on or off each lot, or
 - (b) A communal water system constructed by the developer, or
 - (c) A municipal water system if located within an area designated for such connection in the Comprehensive Plan, or
 - (d) Connection with an existing rural village, rural hamlet or other public water system.

All water systems shall comply with applicable town, County, State, and/or LCSA standards and requirements, including a commission permit if required by applicable law. As for (a) and (b) above, the Health Department approval of both a safe and adequate water supply system and designated backup well sites based on hydrogeological studies, shall be a precondition to recordation of a record plat establishing a rural hamlet.

(2) **Wastewater.** Hamlet lots shall be served either by:

- (a) Individual septic tank drainfields located on or off the lot, or
- (b) A communal wastewater treatment system constructed by the developer, or
- (c) A municipal wastewater system, if located within an area designated for such connection in the Comprehensive Plan; or
- (d) Connection with an existing rural village, rural hamlet or other public wastewater treatment system.

All wastewater systems shall comply with applicable town, County, State, and LCSA standards and requirements, including a commission permit if required by applicable law.

(3) **Fire Protection.** Every hamlet shall satisfy the fire protection standards set forth in the Facilities Standards Manual, or if no such standards are in effect, shall have all weather access road for a pump truck to an adequate pond with a water withdrawal main or to a water tank of sufficient capacity for fire protection.

(4) **Roads.** Seven (7) rural hamlet lots or less may be served by a private access easement. Twenty-five (25) rural hamlet lots or less may be served by a VDOT fixed generation, tertiary Class II road. All other roads shall be VDOT Class II roads. All other Rural Hamlet roads shall be built to VDOT secondary road standards. Roads serving two or more hamlets, with a combined traffic loading exceeding 250 vehicles per day, shall generally have two (2) access points to the existing rural road network.

- (a) The Planning Commission may waive the two (2) access requirement upon finding special topographic or other circumstances which preclude implementation, but may in this eventuality require alternative configurations of road design, such as a divided median.

(b) Further, the Planning Commission may waive the public road standards, thereby allowing up to twenty-five (25) rural hamlet lots to be served by private access easements, should the Planning Commission find that the waiver provisions contained in this section are met. This alternative roadway design option must be requested as part of the subdivision application, and shall not be granted for the sole purpose of circumventing the previously referenced public roadway design criteria. In reviewing any proposed waiver, the Planning Commission shall consider the following:

- (i) Whether granting of the proposed waiver will adequately provide for access by public safety service (police, fire and rescue services).
- (ii) Whether granting of the proposed waiver will protect to the greatest extent possible topographic or physical, natural, scenic, archaeological or historical features of significant importance.
- (iii) Whether the granting of the proposed waiver will be in the public's best interest, specifically with regard to future road maintenance considerations.
- (iv) Whether the granting of the proposed waiver will meet engineering standards with regard to steep slopes, storm water control, drainage, soil erosion control; mitigate floodplain impacts; assure adequate dust control measures; and will minimize, to the greatest extent possible, the impact on water and air quality on adjoining properties.
- (v) Whether the granting of the proposed waiver will facilitate orderly and safe road development.
- (vi) Whether the granting of the proposed waiver will minimize the impact of traffic on the existing roadway network.
- (vii) Waiver requests shall be considered by the Planning Commission at a public meeting held within sixty (60) days of receipt of such request.

(5) **Parking.** Every hamlet lot shall include sufficient parking (which may or may not be paved) to accommodate four (4) cars.

(J) **Homeowners' Association.**

(1) Each rural hamlet or group of rural hamlets comprising a common development shall have an incorporated Homeowners'

Association ("HOA") which shall have the right and responsibility to maintain the following areas and improvements:

- (a) Common open space.
 - (b) Private roads, if any, within or serving the rural hamlet.
 - (c) Any stormwater management ponds or areas,
 - (d) Fire protection pond, dry mains, or other improvements; and
 - (e) Such other common facilities or improvements as may be designated in the HOA Bylaws.
- (2) Easements for septic drainfields and wells located off of the lot shall be established at the time of the record plat for such lot, and shall run to the benefit of the lot served. The responsibility for maintaining or replacing such septic fields or wells shall be borne by the lot owner served by such easement.
 - (3) The permanent open space easement required in the rural hamlet shall be enforced by the County. Such easement shall be in a form approved by the County, and shall provide that, notwithstanding such easement, the eased portion of conservancy lots or hamlet lots shall be maintained by the owners of such lots, and that the County should bear no responsibility or liability for such maintenance. However, nothing contained herein shall prevent such landowners from leasing such open space for agricultural or other purposes as allowed in Section 5-702(D)(2)(a) and (c).
 - (4) The Homeowners' Association documents shall be submitted as part of the initial record plat application and shall provide for adequate initial funding and assessments to fund the maintenance of common property and improvements.
- (K) **Plat and Deed Notations.** Record plats and deeds for rural hamlet subdivisions shall include a statement that agricultural operations enjoy the protection of the Right to Farm Act, Va. Code Section 3.2-300 et seq.
- (L) **Modification of Regulations.**
- (1) Where there are conflicts between the rural hamlet provisions herein and the general zoning, subdivision or other regulations and requirements, the rural hamlet regulations shall apply.
 - (2) In addition, the Board of Supervisors may allow reasonable modifications to other applicable regulations as follows:
 - (a) These other regulations serve public purposes to a lesser degree than the rural hamlet, or




- (b) The designs or solutions proposed by the applicant, although not literally in accord with these other regulations, satisfy public purposes to a greater degree, or
- (c) The strict implementation of these other regulations would prevent well designed rural hamlet development.

Such modifications may be granted by the Board of Supervisors by special exception. Such modifications may be sought prior to filing a preliminary plan of subdivision. The landowner shall include a sketch plan of the proposed hamlet as part of the application for modification and shall demonstrate the reasons for the request.

(M) **Advisory Rural Hamlet Siting and Design Guidelines.** Loudoun County recognizes that every rural hamlet design will be a custom response to the unique assets and constraints of each tract. As a consequence, the County has only incorporated in the Rural Hamlet Ordinance those siting and design rules required to preserve open space and to allow the clustering of dwellings. However, the County does wish to encourage design consistent with Loudoun's past in rural Loudoun and appends the following general design guidelines as a suggestion to rural hamlet designers.

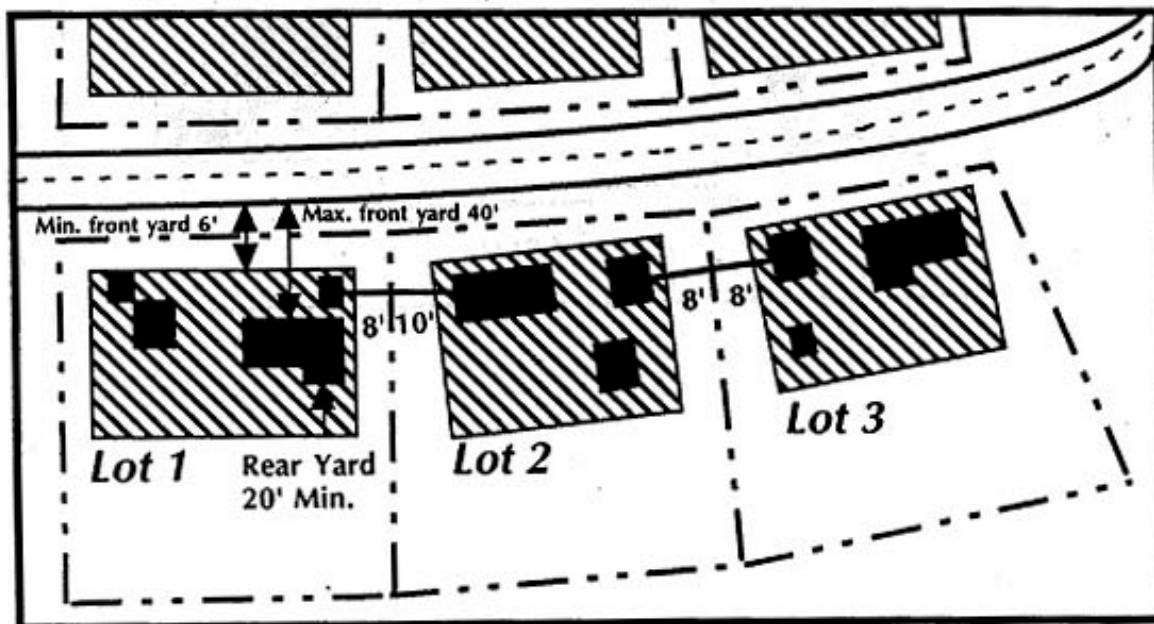
- (1) **Siting.** Rural hamlets should be sited so as to nestle, or blend in a subordinate way, into the existing landscape. Rural hamlets should not be placed on the crest of a ridge but rather should be located in a dip or depression or on the side of a hill.
- (2) **Landscaping.** Rural hamlet designs should incorporate a mix of evergreen trees, generally located to the north and west for winter wind protection, and deciduous trees, located to the west and south, for summer shade. Given the time required for trees to attain maturity, existing stands of trees and hedgerows should be incorporated in the new hamlets whenever possible. New plantings of evergreen and deciduous trees should be native to the northern Piedmont, such as yellow poplar, northern red and white oak, hickory, white ash, black gum, hemlock, spruce and eastern red cedar among others.
- (3) **Ground Modeling and Screening.** In those circumstances where natural contours, subsurface conditions and tract boundaries prevent discreet hamlet placement, hamlet designers should seek to reduce the development's apparent presence by locating earth berms near adjacent roadways and/or planting screens of trees adjacent to existing roads and tract boundaries.
- (4) **Grouping of Structures.** Dwellings in rural hamlets should be placed in proximity to one another and to common wells or facilities.

Illustration of Hamlet Lot and Building Area

-  Hamlet Building Area
(min. 1/6 ac. max. 1/4 acre)
-  Structure located on
Hamlet Lot Building Area
-  Hamlet Lot
Eased Open Space

NOTE: For Illustrative Purposes only-

Refer to Ordinance Text for Requirements

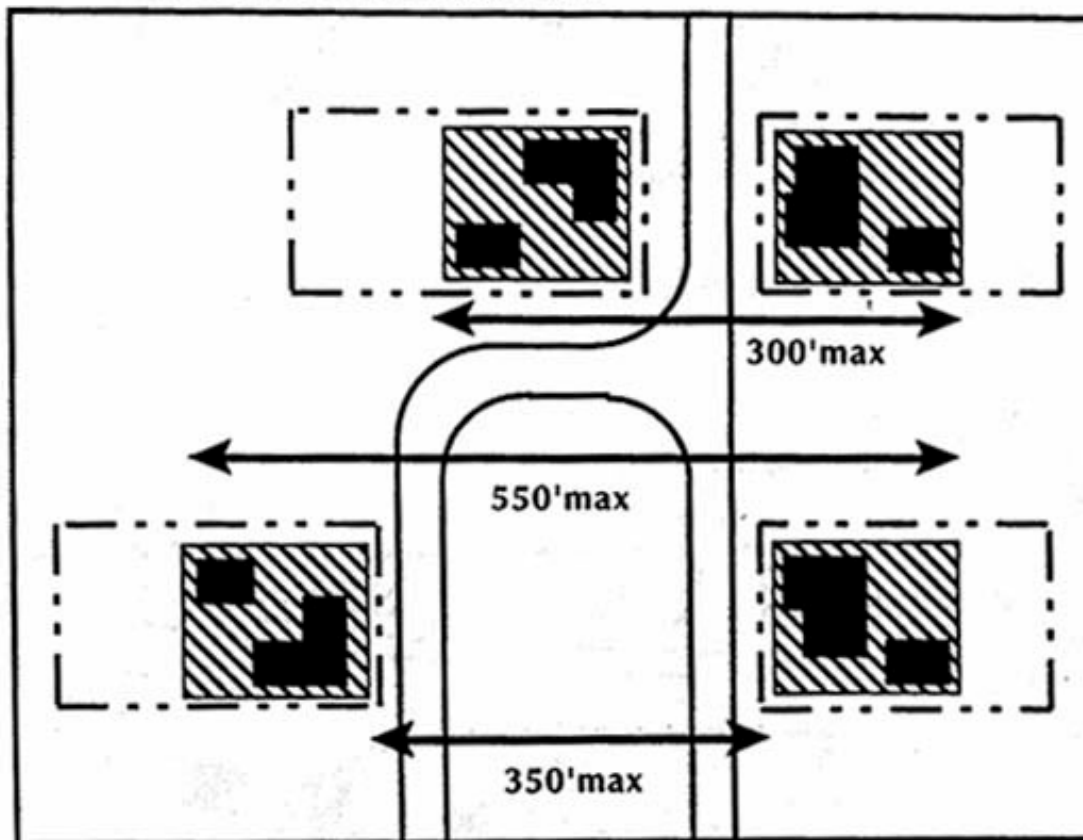


Minimum lot size 10,000 sq. ft.

Example of Maximum Widths in Rural Hamlets

NOTE: For Illustrative Purposes only-

Refer to Ordinance Text for Requirements



Example of Hamlet Calculations and Ratios

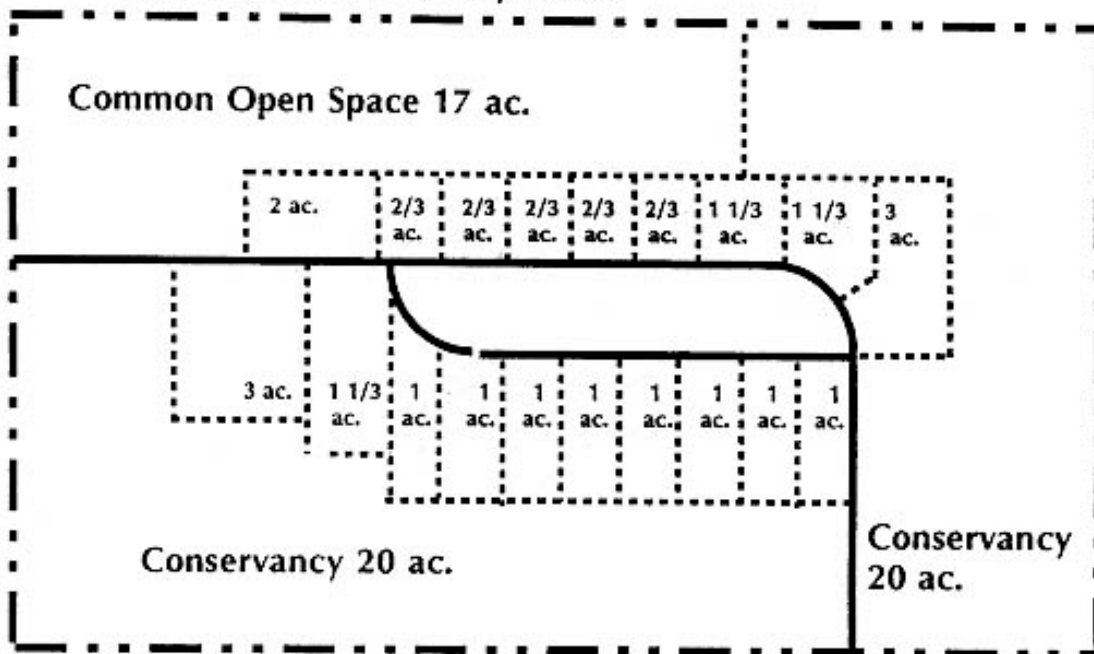
Figure 1. Hamlet Example Summary

88 ac. / 20 Hamlet and 2 Conservancy lots

90.34% All eased land

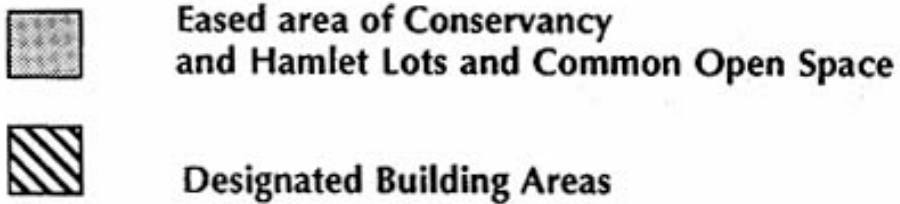
NOTE: For Illustrative Purposes only-

Refer to Ordinance Text for Requirements



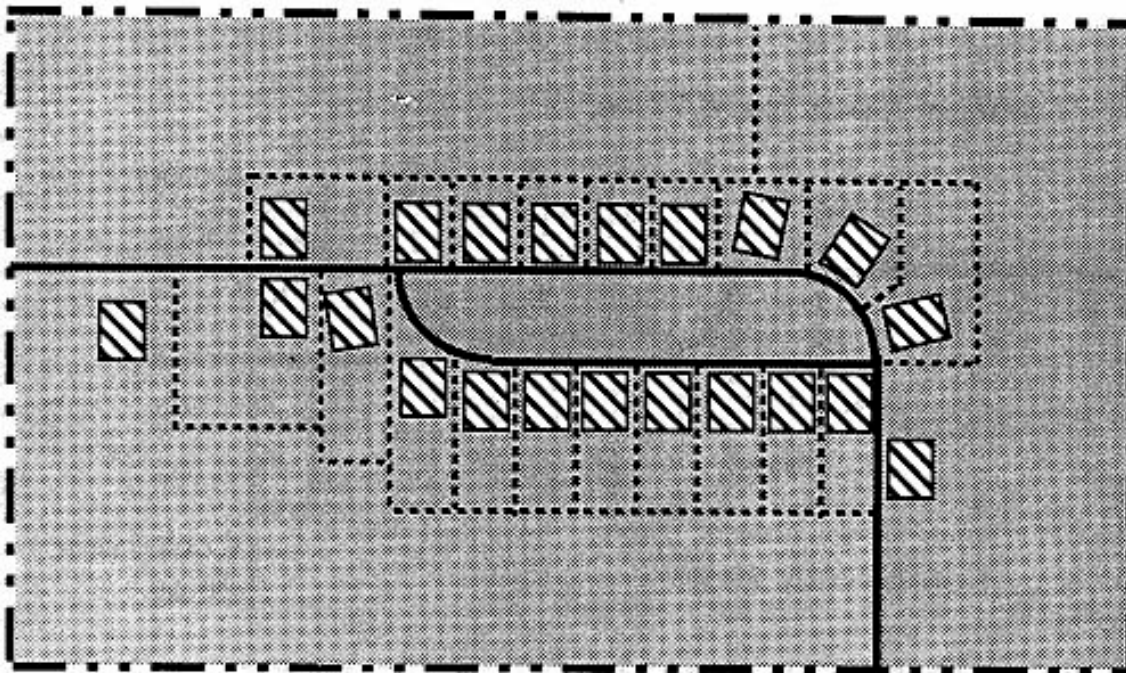
Example of Hamlet Calculations and Ratios

Figure 2. Illustrations of Eased Land and Building Areas in Hamlet



NOTE: For Illustrative Purposes only-

Refer to Ordinance Text for Requirements



Common Open Space for Permitted Urban Clusters as permitted in various sections contained in Article III and Article IV of this Zoning Ordinance.

- (A) Common open space shall be designed to constitute a contiguous and cohesive unit of land which may be used for active or passive recreation by residents.
- (B) Common open space shall be accessible to all permitted uses and all residential units within the subject development and shall be located within a reasonable walking distance of such units.
- (C) All common open space shall be permanently reserved, managed, and maintained as open space by a means acceptable to the Board of Supervisors, and at no cost to the County.
- (D) No major floodplain shall be included in calculating the amount of common open space required.

Limitations on Vehicles in Residential Districts.

- (A) **Major Recreational Equipment.** No major recreational equipment or any container constructed for the transportation or storage of such equipment shall be parked or stored on any road, lot, or dedicated open space in a residential district except in a car port or enclosed building or behind the nearest portion of a building to a street, provided, however, that such equipment may be parked anywhere on residential premises for a period not to exceed 24 hours. No such equipment shall be used for living, sleeping, or housekeeping purposes.
- (B) **Commercial Vehicles.** The parking or storage of a commercial vehicle, or a container constructed for the transportation of cargo is prohibited in all residential districts, except that one (1) commercial vehicle with a manufacturer's rating of less than 1-1/2 tons may be parked on any lot on which there is located a principal building, provided that such vehicle is parked in an enclosed garage, accessory building, approved off-street parking area or behind the nearest portion of buildings to streets and is used by a resident of the premises. This regulation shall not be interpreted to prohibit commercial vehicles or containers from loading and unloading in any residential district.
- (C) **Inoperable Vehicles.**
 - (1) No repair, maintenance or restoration of motor vehicles is permitted on any residential lot or common area serving such lot located within any urban residential zoning district, as defined in Article 3 of this Ordinance, unless the vehicle is owned by and registered in the name of an occupant of the dwelling constituting the principal use for such lot.
 - (2) No inoperable vehicle shall be parked or stored outside a building for more than one (1) week on a lot of less than ten (10) acres in area in any residential district. Not more than one (1) inoperable vehicle may be parked outdoors at a time on any lot greater than ten (10) acres in area in any residential district. Any vehicle not displaying current license plates and inspection validation certificate as required by Virginia law shall be construed as an inoperable vehicle. Not more than one (1) inoperable item of major recreational equipment shall be parked outdoors on any lot of less than ten (10) acres in area in any residential district
- (D) **Limitations on Parking and Paved Parking Surfaces Within Residential Yards.**

The following requirements shall apply to single family detached dwellings on lots in the R-1, R-2, R-3, R-4, and R-8 Zoning Districts and the portions of PD-H Zoning Districts that are administered as the R-1, R-2, R-3, R-4, and R-8 Zoning Districts.

- (1) All parking for vehicles in any yard shall be on a paved parking surface, provided, however, that this shall not be deemed to preclude temporary parking on an unpaved surface in a yard for active loading and unloading.
- (2) The maximum amount of paved parking surface in a front yard shall not exceed twenty-five (25) percent of the front yard area in the R-1 and R-2 Zoning Districts; thirty (30) percent of the front yard area in the R-3 and R-4 Zoning Districts; and forty (40) percent of the front yard area in the R-8 Zoning District, except that these limitations may be exceeded for a paved surface that is:
 - (a) Directly contiguous with, and providing primary access to, two (2) side-by-side parking spaces as long as the dimensions of the paved surface access area are not more than twenty-five (25) feet long and eighteen (18) feet wide; or
 - (b) Located on a lot which has its primary access from a collector or arterial road, and comprises two (2) side-by-side parking spaces and a vehicular turn-around area, as long as the dimensions of the paved surface area are not more than twenty-five (25) feet long and eighteen (18) feet wide, and the area of the turn-around does not exceed 162 square feet; or
 - (c) A driveway on a pipestem lot.
- (3) The maximum amount of paved parking surface in a rear yard shall not exceed twenty-five (25) percent of the rear yard area in the R-1, R-2, R-3, R-4, and R-8 zoning districts.
- (4) For the purposes of this Section, “paved parking surface” shall mean the area of a lot that is used for the parking of vehicles, inclusive of the driveway for accessing such parking, that is surfaced with asphalt, poured or precast concrete, brick, stone, gravel, or any other impervious surface, or grasscrete or other similar pervious surface. A fully enclosed garage shall not be considered a paved parking surface.
- (5) The Zoning Administrator may modify the requirements of Section 5-800(D) if an applicant can demonstrate that the requirements of this Section cannot be met, while meeting the amount of parking required by Section 5-1100, because of (a) the exceptional size and/or shape of the lot; (b) environmental or engineering constraints on the lot; (c) special accessibility needs; or (d) other extraordinary situations or conditions of the lot. The Zoning Administrator may attach conditions to any modification to ensure that the results of the modification will be in accordance with the purpose and intent of this Section.

Section 5-900**[RESERVED] See 5-1400****Section 5-1000****Scenic Creek Valley Buffer.****5-1001**

Purpose and Intent. The Scenic Creek Valley Buffer is established to govern the construction of buildings, structures, parking, and other impervious surfaces in areas adjacent to scenic rivers and all waterways draining greater than 640 acres, by providing for a setback area from the channel scar line in which construction of improvements would not occur except as set forth below. The intent is to (1) promote water quality and the preservation of significant environmental resource areas, wildlife habitat and corridors, and native vegetation areas; (2) protect and enhance water and groundwater recharge processes by protection of the natural capacity of vegetative areas along rivers and creeks to filter and purify storm water runoff; (3) protect aquatic environments from the warming effects of solar radiation by preserving riparian tree canopy cover; (4) promote tourism and high quality corporate investment by maintaining to the extent reasonably possible, existing high water quality; (5) to maintain the scenic beauty of the streams of Loudoun County; and (6) implement the Comprehensive Plan.

5-1002

Scenic Creek Valley Buffer Established. The following setbacks are established along all waterways draining greater than 640 acres in areas where the major 100 year floodplain is less than the setbacks provided below.

- (A) 250 feet measured along the slope of the ground from the channel scar line on the Potomac River.
- (B) 200 feet on each side of the creek measured along the slope of the ground from the channel scar line of the Scenic River designated portions of Goose Creek and Catoctin Creek.
- (C) 150 feet on each side of the creek measured along the slope of the ground from the channel scar line of each creek or stream where the watershed is greater than 640 acres.
- (D) The above setbacks may be reduced as follows:
 - (1) A reduction of 100 feet shall be allowed for the retention of an existing forested area or the creation of a forested area, as approved by the County Urban Forester as part of a management plan between the ultimate setback line and the channel scar line; or
 - (2) A reduction of 100 feet shall be allowed for the use of and retention of stormwater management/BMP practices in accordance with the FSM at time of development within any developed area on the lot or site.
- (E) The above setback does not apply to agricultural, horticultural, or forestal uses where a farm plan approved by the Loudoun County Soil and Water Conservation District or other County approved agency is kept continuously in place.

- 5-1003** **Effect of Buffer.** The construction of buildings, structures, parking lots, or other impermeable surfaces within the Scenic Creek Valley Buffer is prohibited, except as stated herein. Existing buildings and structures within the Scenic Creek Valley Buffer are not considered nonconforming, i.e., they can be added to and, if destroyed by fire or casualty, they can be rebuilt to the same or an equivalent footprint. This buffer or setback area does not regulate uses within the setback area, although the County encourages the growth, through plantings or natural succession, of vegetative and forestal cover within the Scenic Creek Valley Buffer area. Utilities may be located within the buffer.
- 5-1004** **Existing Lot Criteria.** On any existing lot of record as of June 16, 1993, one (1) single family residence and its attendant unpaved driveway, unpaved parking area, and/or detached garage and incidental structures cited in Section 4-1500 shall be permitted within the setback area.
- 5-1005** **Development Criteria.** The Scenic Creek Valley Buffer is not intended to, and shall not, limit development density (gross floor area or units per acre) otherwise allowed on land within the Scenic Creek Valley Buffer area. The Scenic Creek Valley Buffer shall be administered like any other setback provided for in this Ordinance in allowing otherwise developable land within the setback area to be counted for density computation purposes and applied toward the construction of improvements outside the setback area. Road crossings and driveways, shall be permitted subject to applicable federal and state regulations, to this Ordinance, and to such performance standards as may be contained in the Facilities Standards Manual.

DIVISION B: Off-Street Parking and Loading

Section 5-1100 Off-Street Parking and Loading Requirements.

5-1101 Compliance Required.

- (A) **General Requirement.** Except as provided elsewhere in this Ordinance, there shall be provided, at the time of the erection of any building, or at the time any principal building is enlarged or increased by adding dwelling units, guest rooms, seats or floor area, or before conversion from one type of use or occupancy to another, permanent parking and off-street loading space in the amount specified and pursuant to the requirements of this Section. Parking space may be provided in a garage and properly surfaced open area. In residential districts where streets and travelways have been designed pursuant to County and VDOT standards to accommodate on-street parking, such on-street parking can be used to meet the requirements of this section for up to one parking space per dwelling.
- (B) **Application to Addition or Change in Use.** When a change in intensity of use of any building or structure would increase the required parking by ten (10) or more spaces or ten (10) percent, whichever is greater, cumulatively from the date of this Ordinance, through an addition or change in the number of dwelling units, gross floor area, gross leasable area, seating capacity, or other units of measurements specified herein, the increment of additional required parking shall be provided in accordance with this Section unless an adjustment is permitted per subparagraph 5-1102(F) below. If fewer than ten (10) spaces or ten (10) percent, whichever is greater, are required by a change or series of changes in use, the Zoning Administrator may waive up to the incremental required number of parking spaces, after determining that the granting of the waiver will not be detrimental to the public welfare and will be consistent with the County of Loudoun Comprehensive Plan.
- (C) **Review of Parking and Loading Facilities Plan.** Each application for a subdivision, site plan, zoning permit, or certificate of occupancy shall include information as to the location and dimensions of parking and loading space; and the means of ingress and egress to such spaces. This information shall be in sufficient detail to determine if the requirements of this Ordinance are met and shall contain such information as is required by applicable provisions of the Land Subdivision and Development Ordinance.
- (D) **Procedures for Reduction of Parking.** No existing parking or loading space, and no parking or loading space hereafter provided, which meets all or part of the requirements for parking or loading space set forth in these regulations, shall be reduced or eliminated. Reductions in parking and loading spaces may be permitted where spaces are no longer required by these regulations or alternative spaces meeting the requirements of these regulations are provided.

5-1102 Number of Parking and Loading Spaces Required.

(A) **Standards for Computation.**

- (1) **Floor Area.** Gross Floor Area, GFA, as used in this section shall be as defined in Article VIII of this Ordinance.
- (2) **Building Capacity.** The capacity of the building expressed in number of persons shall be determined by the Fire Prevention Code adopted by the County of Loudoun.
- (3) **Fraction of a Space.** When the calculation of the number of required parking and loading spaces results in a requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded, and fractions of over one-half (1/2) shall be interpreted as one (1) whole parking or loading space.
- (4) **Commercial Vehicles.** In addition to the requirements in the tables below, one (1) off-street parking space shall be required for each commercial vehicle which is directly associated with permitted and special exception uses, and which is to be parked on the premises during normal business hours. Required loading spaces may be credited as part of the total space needed for commercial vehicles.

(B) For the purposes of this Article only, and for calculating parking and loading requirements hereunder, uses are grouped as follows:

(1) **Residential Uses.**

- (a) **Single Family Dwellings**, detached houses and duplexes, townhouses and other single family attached dwelling units.
- (b) **Multi Family Dwellings**, includes condominium and apartment buildings where common vehicular entrances, parking areas etc., are provided for more than one unit.
- (c) **Elderly Housing**, any multifamily building that is occupied not less than 90% by persons 60 years of age or older.
- (d) **Accessory Dwelling Units**, associated with any other use, including living quarters for each caretaker, watch keeper, servant and tenant.
- (e) **Sleeping Rooms**, including boarding, lodging, and bed and breakfast homestays, rectories and convents which are rented or used on an individual basis by non-family members.
- (f) **Commercial Lodgings**, including hotels, motels, motorlodges and motor courts.

- (g) **Congregate, Continuing Care & Nursing Homes**, where unrelated persons reside under supervision for special care, treatment, training or other purposes, on a temporary or permanent basis.
 - (h) **Day Care Centers**, where unrelated persons are cared for during limited periods each day in a supervised facility.
- (2) **Retail/Service Uses.**
- (a) **General Retail**, including antiques, art, art supplies, bicycles, books, camera and photographic supplies, china and glassware, clothing, coin and stamp, crafts/needlework, discount/mass merchandising, drapery/curtain/window coverings, dry goods, fabrics and sewing accessories, floor coverings, furriers and fur apparel, gifts/novelty/souvenirs, hobby, jewelry, linens/sheets/towels, leather/luggage/ suitcases, musical instruments, optical shops, newspapers and magazines, retail florist (no greenhouse), paint and wall coverings, pet shops, records/audio/stereo/TV, school and office supplies, second hand and resale, shoes, small electrical appliances, specialty, stationary, tobacco, toys, and other such retail uses as determined by the Zoning Administrator.
 - (b) **Convenience Retail**, including bakeries and confectioneries (non-manufacturing), butchers/meatshops, dairy products, eggs and poultry, fish and seafood, fruit and vegetables, frozen desserts (without tables), grocery/supermarkets, liquor, laundry/dry cleaning (pickup station only), pharmacy/drug, not to exceed 10,000 sq. ft. GFA each.
 - (c) **Service Retail**, including drapery services, direct selling, appliance repair, tool and appliance rentals, mail order, merchandise vending, film/video rentals, printing/ copy, shoe repair, pawn shops, photographic studios, key and lock, tailoring and dressmaking, upholstery, optical shops.
 - (d) **Hard Goods Retail**, automotive parts and supplies (without repair facilities), furniture, hardware, wholesale florists, garden supply, greenhouses, lumber and building supplies, household appliances, lighting and electrical supplies, medical appliances and supplies, pool and patio furniture, and sales display and showrooms for any building product (including millwork, cabinets, plumbing, glass and mirror, fencing, swimming pools/spas/hot tubs, etc.).

- (e) **Shopping Centers**, with two or more individual stores, GFA provided in the same building or attached buildings totaling more than 10,000 square feet.
 - (f) **Personal Care Services**, including barber and beauty shops, cosmetology and cosmetic salons, diet counseling centers, electrolysis/hair removal salons, and fingernail salons.
 - (g) **Coin Operated Laundry and Coin Operated Dry Cleaning Facilities**, with or without attendant services and/or a pickup station for outside dry cleaning service.
 - (h) **Other Retail/Service Uses**, including animal clinics/veterinarian offices, kennels and pounds.
 - (i) **Temporary Retail**, including wayside stands and outdoor markets.
 - (j) **Motor Vehicle Sales & Service**, including automotive sales, gasoline and/or diesel fuel stations, automotive rental agency, marine craft sales and service, engine and motor repair shops, automotive glass/muffler/painting/tire/upholstery repair shops, recreational and sports vehicle sales and service.
- (3) **Food and Beverage Services.**
- (a) **Restaurant**, including restaurants, and banquet rooms, with or without dancing and entertainment facilities, which provide only seated table service.
 - (b) **Family Restaurant**, without a bar or lounge area, which provides seated service at tables, or counters, and only incidental carryout service.
 - (c) **Fast Food**, including delicatessens, carryout, drive-in, etc., which provides quickly or previously prepared foods from a counter and which may or may not have a separated indoor or outdoor seating area.
- (4) **Office and Business Services.**
- (a) **General Business Services**, including accounting, advertising, architectural/ engineering/urban planning, auditing, bookkeeping, business and management consulting, charitable, collection services, commodity or security broker/dealer, consumer protection, corporate, credit reporting, currency exchanges, data processing, detective services, employment agencies, employment services, exterminating services, financial counseling, general business offices, income tax preparation, insurance

agencies/brokers/ service offices, interior decorating (without furniture showrooms), loan companies, labor unions, legal offices, newspaper and news, newspaper distribution, philanthropic or professional membership business associations, publishing offices (without printing plants), public relations, real estate offices, religious, research labs, social service agencies, stenographic services, syndicator offices, title abstracting, travel agencies and window cleaning services.

- (b) **Financial Institutions**, including banks, savings and loans, credit unions, with or without drive-in facilities.
 - (c) **Medical Offices**, dentists, physicians, chiropractors, psychiatrist/psychologist, nonresidential psychiatric alcoholic and narcotic treatment centers, dental and medical laboratories, medical clinics and outpatient surgery/treatment centers, offices for the fitting and repair of hearing aids, prosthetic appliances, etc.
- (5) **Industrial/Manufacturing**, including all uses defined in the permitted and special exception use tables, including flex-industrial use.
- (6) **Storage/Processing/Wholesaling**, including all uses defined in the permitted and special exception use tables, except as provided below:
 - (a) **Mini Warehouse**, with secured, individual storage units which are leased for a fee to individual companies or persons.
 - (b) **Data center.**
 - (c) **Vehicle wholesale auction.**
- (7) **Materials Supply and Construction Uses**, including all uses defined in the permitted and special exception use tables.
- (8) **Communication and Private Utility Uses**, including all uses defined in the permitted and special exception use tables.
- (9) **Governmental Uses**, including all uses defined in the permitted and special exception use tables.
- (10) **Educational Uses**, including all uses defined in the permitted and special exception use tables.
- (11) **Cultural, Recreational, and Entertainment.**
 - (a) **Public Assembly**, including art galleries, auditoriums, community and recreation centers, libraries, museums,

movie and drama theatres, stadiums and arenas, outdoor theatres/festival/drama, stadiums and arenas, funeral homes, mortuaries, crematoria, civic/social/fraternal association meeting places and mausoleums.

- (b) **Public Recreation**, including bowling alleys, gymnasiums, health clubs, roller and ice skating, tennis, racquetball, swimming and other recreational facilities.
- (c) **Places of Worship**, including churches, synagogues, temples.

(12) **Miscellaneous Uses.**

- (13) **Hospitals**, including sanitariums, and residential alcoholic, psychiatric and narcotic treatment facilities.

(C) **Additional Rules for Computing Parking Requirements.**

- (1) **Uses Not Listed.** The Zoning Administrator shall have the right to determine the required parking and loading facilities for uses not specifically listed in the tables herein. Such determination by the Zoning Administrator shall be in writing and shall be appealable to the Board of Zoning Appeals.
- (2) **Uses listed but not shown as permitted or permissible within this ordinance.** The categories of uses set forth in Section 5-1102 are intended to be descriptive of various types of activities, but shall not be construed to allow any uses not specifically enumerated in the schedules of permitted or special exception uses for each zoning district.
- (3) **Accessory Uses.** Storage, stock, kitchen, office and other areas accessory to the principle use of a building, or portion of a building, are to be included in the calculation of floor area of the principal use, unless noted otherwise herein.
- (4) **Alterations, Expansions and Changes in Use.** For alterations, expansions, or changes in use, prior to the issuance of a zoning or occupancy permit, the Zoning Administrator shall determine in writing, based on information submitted by the applicant, the impact of the proposed change on the parking requirement for the building, and the adequacy of the parking provided.

(D) **Parking and Loading Requirements by Use.** The computation of the minimum off-street parking and loading requirements for each permitted use shall be based upon the standards in the following tables, subject to the adjustments and/or minimums required or allowed in this section.

- (E) Such parking and loading regulations shall apply only to new construction or expansion of an existing use. In the case of an expansion of an existing use, only the expansion shall be required to meet these regulations. The

existing use and parking areas shall be deemed to be exempt from said regulations.

Table 5-1102		
Use	Parking Spaces Required	Loading Spaces Required
<u>Residential</u>		
Single Family Detached Dwelling Unit	2/dwelling unit in agricultural districts; 3.0/dwelling unit in all other districts. Garage and driveway parking spaces count towards required spaces. Tandem parking i.e. one space behind another is permissible and both parking spaces count towards such required parking spaces.	None
Single Family Attached Dwelling Unit	3.0/dwelling unit in all districts. Garage and driveway parking spaces count towards required spaces, except that at least .5 spaces/unit will be accommodated by off lot parking spaces. Tandem parking i.e. one space behind another is permissible and both parking spaces count towards such required parking spaces.	None
Multi/Family Dwelling Unit		
Studio	1.25/dwelling unit	None
1 bedroom	1.5/dwelling unit	None
2 or 3 bedrooms	2/dwelling unit	None
4 or more bedrooms	2.5/dwelling unit	None
Active Adult/Age Restricted Dwelling Unit	1.75/dwelling unit for buildings 4 stories or less in height 1.25/dwelling unit for buildings 4 stories or more in height	None
Elderly Housing/Independent Living Unit	.25/Independent living unit	None
Accessory Dwelling Unit	1/accessory apartment or dwelling unit	None
Sleeping Rooms	1/unit or room plus 2 for owners/managers	None
Commercial Lodgings	2 for owners/managers plus 1/sleeping room or unit plus any spaces required for restaurant/restaurant/banquet and meeting rooms	As required for restaurant/lounge and meeting rooms; minimum one for lodgings with 50 or more rooms.

Table 5-1102		
Use	Parking Spaces Required	Loading Spaces Required
Congregate, Continuing Care & Nursing Homes	.25/resident plus 1.5/day shift employee	One
Child Care Facilities	.19/child in licensed capacity	None
<u>Retail/Service</u>		
General and Convenience Retail	4/1,000 sq. ft. of GFA; minimum of 4 spaces per establishment	None for the first 10,000 sq. ft. then one/30,000 sq. ft. up to 70,000 sq. ft. plus one/ 80,000 sq. ft. thereafter
Wayside Stands/Christmas Tree Stands	Any parking provided shall be on-site	None
Nurseries/ Farm Markets	Minimum of 10 spaces shall be provided for the first five acres of outdoor sales area with one additional space for each ten acres over five acres. Off-site parking is prohibited.	
Bed and Breakfast Homestay	2.5/dwelling unit 1/guest room .33/permitted private party attendee	None
Bed and Breakfast Inn	2.5/dwelling unit 1/guest room 1/employee .33/permitted private party attendee	None
Country Inn	1/guest room 15/1,000 sq. ft. of GFA for restaurants & kitchen area only .33/permitted private party attendee	1/40,000 sq. ft. of GFA for restaurant
Service Retail	2.5/1,000 sq. ft. of GFA; minimum of 3 spaces per establishment	Same as general retail
Hard Goods Retail	3.5/1,000 sq. ft. of GFA interior sales space plus 1.5/1,000 feet of interior storage and/or exterior display/sales area; minimum of 4 spaces per establishment	Same as general retail
<u>Shopping Centers</u>		
Smaller Shopping Centers (Small strip-type centers)	6/1,000 sq. ft. of GFA for centers with up to 30,000 sq. ft. 5/1,000 sq. ft. of GFA for centers between 30,000 sq. ft. and 60,000 sq. ft.	1/50,000 sq. ft. up to 100,000 sq. ft. plus 1/100,000 sq. ft. up to 500,000 sq. ft. plus 1/200,000 sq. ft. thereafter

Table 5-1102		
Use	Parking Spaces Required	Loading Spaces Required
Larger Integrated Shopping Centers (Non-enclosed centers)	4/1,000 sq. ft. of GFA for centers over 60,000 sq. ft.	
Shopping Centers (Mall-type centers)	3.5/1,000 sq. ft. of GFA for centers with up to 400,000 sq. ft.	
	3.8/1,000 sq. ft. of GFA for centers with 400,000 to 600,000 sq. ft.	
	4.25/1,000 sq. ft. of GFA for centers with over 600,000 sq. ft.	
Personal Care Services	1/treatment station but not less than 1/1,000 sq. ft. GFA	None
Coin Operated Laundries	1 space/ 2 machines	None
Other Retail/Service Uses	As determined by the Zoning Administrator	Same as general retail
Temporary Retail	As determined by the Zoning Administrator	None
Motor Vehicle Sales & Service	2.5/1,000 sq. ft. of GFA interior sales space plus 1.5/1,000 sq. ft. of external display (but not including stock areas not open to the public) plus 3/service bay	Same as industrial
<u>Food and Beverage</u>		
Banquet/Event Facility	1/employee .33/permitted attendee	1/40,000 sq. ft. of GFA
Craft Beverage Manufacturing	2/1,000 sq. ft. of GFA manufacturing and office space; 10/1,000 sq. ft. of GFA of tasting room space.	1/40,000 sq. ft. of GFA
Restaurant	15/1,000 sq. ft. of GFA minimum of 1 space	1/40,000 sq. ft. of GF
Fast Food	20/1,000 sq. ft. of GFA kitchen, counter and waiting areas plus 0.5/seat provided	With indoor seating area, one; with no seating area; none
<u>Office and Business Services</u>		
General Offices and Medical Offices	4/1,000 sq. ft. of GFA for up to 30,000 sq. ft.; 3.3/1,000 sq. ft. of GFA thereafter	None for the first 30,000 sq. ft. then one/100,000 sq. ft. thereafter
Financial Institutions	2.5/1,000 sq. ft. of GFA; stacking space for drive-through windows to be determined by Zoning Administrator	None for the first 10,000 sq. ft. GFA then one/50,000 sq. ft. up to 10,000 sq. ft. plus one/10,000 sq. ft. thereafter

Table 5-1102		
Use	Parking Spaces Required	Loading Spaces Required
<u>Industrial/Manufacturing</u>	2/1,000 sq. ft. of GFA plus any required spaces for office, sales or similar space	1/25,000 sq. ft. GFA up to 500,000 sq. ft. plus one for the next 50,000 sq. ft. plus one/ 100,000 sq. ft. thereafter
<u>Storage/Processing/Wholesaling</u>	0.5/1,000 sq. ft. GFA plus any required spaces for office, sales, etc.	One the first 50,000 sq. ft. GFA plus one space/100,000 sq. ft. thereafter
Mini Warehouse, multi-story or single entrance	3 spaces at the office plus 1 space per employee.	None
Data center	1/employee on the major shift	1/Building
Vehicle Wholesale Auction	1/3 employees 1/60 vehicle storage space	1/25,000 sq. ft. of GFA
<u>Materials Supply and Construction</u>	0.5/1,000 sq. ft. GFA plus any required spaces for office, sales, etc.	1/25,000 sq. ft. GFA up to 500,000 sq. ft. plus one for the next 50,000 sq. ft. plus one/100,000 sq. ft. thereafter.
<u>Communication and Private Utility</u>	1/1.5 employees on the major shift.	1/25,000 sq. ft. GFA up to 500,000 sq. ft. plus one for the next 50,000 sq. ft. plus one/100,000 sq. ft. thereafter.
<u>Governmental</u>	4/1,000 sq. ft. of G.F.A. administrative offices; other as determined by Zoning Administrator	As determined by Zoning Administrator
<u>Educational</u>	1/Classroom and other room used by students plus .2/student over driving age	1/100,000 sq. ft. GGA
<u>Cultural/Recreational/Entertainment</u>		
Public Assembly	.25/person in permitted occupancy approved by the Fire Marshal plus 1 space/employee	1/100,000 sq. ft. GFA
Public Recreation	.33/person in permitted occupancy approved by the Fire Marshal plus 1 space/employee	1/100,000 sq. ft. GFA
Private Club or Lodge	.33/person in permitted occupancy approved by the Fire Marshal plus 1 space/employee	1/100,000 sq. ft. GFA
Places of Worship	.25/person in permitted capacity	1/100,000 sq. ft. GFA

Table 5-1102		
Use	Parking Spaces Required	Loading Spaces Required
<u>Miscellaneous</u>		

Hospitals	1.5/employee on main shift; plus 1/doctor on staff; plus 1/2 beds for in-patient services; plus 1.5/250 square feet for out-patient services	1/100,000 sq. ft. GFA up to 500,000 sq. ft. plus one/200,000 sq. ft. thereafter.
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(F) **Adjustments to Parking Requirements.**

- (1) **Procedure.** In the specific instances set forth in Paragraphs 2 through 5 below, the Zoning Administrator may approve a reduction in required parking spaces. Applications for such a reduction shall include the following information and in the case of special exception shall also meet the requirements of Section 6-1300.
 - (a) A parking demand analysis which substantiates the need for a reduced number of spaces.
 - (b) A plan showing how the parking spaces shall be provided on the site.
 - (c) A covenant must be executed for a period of 20 years, guaranteeing that the owner will provide the additional spaces if the Zoning Administrator, upon thorough investigation of the actual utilization of parking spaces at the building or complex, recommends to the Board of Zoning Appeals that the approved reduction be modified or revoked. Said covenant shall meet the same requirements for covenants set forth in Section 5-1103. The Zoning Administrator will review the above completed application and make a recommendation to the Board of Zoning Appeals. The Board of Zoning Appeals may impose such additional conditions as are deemed necessary to protect and to assure compliance with the objectives of this section.
- (2) **Shared Parking and Loading Facilities.** In the case of mixed uses (not qualifying as accessory or complementary uses) or two or more buildings upon a single lot or unified parcel or upon contiguous parcels, the total requirements for parking and loading facilities shall be the sum of the requirements of the various uses computed separately. However, cumulative parking requirements for mixed-use occupancies may be reduced where it can be determined by the Zoning Administrator that the peak requirement of the several occupancies occurs at different times (either daily or seasonally), and the parking demand can be provided on the premises.

- (3) **Captive Market.** Parking requirements for retail and restaurant uses may be reduced where it can be determined that some portion of the patronage of these businesses comes from other uses (i.e., employees of area offices patronizing restaurants) located within the same building or a maximum walking distance of 400 feet.
- (4) **Availability of Public Parking.** Parking requirements may be reduced if a property has available to it a sufficient supply of existing under-utilized public parking spaces in both off-street public parking lots and/or on-street public parking spaces, and where the applicant adequately demonstrates that such availability will continue in the future.
- (5) **Alternative Transportation Reductions.**
 - (a) **Transit.** A reduction of up to 20% of the required parking may be granted for any use, building or complex within 1,000 feet of any regularly scheduled bus stop, equal to the substantiated and verifiable projections of use of public transportation by users of the building or complex.
 - (b) **Carpooling/Vanpooling.** A reduction of up to 20% of required parking, based on substantiated and verifiable projections of reduction in parking demand, may be granted for any building or complex exceeding 50,000 square feet GFA that institutes and maintains a carpooling/vanpooling program.
 - (c) **Shuttle Service.** A reduction of up to 10% of required parking, based on substantiated and verifiable projections of reduction in parking demand, may be granted for any building or complex that provides and maintains a regular shuttle service.
 - (d) **Maximum Reduction.** A combination of the reductions allowed pursuant to (a), (b), and (c) above may be granted provided that the total reduction of required parking does not exceed 35%.
- (6) Any person who can present circumstances to justify a reduction in parking may apply for a special exception to the Board of Supervisors. Applications for such a reduction shall include the information required by Section 5-1102(F) above and shall also meet the requirements of Section 6-1300.

5-1103

General Location Requirements.

- (A) **Parking Facilities.** All parking facilities shall be provided on the same lot or parcel of land being served, or on a separate lot or parcel of land within five hundred (500) feet of the principal entrance of the building lot being served, if the zoning classification of such separate lot or parcel of

land is the same as or less restrictive than the classification of the lot upon which the use is located.

- (B) **Loading Spaces.** All required loading spaces shall be located on the same lot or parcel as the uses being served.
- (C) **Requirements For Multiple Property Ownership.** Wherever required off-street parking facilities are proposed to be provided elsewhere than on the lot or parcel of land on which the principal use served is located, when such facilities are collectively or jointly provided and used, and/or when the parcels or lots are owned by different parties, the facilities shall be in the same possession, either by deed or long term lease, as the property occupied by the principal use. A certified true copy of the recorded deed or long term lease must be filed with the County of Loudoun prior to site plan or subdivision approval. There shall further be a covenant on the separate parcel or lot guaranteeing the maintenance of the required off-street parking facilities during the existence of said principal use. Said covenant shall:
 - (1) Be executed by the owner of said lot or parcel of land and the parties having beneficial use thereof;
 - (2) Be enforceable by either the parties having beneficial use thereof or both;
 - (3) Be enforceable against the owner, the parties having beneficial use, and their heirs, successors and assigns or both; and
 - (4) Be first recorded in the Office of the Clerk of the Circuit Court.

Division C: Sign Regulations

Section 5-1200

Sign Regulations.

5-1201

Purpose. The visual environment has an effect on, and is an important element of, safeguarding life, health, and property, and preserving the natural beauty, historic and cultural attributes, unique character, and attractiveness of communities. Careful control of signs can protect the general welfare, safety of individuals, and property values, support economic vitality and viability, and enhance Loudoun's communities overall. The intent of this section, therefore, is to establish well-designed signage that contributes in positive ways to Loudoun County's visual environment while expressing local character and helping to develop a distinctive image of the County. The primary purposes of sign regulations are (1) to help people find a location without difficulty or confusion, and (2) to clearly identify places of business and communities. Signs shall be considered accessory components of an overall composition of architectural elements, not as dominant architectural elements by themselves. Signs shall be subordinate to the structures and land use functions that they reference. This Section establishes standards for the location, design, construction, installation, display, and safety of signs. More specifically, while not restricting freedom of expression, regulations are hereby established to: (1) Ensure the compatibility of signs with land uses, (2) Promote orderly, attractive, and effective signage, (3) Establish the type, number, physical dimensions, design, and location of signs, (4) Treat similar types of signs consistently, and (5) Minimize competing demands for visual attention to graphic messages or displays by preventing and reducing visual clutter.

5-1202

General Provisions.

(A) **Signs Prohibited.** Signs with any of the following characteristics are prohibited:

- (1) **Other than on property or structure to which it directs attention.** Is located anywhere other than on the property or structure to which it directs attention or to which it is appurtenant, except (a) any sign erected or maintained by or under the supervision of county or other governmental authority or the Virginia Department of Transportation, and (b) any other off-site sign which is specifically provided for in this Section 5-1200.
- (2) **Outlines any building or sign with exposed neon illumination or other permanent lights.** Outlines any building, sign, or part thereof with exposed neon illumination or other permanent lights, except as specifically permitted with the approval of a Sign Development Plan.
- (3) **On trees, fences, public utility pole, etc.** Is fastened, placed, painted, pasted or attached in any way to, in or upon any tree, fence, public utility pole, rock, curbstone, sidewalk, lamp post, hydrant, bridge, highway marker, or another sign, except as otherwise permitted in Section 5-1204(D), Sign Requirements

Matrix, or except as may be (a) required by law, (b) so placed by a duly authorized governmental agency, (c) so placed not as an advertisement, but as a warning against hunting, fishing or trespassing, (d) a farm sign, and (e) a residential name sign.

- (4) Illuminated signs which reflect or cast glare, directly or indirectly, on any public roadway or adjacent property.
 - (5) Balloons, banners, pennants, or inflated devices, unless otherwise permitted in Section 5-1204(D), Sign Requirements Matrix.
 - (6) Electronic message signs, except as specifically permitted with the approval of a Sign Development Plan.
- (B) **Signs Permitted.** Only signs as listed under “Sign Category” or otherwise provided for in Section 5-1204(D), Signs Requirements Matrix, shall be permitted, and such signs shall be subject to such regulations as are specifically set forth for each category and to all other regulations in this ordinance. No other signs shall be permitted.
- (C) **Nonconforming Signs and Removal.** Any sign lawfully in existence at the time of the effective date of this ordinance may be maintained although it does not conform with the provisions of this ordinance, except that any such nonconforming sign, which was required to be removed under the prior ordinance, shall be removed.
- (D) **Traffic Hazards.** No sign shall be located or illuminated in such a manner as, in the opinion of the Zoning Administrator, to cause a traffic hazard.
- (E) **Alternative Sign Regulations - Sign Development Plan.** Alternative sign regulations for permitted signs may be requested with the submission of a Sign Development Plan. Requests for approval of Sign Development Plans or revisions to approved Sign Development Plans (or Comprehensive Sign Packages) shall be made in accordance with the procedures for a Special Exception application as set forth in Section 6-1300, except that the Issues for Consideration shall be as set forth in Section 5-1202(E)(1).

Approval for minor revisions to approved Sign Development Plans (or Comprehensive Sign Packages) may be requested and shall be limited to 1) addition of a sign category and/or individual use/user not addressed in the approved Sign Development Plan, or 2) revision to a sign category that was addressed in the approved Sign Development Plan. Such minor revisions shall be reviewed for consistency with the approved Sign Development Plan. Requests for approval of minor revisions shall be made in accordance with the procedures for a Minor Special Exception application as set forth in Section 6-1300, except that the Issues for Consideration shall be as set forth in Section 5-1202(E)(1).

In addition, any application for a Sign Development Plan shall include the following materials:

- (1) A statement of justification, addressing whether and how each sign proposed by the Sign Development Plan would:
 - (a) Assist motorists, bicyclists and/or pedestrians in finding a location without difficulty or confusion;
 - (b) Clearly identify places of business or communities, while avoiding unnecessary redundancy;
 - (c) Demonstrate compatibility with, and be subordinate to, the structures and land uses referenced by the sign;
 - (d) Address impacts to the night sky;
 - (e) Incorporate energy efficient measures, where possible; and
 - (f) Provide a sufficient number of graphic messages or displays without creating competing demands for visual attention.

In considering a Sign Development Plan, each of the above listed factors, (a) through (f), shall be given reasonable consideration;

- (2) A comparison chart of the proposed sign regulations in relation to the ordinance regulations;
- (3) Each of the various sign types proposed, including directional and informational signs, if any, to include the design, materials, colors, and illumination, to be used to achieve a complementary system of signs and graphics; and
- (4) A sign map, depicting the location of each of the various proposed sign types.

5-1203

Administration and Enforcement.

- (A) **Sign Permits.** No sign, with the exception of "Government Signs/Official Notices", "Historical Markers", "Danger, Aviation, Railroad, Bridge, Ferry Transportation, Red Cross, and Other Similar Signs", "No Hunting, No Fishing, or No Trespassing Signs", "Residential Name Signs", "Window or Display (Non-Business) Signs", and "De Minimis Signs", shall be erected without first obtaining a sign permit from the Zoning Administrator. No such permit shall be issued unless a fee, if required, and as set by the Board of Supervisors, is paid and unless the proposed sign conforms to the requirements of this ordinance.
- (B) **Removal of Signs.** Whenever a sign becomes structurally unsafe or endangers the safety of a structure or premise or the public, or is erected or maintained in violation of this ordinance, the Zoning Administrator shall order such sign to be made safe or comply with the ordinance, as the case may be, or be removed. Only one such order shall be sent by registered mail, return receipt requested, to the owner of the land on which

the sign is located and the violator who is responsible for the sign. Within five working days of the receipt or refusal of the order, the owner or violator must correct the sign based on the Zoning Administrator's order. The Zoning Administrator may grant one extension, not to exceed ten (10) working days, based on written justification for the need of an extension. Failure to comply shall constitute grounds for the Zoning Administrator to issue a civil summons pursuant to Section 6-504 and to take other appropriate actions to have the sign removed.

5-1204 Sign Requirements.

- (A) **Sign Requirements Matrix Contents.** Signs shall be permitted in accordance with the Sign Requirements Matrix set forth in Section 5-1204(D) which governs the following: 1) total aggregate sign area; 2) maximum number of signs; 3) maximum area of any one sign (with special provisions for ground mounted signs and ground mounted background structures); 4) illumination permitted; 5) minimum setback from road right-of-way; 6) maximum height; 7) sign type permitted; and 8) other additional requirements.
- (B) **Ground Mounted Sign Bonus Multiplier.** The Sign Requirements Matrix provides for the use of a bonus multiplier, for certain uses, allowing an increase in the maximum area of a ground mounted sign. This provision is not intended to allow an increase in the total aggregate sign area permitted by the Matrix.
- (C) **Ground Mounted Sign Background Structure Bonus Multiplier.** The Sign Requirements Matrix provides for the use of a bonus multiplier, for certain uses, allowing an increase in the maximum area of the background structure of a ground mounted sign.
- (D) **Sign Requirements Matrix.** See table 5-1204(D) below.

Table 5-1204(D)
Sign Requirements Matrix

SIGN CATEGORY (See Note 6)		Total Aggregate Sign Area	Max. Number of Signs	Max. Area of Any One Sign	Ground Mounted Sign		Ground Mounted Background Structure			Illumination Permitted	Min. Setback From R.O.W. (See Note 2)	Type Permitted	Max. Height (See Note 3)	Additional Requirements
					Bonus Multiplier	Max. Area of Any One Sign	Bonus Multiplier (See Note 1)	Max. Area of Background	Max. Height of Background Structure					
(1) RESIDENTIAL/AGRICULTURE SIGNS														
(a)	PD-H and PD-AAAR Entrance Signs		2 / vehicular entrance	60 SF			2	120 SF	5 FT	Backlight or White Light	10 FT	Ground Mounted	5 FT	One sided only. Signs shall contain no advertising. Minimum 1000 FT between signs on same side of road or at intersection.
(b)	PD-H – Community Directional Signs - On-site or Off-site (within boundaries of approved PD-H district)	20 SF		20 SF						Backlight or White Light	5 FT	Ground Mounted	8 FT	Minimum 1000 FT between signs on same side of road or at intersection. Signs shall contain no advertising.
(c)	Non PD-H Residential Communities – Entrance Signs		1 / vehicular entrance	40 SF			2	80 SF	5 FT	None	10 FT	Ground Mounted	5 FT	One sided only. Signs shall contain no advertising.
(d)	HOA Activity Signs	20 SF	1 / development of 2500 or fewer dwellings, 2 / development of over 2500 dwellings	20 SF						Backlight or White Light	5 FT	Ground Mounted	8 FT	Signs shall be separated by a minimum half-mile radius. Signs shall contain no advertising.
(e)	Farm Signs	40 SF	2 / Farm	20 SF						None	5 FT	Freestanding	8 FT	
											0 FT	As Permitted in Section 5-1202(A)(3)		

Table 5-1204(D)
Sign Requirements Matrix

SIGN CATEGORY (See Note 6)		Total Aggregate Sign Area	Max. Number of Signs	Max. Area of Any One Sign	Ground Mounted Sign		Ground Mounted Background Structure			Illumination Permitted	Min. Setback From R.O.W. (See Note 2)	Type Permitted	Max. Height (See Note 3)	Additional Requirements
					Bonus Multiplier	Max. Area of Any One Sign	Bonus Multiplier (See Note 1)	Max. Area of Background	Max. Height of Background Structure					
(f)	Wayside Stands, Including Christmas Tree Sales, Vineyards, Wineries		6, includes up to 3 on-site signs and up to 4 off-site directional signs	12 SF on-site 4 SF off-site One on-site sign at 20 SF if setback \geq 40 FT from the fronting ROW						None	5 FT	Freestanding Building Mounted	8 FT	Displayed when agricultural produce and livestock are available for sale on farm involved and shall be removed within 48 hours after sale is concluded. Off-site signs shall require written permission of the owner of the land on which it is displayed.
(g)	Home Occupation	2 SF	1 / lot	2 SF						None	5 FT	Freestanding Building Mounted	4 FT 8 FT	Signs may indicate more than one business.
(h)	Childcare Home	2 SF	1 / lot	2 SF						None	5 FT	Freestanding Building Mounted	4 FT 8 FT	
(i)	Residential Name Signs		1 / vehicular access, 2 for each dwelling lot or property	2 SF						None	None	Freestanding Building Mounted As Permitted in Section 5-1202(A)(3)	4 FT 8 FT	Signs shall contain no advertising.
(2) PUBLIC/QUASI-PUBLIC SIGNS														
(a)	Public or Quasi-Public Facility	6 SF	1 / use	6 SF	1.5	9 SF	2	18 SF	4 FT	None	10 FT	Freestanding	4 FT	Must be located within 100 FT from use or structure it identifies. Signs shall contain no advertising.
(b)	School, College, Library, and Publicly Owned Community Center	20 SF	1 / use	20 SF	1.5	30 SF	2	60 SF	4 FT	Backlight or White Light	10 FT	Freestanding Building Mounted	8 FT Roofline	Signs shall contain no advertising.
(c)	Hospital		1 / vehicular entrance	50 SF							10 FT	Freestanding	8 FT	Signs shall contain no advertising.

Table 5-1204(D)
Sign Requirements Matrix

SIGN CATEGORY (See Note 6)	Total Aggregate Sign Area	Max. Number of Signs	Max. Area of Any One Sign	Ground Mounted Sign		Ground Mounted Background Structure			Illumination Permitted	Min. Setback From R.O.W. (See Note 2)	Type Permitted	Max. Height (See Note 3)	Additional Requirements
				Bonus Multiplier	Max. Area of Any One Sign	Bonus Multiplier (See Note 1)	Max. Area of Background	Max. Height of Background Structure					
		1 / public entrance to building 1 building ID sign							Backlight or White Light		Building Mounted Building Mounted	Roofline Roofline	
(d)	Places of Worship	20 SF	2			1.5	15 SF	8 FT	Backlight	5 FT	Freestanding Building Mounted	8 FT Roofline	Signs shall contain no advertising.
(e)	Church Bulletin Board	15 SF							Backlight or White Light	5 FT	Freestanding Building Mounted	8 FT	
(3) COMMERCIAL DEVELOPMENT ENTRANCE/PROJECT IDENTIFICATION SIGNS IN THE PD, CLI, GB, and MR-HI DISTRICTS													
(a)	Entrance Signs Project ≤ 10 acres Project > 10 acres; Project ≤ 40 acres Project > 40 acres		1 / vehicular entrance		50 SF 60 SF 75 SF				Yes	10 FT	Freestanding	10 FT	
(b)	Project Identification Signs Project < 20 acres Project ≥ 20 acres		1 / project 2 / project		25 SF 25 SF				Yes	10 FT	Freestanding	10 FT	

Table 5-1204(D)
Sign Requirements Matrix

SIGN CATEGORY (See Note 6)		Total Aggregate Sign Area	Max. Number of Signs	Max. Area of Any One Sign	Ground Mounted Sign		Ground Mounted Background Structure			Illumination Permitted	Min. Setback From R.O.W. (See Note 2)	Type Permitted	Max. Height (See Note 3)	Additional Requirements
					Bonus Multiplier	Max. Area of Any One Sign	Bonus Multiplier (See Note 1)	Max. Area of Background	Max. Height of Background Structure					
(4) SIGNS FOR COMMERCIAL, OFFICE, AND INDUSTRIAL USES														
(a)	Tenant Signs for Businesses in CLI, GB, PD-CC(NC), PD-OP, PD-RDP, PD-CV, PD-RV, and PD-AAAR	2 SF / LF of Tenant's Building Frontage	2 / Façade; provided that each Tenant shall have no more than 4 signs total	60 SF						Yes		Building Mounted	Roofline	Sign types on building façades may include any combination of Building Mounted Signs and Awning and Canopy Signs. If 2 signs are proposed on a single façade, 1 such sign shall be no more than 10 SF.
(b)	Tenant Signs for Businesses in PD-CC(CC), PD-CC(SC), PD-CC(RC), PD-SA, PD-TC, PD-TREC, PD-TRC, and PD-MUB	2 SF / LF of Tenant's Building Frontage	2 / Façade; provided that each Tenant shall have no more than 4 signs total	200 SF						Yes		Building Mounted	Roofline	Sign types on building façades may include any combination of Building Mounted Signs and Awning and Canopy Signs.
(c)	Building ID/Tenant Signs - Office Buildings		2 / Façade; provided that each building shall have no more than 4 signs total	1 SF / 100 SF of Building Façade / Sign						Yes		Building Mounted	Roofline	Signs shall be located at the top floor of the building. Name and message may differ.
(d)	Ground Floor Tenants in Office Buildings		1 / Tenant	20 SF						Yes		Building Mounted	Mount Below 2 nd Floor Windows	Maximum height of letters is 24 Inches.
(e)	Directory Sign - Office Buildings		1 / Building Entrance	15 SF						Yes		Freestanding	6 FT	
												Building Mounted	6 FT	

Table 5-1204(D)
Sign Requirements Matrix

SIGN CATEGORY (See Note 6)		Total Aggregate Sign Area	Max. Number of Signs	Max. Area of Any One Sign	Ground Mounted Sign		Ground Mounted Background Structure			Illumination Permitted	Min. Setback From R.O.W. (See Note 2)	Type Permitted	Max. Height (See Note 3)	Additional Requirements
					Bonus Multiplier	Max. Area of Any One Sign	Bonus Multiplier (See Note 1)	Max. Area of Background	Max. Height of Background Structure					
(f)	Directory Sign in PD-CC(CC), PD-CC(SC), PD-CC(RC), PD-SA, PD-TC, PD-TREC, PD-TRC, and PD-MUB		2 / Development	25 SF						Yes		Freestanding	7 FT	
(g)	Flex/Industrial/Warehouse/Data center Buildings and Signs for Businesses in MR-HI, PD-IP, and PD-GI	½ SF / LF of Building Frontage	1 / Tenant	100 SF						Yes		Building Mounted	Roofline	
(h)	Auto Service Station (including convenience store, car wash & repair)	100 SF	6	30 SF						Yes	5 FT	Freestanding	15 FT Pole Mounted 8 FT Ground Mounted	Total permitted sign area excludes state mandated labeling of dispensing devices and federally mandated gasoline price posting.
												Building Mounted	Roofline	
(i)	Auto Dealer	20-120 SF (see additional requirements column)	6	20 SF	1.5	30 SF	1.5	45 SF	8 FT	Backlight	10 FT	Freestanding	15 FT	Base sign 20 SF Used car 20 SF Each new car dealership = 20 SF
												Building Mounted	Roofline	
(j)	Bed & Breakfast Inn and Homestay	4 SF	2	4 SF						Backlight or White Light	5 FT	Freestanding	6 FT	
												Building Mounted	Roofline	
(k)	Country Inn, Guest Farm or Ranch, Rural Retreat, Rural Resort, and Rural Agricultural Corporate Retreat	10 SF	2	10 SF						Backlight or White Light	None	Freestanding	6 FT	
												Building Mounted in Historic District Only		
(l)	Hotel, Motel, and Conference Center – (freestanding) Entrance Signs	100 SF	1 / vehicular entrance	50 SF						Yes	10 FT	Freestanding	10 FT	

Table 5-1204(D)
Sign Requirements Matrix

SIGN CATEGORY (See Note 6)		Total Aggregate Sign Area	Max. Number of Signs	Max. Area of Any One Sign	Ground Mounted Sign		Ground Mounted Background Structure			Illumination Permitted	Min. Setback From R.O.W. (See Note 2)	Type Permitted	Max. Height (See Note 3)	Additional Requirements
					Bonus Multiplier	Max. Area of Any One Sign	Bonus Multiplier (See Note 1)	Max. Area of Background	Max. Height of Background Structure					
(m)	Hotel, Motel, and Conference Center		2 / Façade; provided that each building shall have no more than 4 signs total	1 SF / 100 SF of Building Façade / Sign						Yes		Building Mounted	Roofline	Sign must be located at top floor of building. Otherwise max. area of sign is 20 SF.
(n)	Movie Theaters – Theater Name Entrance Sign		2	20 SF	1.5	30 SF	1.5	45 SF	8 FT	Yes	10 FT	Freestanding	15 FT	
	Theater Name Building Sign		1	60 SF								Building Mounted	Roofline	
	Movie Title Building Sign		1	20 SF										
(o)	Restaurant – (freestanding Building ≤ 4000 SF floor area)	60 SF	3	20 SF	1.5	30 SF	1.5	45 SF	8 FT	Yes	10 FT	Freestanding	15 FT	Drive-through menu does not count toward sign area.
												Building Mounted	Roofline	
(p)	Restaurant - (Freestanding Building > 4000 SF floor area)	120 SF	3	20 SF freestanding	1.5	30 SF	1.5	45 SF	8 FT	Yes	10 FT	Freestanding	15 FT	Drive-through menu does not count toward sign area.
				60 SF bldg mounted								Building Mounted	Roofline	
(q)	Restaurant/Car Wash Drive-Through Menu	30 SF	2	20 SF	1.5	30 SF				Backlight		Freestanding Building Mounted	5 FT	Shall be screened from all roads.
(r)	Business in A-3, A-10, AR, JLMA, TR, and CR Districts	10 SF	2 / lot	10 SF						None	5 FT	Freestanding Building Mounted	8 FT	
(s)	Business in RC District	40 SF	2	20 SF						Yes	5 FT	Freestanding Building Mounted	8 FT	
(t)	Business in R Districts	4 SF for lots ≤ 10 acres; 8 SF for lots > 10 acres	1 for lots ≤ 10 acres; 2 for lots > 10 acres	4 SF						None	5 FT	Freestanding Building Mounted	8 FT	

**Table 5-1204(D)
Sign Requirements Matrix**

SIGN CATEGORY (See Note 6)		Total Aggregate Sign Area	Max. Number of Signs	Max. Area of Any One Sign	Ground Mounted Sign		Ground Mounted Background Structure			Illumination Permitted	Min. Setback From R.O.W. (See Note 2)	Type Permitted	Max. Height (See Note 3)	Additional Requirements
					Bonus Multiplier	Max. Area of Any One Sign	Bonus Multiplier (See Note 1)	Max. Area of Background	Max. Height of Background Structure					
(u)	Window or Display Sign (Business) in conjunction with Table 5-1204(D)(4) (a), (b), (o), and (p) sign categories		4 / Tenant							None				The maximum square footage of window or display signs (business) shall not exceed 25% of the total square footage of window area, or 10 SF, whichever is less.
(v)	Sidewalk Sign in conjunction with Table 5-1204(D)(4) (a), (b), (o), and (p) sign categories		1 / Tenant	6 SF						None			3 FT	Signs shall be located on the sidewalk in front of and reasonably proximate to the entrance of the business to which the sign pertains. A minimum 4-foot width of unobstructed space for passers-by shall be maintained on the sidewalk in front of the business.
(5) TEMPORARY SIGNS (For Temporary Real Estate Signs, See Number 6 Below)														
a)	Temporary Signs		unlimited	32 SF						None	5 FT	Freestanding	8 FT	Permit limited to 120 days within a twelve (12) month period. Dates of sign display, which do not have to be consecutive, included with zoning permit. Signs shall be removed prior to permit expiration. Signs must be properly secured and not impede visibility at intersections pursuant to Section 5-300.
(6) REAL ESTATE SIGNS														
(a)	Real Estate - Residential For Sale Sign	6 SF (lots ≤ 10 acres)	1	6 SF						None	5 FT	Freestanding	6 FT	
		12 SF (lots > 10 acres)	2	6 SF										

Table 5-1204(D)
Sign Requirements Matrix

SIGN CATEGORY (See Note 6)		Total Aggregate Sign Area	Max. Number of Signs	Max. Area of Any One Sign	Ground Mounted Sign		Ground Mounted Background Structure			Illumination Permitted	Min. Setback From R.O.W. (See Note 2)	Type Permitted	Max. Height (See Note 3)	Additional Requirements
					Bonus Multiplier	Max. Area of Any One Sign	Bonus Multiplier (See Note 1)	Max. Area of Background	Max. Height of Background Structure					
(b)	Real Estate - Residential Subdivision		1 / vehicular entrance to subdivision from state right-of-way	20 SF						None	5 FT	Freestanding	6 FT	Total Aggregate Sign Area of all real estate signs within the subdivision which front on a public road shall be no more than four (4) square feet per lot fronting on the road.
(c)	Real Estate - Commercial For Sale Sign		1 (upon any lot ≤ 10 acres); 2 (upon any lot > 10 acres)	20 SF						None	5 FT	Freestanding	6 FT	
(d)	(Deleted per ZOAM-2016-0005)													
(e)	Non-PD District Project Directional Signs - Off-Site		10 / total combined for all builders per project	2 SF						None	5 FT	Freestanding	4 FT	Conditions apply (see note 5).
(7) MISCELLANEOUS SIGNS														
(a)	Government / Official Notices													Not regulated.
(b)	Historical Markers													Not regulated.
(c)	Danger, Aviation, Railroad, Bridge, Ferry Transportation, Red Cross, and Other Similar Signs													Not regulated.
(d)	No Hunting, No Fishing, or No Trespassing Signs			2 SF						None	None	Freestanding Building Mounted As Permitted in Section 5-1202(A)(3)	5 FT	

Table 5-1204(D)
Sign Requirements Matrix

SIGN CATEGORY (See Note 6)		Total Aggregate Sign Area	Max. Number of Signs	Max. Area of Any One Sign	Ground Mounted Sign		Ground Mounted Background Structure			Illumination Permitted	Min. Setback From R.O.W. (See Note 2)	Type Permitted	Max. Height (See Note 3)	Additional Requirements
					Bonus Multiplier	Max. Area of Any One Sign	Bonus Multiplier (See Note 1)	Max. Area of Background	Max. Height of Background Structure					
(e)	Informational Signs		1 / use identifying locations such as restrooms, loading areas, etc.	2 SF						Backlight or White Light	5 FT	Freestanding Building Mounted	5 FT	Signs shall contain no advertising, but may include the names and/or logos associated with the business or development.
(f)	PD-SA, PD-TC, PD-TRC, PD-TREC, PD-MUB, PD-RV, and PD-CV Residential Development Entrance Signs		2 / vehicular entrance	60 SF			2	120 SF	5 FT	Backlight or White Light	10 FT	Ground Mounted	5 FT	One sided only. Signs shall contain no advertising.
(g)	Mixed-Use Buildings - Entry Signs		1 / Building Entrance	10 SF						Yes		Building Mounted	Roofline	Signs shall only identify the entryway for residential or commercial uses located above the 1 st Floor. Signs shall not contain specific tenant names or user names.
(h)	Banner Signs in PD-CC, PD-SA, PD-TC, PD-TREC, PD-TRC, and PD-MUB		1 / Lamp Post	8 SF						None		Banner		Ornamental/Seasonal banners on lamp posts shall not be placed greater than 15 feet above grade. Such banners shall not contain specific tenant names, user names, or advertising, but may include the development name and/or logo.
(i)	Private Recreation Parks	10 SF	2	6 SF						None	5 FT	Freestanding	6 FT	
(j)	Directional Signs, On-Site			4 SF						Backlight or White Light	5 FT	Freestanding	3 FT	Signs shall be located only where there is a change in direction and shall contain no advertising, but may include the names and/or logos associated with the business or development.

Table 5-1204(D)
Sign Requirements Matrix

SIGN CATEGORY (See Note 6)		Total Aggregate Sign Area	Max. Number of Signs	Max. Area of Any One Sign	Ground Mounted Sign		Ground Mounted Background Structure			Illumination Permitted	Min. Setback From R.O.W. (See Note 2)	Type Permitted	Max. Height (See Note 3)	Additional Requirements
					Bonus Multiplier	Max. Area of Any One Sign	Bonus Multiplier (See Note 1)	Max. Area of Background	Max. Height of Background Structure					
(k)	(Deleted per ZOAM-2016-0005)													
(l)	Window or Display Signs (Non-Business)	3 SF		1.5 SF						None				
(m)	De Minimis Signs	2 SF		1 SF						Yes				Examples of De Minimis signs may include signs stating hours of operation, open/closed, accepted forms of payment, business/professional affiliations, etc.

GENERAL NOTES

1. Whenever a bonus multiplier is used for ground mounted signs, a landscaped base with a minimum depth of 3 feet on all sides must be maintained (see Figure 1).
2. All signs must be set back the minimum distance from the road right-of-way, as specified, unless a greater setback is required by the Code of Virginia.
3. The maximum height column does not apply when ground mounted bonuses are obtained. Use the maximum height column for Ground Mounted Background Structure. For the purpose of locating building mounted signs, no part of the sign shall extend above or beyond the perimeter of the wall to which it is attached.
4. (Deleted per ZOAM-2016-0005).
5. The following conditions shall apply for permitted Non-PD District Project Directional Signs - Off-Site.
 - a. The location of signs must be approved by the County at the time of the sign permit application.
 - b. Signs shall be located only at controlled intersections where there is a change in direction.
 - c. Signs shall be placed on private property only.
 - d. Signs shall not be permitted on any arterial road, nor on any road listed in Section 5-1403(B) of this Ordinance.
 - e. The signs may be installed after sundown Friday night and must be removed by sundown on Sunday. If Monday is a legal holiday, the signs may remain until sundown Monday.
 - f. The signs must be made of a permanent material, signs made of paper or cardboard are hereby specifically prohibited.
 - g. Builders may not use "Non-PD District Project Directional Signs - Off-Site" in combination with "Real Estate-Temporary Open House - Off-Site" signs.
6. In selecting the most appropriate sign category, the more specific listing shall take precedence.

Figure 1

Ground Mounted Signs

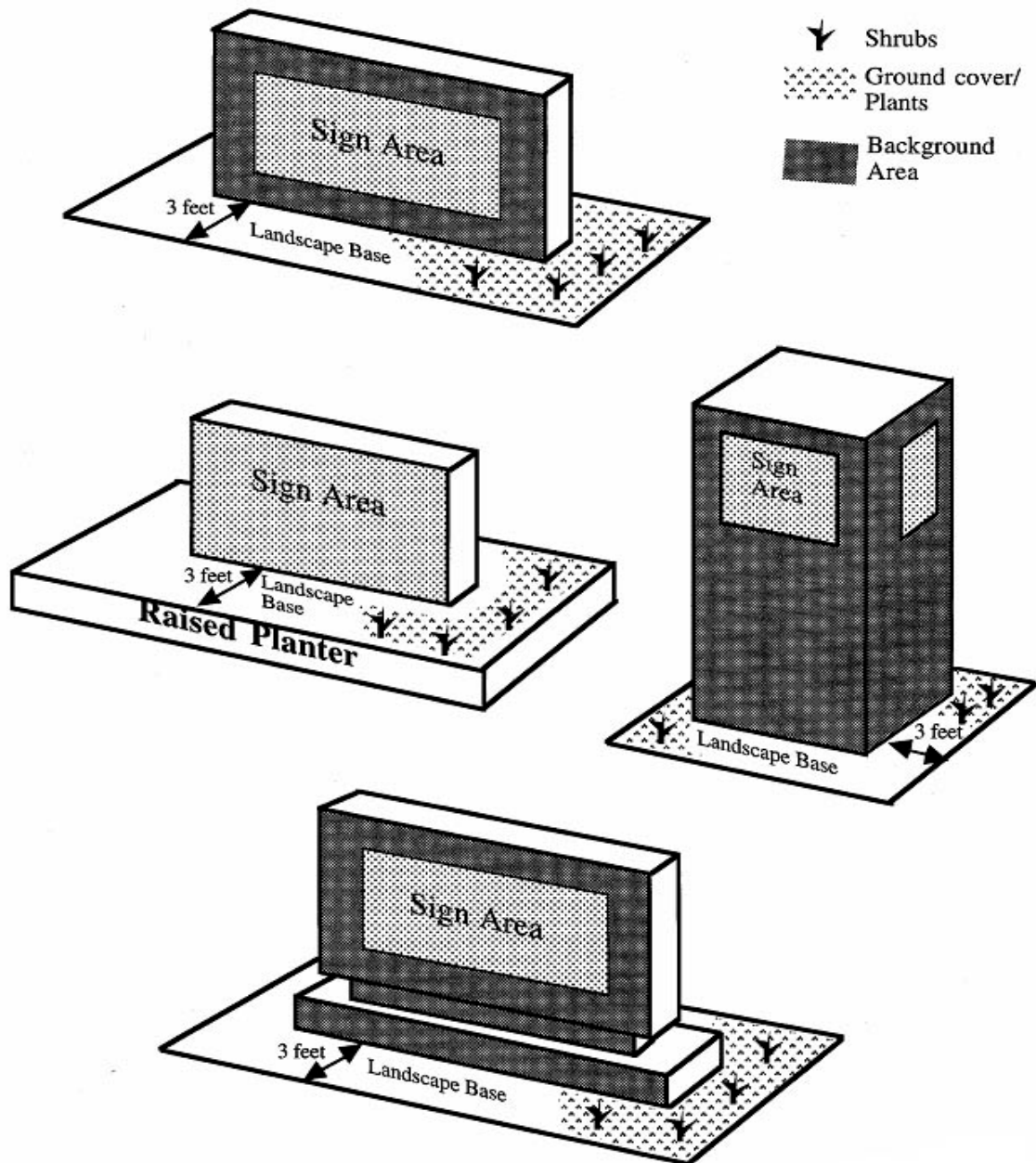


Figure 2

Pole Mounted Signs

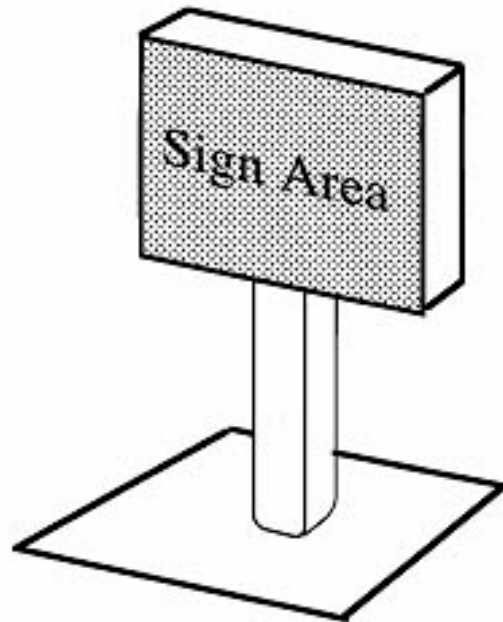
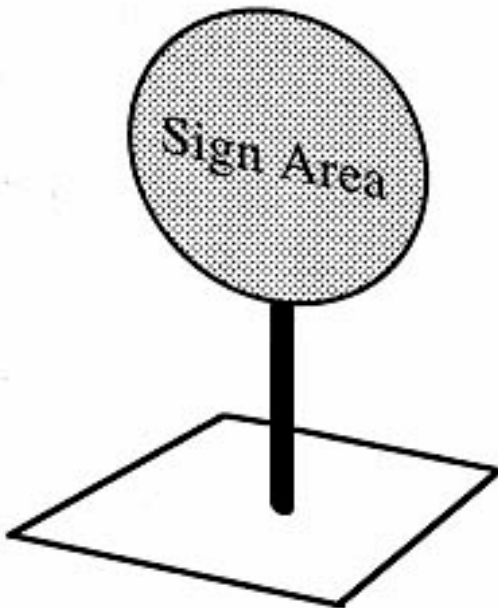
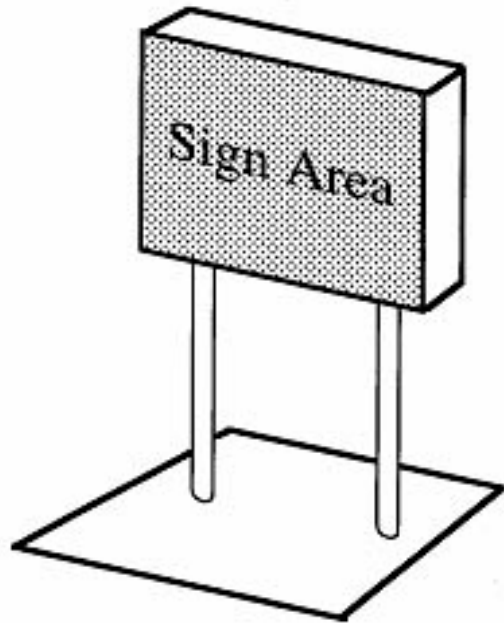
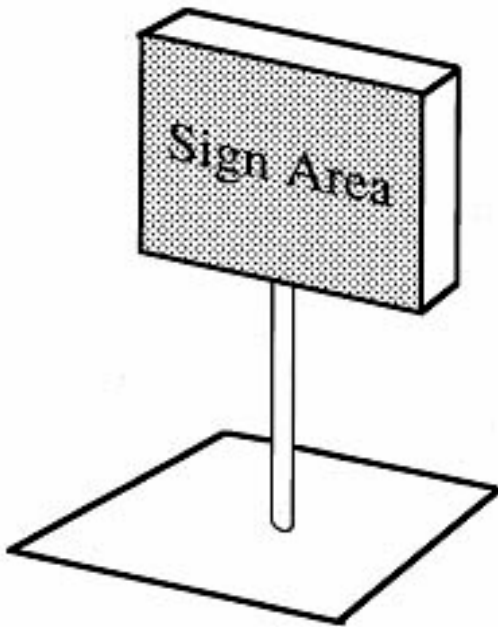
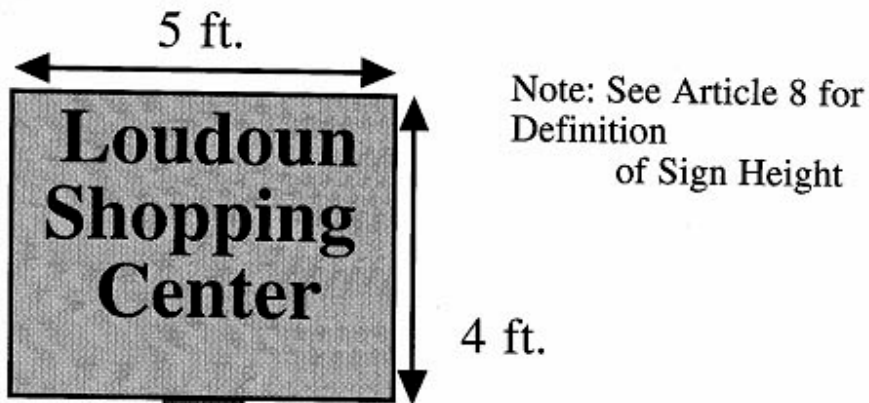


Figure 3

Pole Mounted Sign

Max. Sign Area: 20 Sq. ft. (eg. 4' x 5')

Max. Height Permitted: 15 ft.



Ground Mounted Sign

Max. Sign Area: 30 Sq. ft.

(eg. 4' x 7.5')

Max. Background Area: 45 Sq. ft.

(eg. 9' x 5')

Max. Height Permitted: 8 ft.



Figure 4
MEASURING SIGN AREA



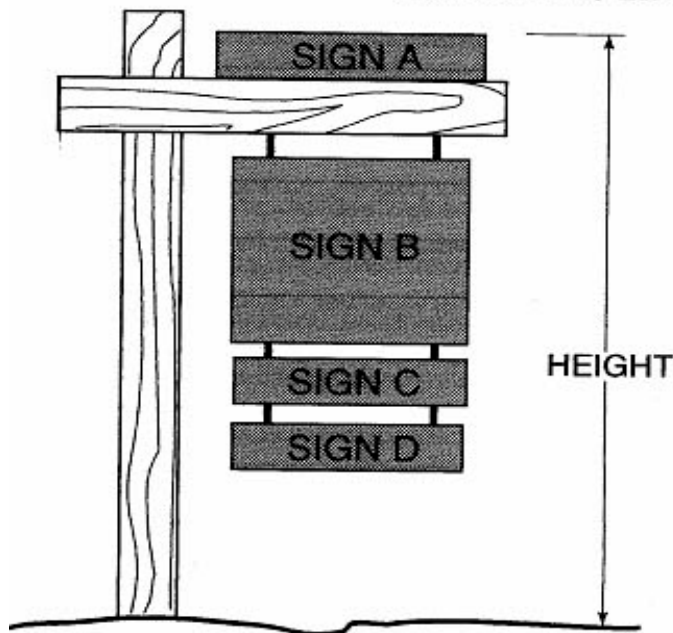
SIGN OF INDIVIDUAL LETTERS

AREA = A X B



IRREGULAR SHAPED SIGN

AREA DETERMINED BY "THE RULE OF 8,"
MEANING THE AREA OF THE SIGN IS DETERMINED
BY THE AREA OF THE SHAPE CREATED BY OUTLINING
THE SIGN WITH A MAXIMUM OF *8 CONNECTING LINES.
AREA = AREA OF TWO RECTANGLES FORMED BY 8
CONNECTING LINES

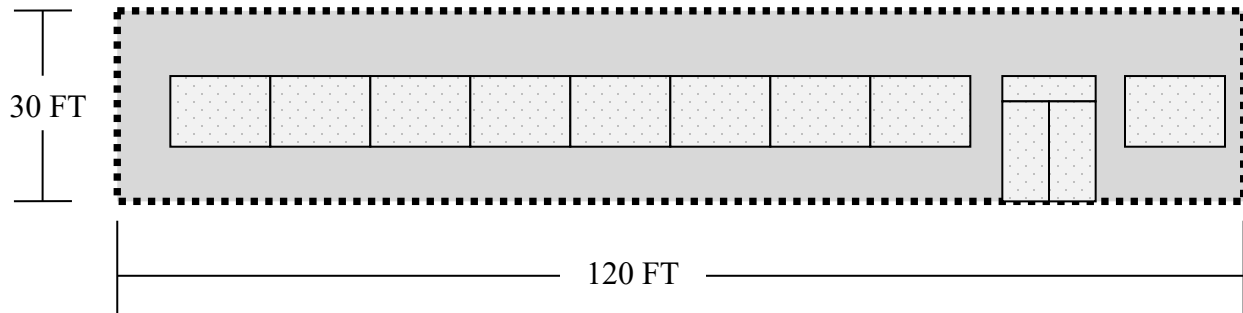


**REAL ESTATE
FOR SALE SIGN**

AREA = AREA OF SIGN A +
AREA OF SIGN B +
AREA OF SIGN C +
AREA OF SIGN D

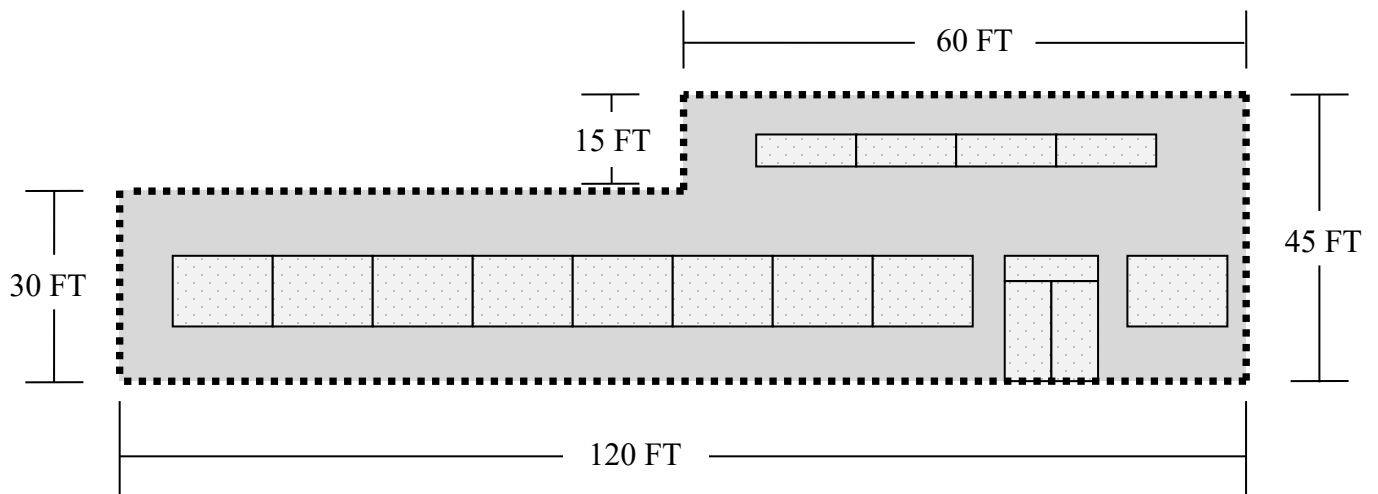
Figure 5

Sign, Building Façade for Determining Size of
Building 1



Building Façade is equal to the entire area of an exterior wall of a building within a continuous perimeter (depicted with a dashed line). The Building Façade area for Building 1 is 3600 SF.

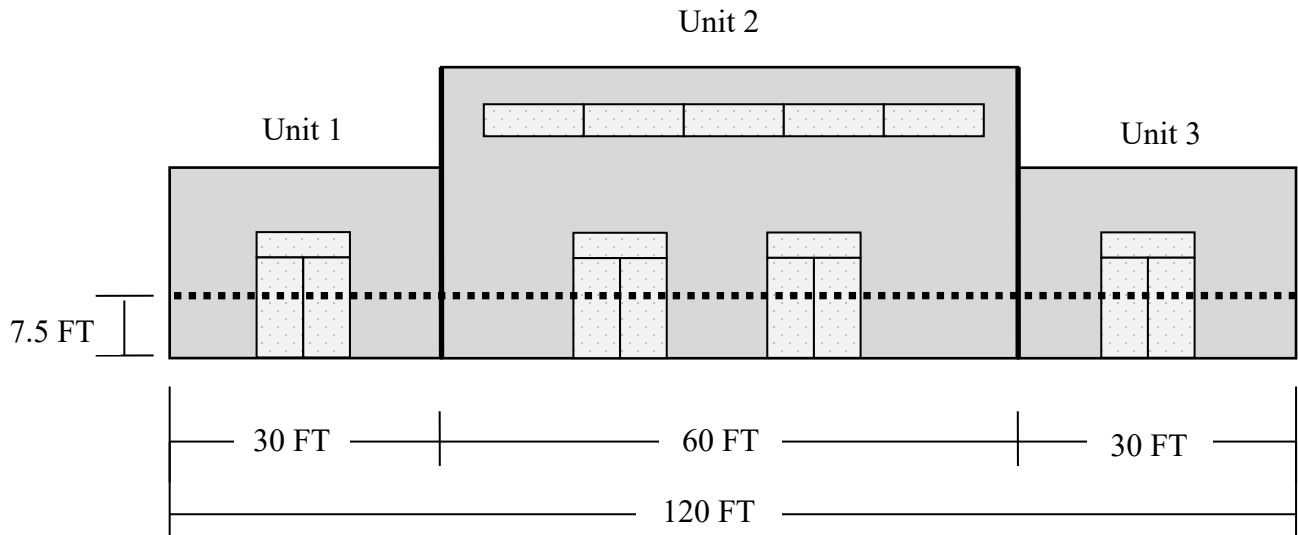
Building 2



Building Façade is equal to the entire area of an exterior wall of a building within a continuous perimeter (depicted with a dashed line). The Building Façade area for Building 2 is 4500 SF.

Figure 6

Sign, Linear Foot (LF) for Determining Size of



Linear Foot (LF) is equal to the length of a wall of a building which physically encloses usable interior space. Said frontage shall be measured at a height not greater than ten feet above grade. In this example, the Linear Foot (LF) of Units 1 and 3 is 30 feet, the Linear Foot (LF) of Unit 2 is 60 feet, and all lengths have been measured at 7.5 feet above grade (depicted with a dashed line).

Division D: Landscaping, Buffering and Tree Preservation

Section 5-1300 Tree Planting and Replacement.

5-1301 Purpose. The purpose and intent of this Section is to promulgate regulations for the planting and replacement of trees destroyed or damaged during the development or redevelopment process, pursuant to Section 15.2-961 of the Code of Virginia.

5-1302 General Standards.

- (A) All trees to be planted shall meet the specifications of the American Association of Nurserymen.
- (B) The planting of trees shall be done in accordance with either the standardized landscape specifications jointly adopted by the Virginia Nurserymen's Association, the Virginia Society of Landscape Designers and the Virginia Chapter of the American Society of Landscape Architects, or the road and bridge specifications of the Virginia Department of Transportation. The County shall maintain current copies of these specifications available to the public.
- (C) The minimum caliper of all deciduous trees planted shall be one (1) inch, and the minimum height of all evergreen trees shall be six (6) feet.

5-1303 Canopy Requirements.

- (A) **Site Planning.** A Final Site Plan, or Construction Plans and Profiles for single family attached units in those districts where applicable, required under Section 6-701, shall include the planting and replacement of trees on site to the extent that, at maturity of twenty (20) years, minimum tree canopy shall be provided as follows:
 - (1) Ten (10) percent tree canopy for sites zoned business, commercial, or industrial in the GB, PD-MUB, PD-IP, PD-OP, PD-GI, MR-HI, PD-CC, PD-RDP, PD-SA, PD-TRC, PD-TREC, PD-TC, CLI, RC, and PD-H Districts.
 - (2) Ten (10) percent tree canopy for sites zoned PD-H and R-24 with densities of twenty (20) or more units per acre.
 - (3) Fifteen (15) percent tree canopy for sites zoned PD-H and R-16 for multi-family and single family attached units with densities of eleven (11) to nineteen (19) units per acre.

- (4) Twenty (20) percent tree canopy for sites zoned PD-H and R-8 for multi-family and single family attached units with densities of three (3) to ten (10) units per acre.

(B) **For development requiring a plan of subdivision, but not a site plan, property not zoned A-3, A-10, AR-1, AR-2, i.e. single family and duplex dwellings.** When a plan of subdivision is required under the Land Subdivision and Development Ordinance and the property is not zoned A-3, A-10, AR-1, AR-2, a landscape plan shall be included at Record Plat or construction drawings, whichever shall occur first, that provides for the planting or replacement of trees on the site to the extent that, at maturity of twenty (20) years, minimum tree canopies will be provided as follows:

- (1) If the site has a tree canopy coverage of 20% or more, the plan shall provide for the preservation, or planting and replacement of trees on site so as to result in a tree canopy of at least 20%, calculated at 20 years maturity.
- (2) If the site has a tree canopy coverage of less than twenty (20%) prior to recordation of the subdivision, the plan shall provide for the preservation or planting and replacement of an equivalent percentage of tree canopy coverage as existed prior to development, calculated at 20 years maturity.
- (3) Every platted lot shall have a minimum tree canopy coverage of 2.5%, or 3,000 square feet, whichever is less, calculated at 20 years maturity, exempting lots for which no permits for new structures will be sought and the designated parent tract. Such trees shall be counted toward the minimum tree canopy requirements in (1) and (2) above.
- (4) Trees shall be planted at a density of one tree per 50 linear feet along both sides of all areas dedicated for use for vehicular access. Such trees shall have a minimum caliper of 1" and a height at maturity of 15 feet or more. Such trees shall be counted toward the minimum tree canopy requirements in (1), (2) and (3) above.

(C) **Exclusions.** For the purpose of calculating the area of a site, to determine tree canopy coverage requirements, the following areas shall be excluded:

- (1) Properties reserved or dedicated for future street construction or other public improvements.
 - (2) Ponds and unwooded wetlands.
 - (3) Properties reserved or dedicated for school sites, playing fields and other non-wooded recreation areas, and other facilities and areas of a similar nature.
 - (4) Portions of a site which contain existing structures that are not the subject of a pending application.
- (D) **Existing Conditions.** Existing trees which are to be preserved may be included to meet all or part of the canopy requirements, and may include wooded preserves, if the site plan or record plat, or construction plans and profiles, identifies such trees and the trees meet standards of desirability and life-year expectancy established by the Zoning Administrator.

5-1304 **Variations.** Reasonable exceptions to or deviations from the requirements in this Section to allow for the reasonable development of farmland or other areas devoid of woody materials, including the preservation of wetlands, or when the strict application of the requirements would result in unnecessary or otherwise unreasonable hardship to the developer, shall be considered by the Zoning Administrator upon application by the owner.

5-1305 **Enforcement.** Penalties for violations of the requirements of this Section shall be the same as those applicable to violations of other provisions of this Ordinance.

Section 5-1400

Landscaping, Buffer Yards, Screening, and Landscape Plans

5-1401

Purpose. The purpose and intent of this Section is to foster attractive and harmonious development through the use of landscaping; to minimize the harmful impacts of noise, dust and other debris, motor vehicle headlight glare or other artificial light intrusion; to protect property values by reducing visual impacts and land use conflicts; provide shade; enhance natural drainage systems; to contribute to ecosystem benefits; and to preserve and promote the health, safety and general welfare of the public.

5-1402

Applicability.

- (A) The provisions of this Section shall apply to all land development requiring a site plan, construction plans and profiles, subdivision, and/or a zoning permit application.
- (B) Exceptions. The exceptions below shall not apply to the building and parking setbacks of Section 5-1403 and the Cemetery, Burial Ground, and Grave Buffer of Section 5-1405.
 - (1) Road Corridor Buffers required by Section 5-1403 and Buffer Yards required by Section 5-1404 shall not apply to zoning permit applications for single family detached dwellings and residential accessory uses and structures.
 - (2) Road Corridor Buffers required by Section 5-1403 and Buffer Yards required by Section 5-1404 shall not be required at the time of subdivision application in the AR-1, AR-2, A-10, A-3, JMLA-20, JLMA-3, TR-10, and TR-3 Zoning Districts.
 - (3) Road Corridor Buffers required by Section 5-1403 shall only apply along roads adjacent to the boundary of the PD-CC, PD-TC, PD-TRC, PD-TREC, PD-RV, PD-MUB, and the Route 28 Corridor Overlay Zoning Districts. All other roads within these Zoning Districts shall be subject to the street tree requirement for such Zoning Districts.
 - (4) Buffer Yards required by Section 5-1404 shall not apply within the PD-CC, PD-CV, PD-TREC, PD-TRC, PD-TC, and PD-MUB Zoning Districts. Buffer Yards within these Zoning Districts shall be provided in accordance with the regulations for such Zoning Districts.
 - (5) The Road Corridor Buffers required by Section 5-1403 and Buffer Yards required by Table 5-1404 shall not apply to any use subject to Section 5-1404(A)(6).

- (6) The Road Corridor Buffers required by Section 5-1403 shall not apply to roads that abut Agriculture, Horticulture, or Animal Husbandry uses, or to Category B and Category C roadways as provided by the Facilities Standards Manual.
- (7) Road Corridor Buffers required by Section 5-1403 and Buffer Yards required by Section 5-1404 shall not be required at the time of boundary line adjustment, family subdivision, single lot subdivision waiver, low density development waiver, or dedication plat application.
- (C) The provisions of this Section are intended to complement the regulations of Section 5-1300 of this Ordinance. Trees planted to fulfill the canopy requirements of Section 5-1300 also may fulfill the requirements of this Section.
- (D) Existing vegetation which is suitable for use in compliance with the requirements of this Section, may be used as required planting when supplemented by new vegetation, if needed, so as to provide buffering and screening in accordance with the purpose and intent of this Section. Such existing vegetation shall be shown on a Tree Conservation Plan prepared in accordance with the Facilities Standards Manual.
- (E) Where any provision of this Section imposes restrictions or standards different from those of Section 5-1300 or any other County ordinance or regulation or other provision of law, whichever provisions are more restrictive or impose higher standards shall control, unless the intent is clearly otherwise.

5-1403

Road Corridor Buffers and Setbacks

(A) Road Corridor Buffers and Setbacks, General Provisions.

- (1) Road Corridor Buffers and Setbacks shall be provided in accordance with Table 5-1403(B), the Road Corridor Buffer and Setbacks Matrix, except for development requiring a subdivision application but not a site plan application, which shall be subject to the requirements of Section 5-1303(B). Road classifications shall be determined by the Countywide Transportation Plan.
- (2) The Road Corridor Buffers and Setbacks required by this Section shall be provided in accordance with Section 1-205(J), and extend across the length of the proposed development site. The required width of the Road Corridor Buffer may vary by up to 50% from the minimum width

required at any point along the required length, as long as the width is not reduced to less than 10 feet and the total area for the length of Road Corridor Buffer with varied width is not reduced below the minimum area that would have been required. Road Corridor Buffers may be set back from the right-of-way line where easements, covenants or natural features would prevent the required Road Corridor Buffer from abutting the public street or private road, in which case the required Road Corridor Buffer shall be provided in addition to such easements, covenants, or natural features.

- (3) Certain roads within Loudoun County because of their function, location and capacity require that uses be set back a certain minimum distance from them. All other provisions of this Ordinance notwithstanding, all buildings and parking, except for agricultural structures and structures located within Village Conservation Overlay Districts (Section 4-2100) and the Joint Land Management Area Districts (2-1000 thru 2-1300), shall be subject to the setback provided in Table 5-1403(B) or the setback provided in an approved corridor study whichever setback is greater. Residences, accessory structures, and accessory uses built before June 16, 1993 are exempt from this provision pursuant to Section 1-403(D).
- (4) For subdivisions that require open space, Road Corridor Buffers shall not be located on individual residential lots of 20,000 square feet or less. When a Road Corridor Buffer is located on an individual residential lot the Road Corridor Buffer shall be located within an easement dedicated to the County of Loudoun.
- (5) For lots as they existed on June 16, 1993, the building setback from a road in Table 5-1403(B) may be reduced on shallow lots to allow a building area of up to 85 feet in depth, measured forward from any required rear Buffer Yard, yard, or setback, whichever is more restrictive. In no case shall the modified building setback from the road be less than the yard or setback required by the underlying zoning district. In these cases, parking setbacks shall be coterminous with building setbacks. No lot may be altered or reconfigured to increase the degree of its shallowness.

(B) Road Corridor Buffer and Setbacks Matrix, Table 5-1403(B)

Road Corridor Buffer and Setbacks Matrix, Table 5-1403(B)			
Route Number or Road Type	Building Setback (feet)	Parking Setback (feet)	Buffer Type
Route 7: Fairfax County Line, West to Broad Run	50	50	3
Route 7: Broad Run west to east corporate limit of Leesburg	200	125	Gateway
Route 7: Bypass from the west corporate limit of Leesburg west to Clarke County	200	100	3
Route 50 between the Fairfax County line and Lenah Farm Lane on the north side and Trailhead Drive on the south side	*	*	Gateway
Route 267	150	100	3
Route 50: Northstar Boulevard west to Fauquier County line	100	75	3
Route 15	100	75	3
Route 28	100	75	3
Route 9	100	75	3
Route 287	100	75	3
Route 606	100	75	3
Other Arterial Roads	100	75	3
Other Major Collector Roads	75	35	2
Minor Collector Roads	*	*	2
All other roads in Nonresidential Districts	*	25**	1
All other roads in A-3, A-10, AR, CR, TR, JLMA, PD-AAAR, PD-CV, and R (including PD-H administered as R) Districts	*	*	1
Ramps at grade separated interchanges associated with the roads listed above	75	35	3
W&OD Trail	25	*	2
* As specified in applicable district regulations			
** unless otherwise specified in applicable district regulations			

(C) **Road Corridor Buffer Types.** The intent of the 4 Road Corridor Buffer Types that appear in Table 5-1403(B) are described below. All vegetative material within the Buffer Yard Types below shall meet the criteria of the FSM.

- (1) Road Corridor Buffer Type 1. This buffer is intended to function as an intermittent visual obstruction.
- (2) Road Corridor Buffer Type 2. This buffer is intended to function as a semi-opaque screen.
- (3) Road Corridor Buffer Type 3. This buffer is intended to provide a strong impression of total separation between the road and the parcel.
- (4) Gateway Corridor Buffer. This buffer is intended to provide a boulevard environment creating a sense of enclosure and transition to mark County gateways.

(D) **Road Corridor Buffer Width and Plant Requirements, Table 5-1403(D)**

Table 5-1403(D) Road Corridor Buffer Width and Plant Requirements		
Road Corridor Buffer Type	Width (feet)	Number of Plant Units ² Per 100 feet of Right-of-Way or Easement ¹
1	10	20
2	15	60
3	20	95
Gateway	100	*
¹ Vehicle entrance may be excluded from length of right-of-way or easement calculation. As measured from where the buffer yard intersects the entrance travelway. ² See Table 5-1408(B)(1) for Plant Unit equivalents. *The Gateway Corridor Buffer is subject to the requirements specified in Section 5-1403(E)		

(E) **Specific Requirements for Gateway Corridor Buffer**

Table 5-1403(E) Gateway Corridor Buffer Plant Requirements		
Plant Material	Minimum Size (at time of planting)	Number of Plants per 100 feet of R/W or Easement Line
Large Deciduous Trees	2-inch caliper	4
Small Deciduous Trees	2-inch caliper	2
Evergreen Trees	8-foot height	2
Shrubs	24-inch height	50

(1) **Design Elements Specific to the Route 50 Corridor:**

- (a) **Plant Location:** The plants required in Table 5-1403(E) above shall be installed on the parcel as follows:
 - (i) The plants shall be located within the first 50 feet of the required 100 foot Buffer Yard immediately adjacent to the right of way of Route 50.
 - (ii) Each 100 foot segment of frontage shall contain the plants required per 100 linear feet.
 - (iii) The plants shall be located in front of the linear element required in Section 5-1403(E)(1)(b) below.
 - (iv) The plants and the linear element shall be configured to align with the plants and the linear element on adjacent parcels, thereby creating a uniformly landscaped frontage along the right-of-way, where feasible.
- (b) **Linear Element:** A linear element shall be provided within the Gateway Corridor Buffer for at least 40% of a parcel's frontage adjacent to Route 50 and shall consist of a stone-faced feature and may also include a fence and/or hedgerow.
 - (i) The stone-faced feature (i.e. wall, pillar, sign, and the like) shall be faced with materials having characteristics similar to native stone. Notwithstanding the Section 5-200 height limitation for fences in front yards, the stone-

faced feature shall be a minimum of 3 feet in height. If combined with a fence or hedgerow, the stone-faced feature shall have a minimum length equal to 10% of a parcel's frontage.

- (ii) Notwithstanding the height limitation of Section 5-200 for fences in front yards, the fence shall be a maximum height of 4.5 feet, as measured from the ground to its highest point, to include posts or other supporting structures. The fence shall be constructed of wood or a wood-like polymer in a rail, paddock, or horizontal board design and shall have a minimum opacity of 50%.
- (iii) The hedgerow shall consist of a minimum of 10 shrubs planted in a continuous row, planted 36 inches on center and at a minimum height of 24 inches. The shrubs used in the hedgerow do not count towards fulfilling the required plants in Table 5-1403(E) above.
- (iv) The linear element is not required to be a continuous element. However, if any portions of the linear elements overlap, then for the length of the overlapping elements only one element can be counted towards satisfying the required length.
- (v) Areas of existing vegetation used to meet the Gateway Corridor Buffer plant requirements shall be excluded for the purposes of calculating the frontage length for determining the required minimum length of the linear element.
- (vi) The linear element does not have to be located parallel to the road.
- (vii) The linear element can be used towards fulfilling the Peripheral Parking Lot Landscaping requirements in Section 5-1407(B).

(2) Design Elements Specific to the Route 7 Corridor:

- (a) Plant Location: The plants required in Table 5-1403(E) above shall be installed on the parcel as follows:
 - (i) The plants may be located within the full 100-foot width of the required Buffer Yard immediately adjacent to the right of way of Route 7.
 - (ii) The total plants required for each 100-foot segment of frontage shall contain the plants required per 100 linear feet, except that plants may be relocated within the Buffer Yard where existing environmental constraints or public utility easements prevent planting within a particular segment.
- (b) Pollinator Habitat: Plants within the required Buffer Yard shall consist of plant material that supports pollinator habitat, as follows:
 - (i) A minimum of 50% of the plants required by Section 5-1403(E) shall consist of native species as specified in the Facilities Standards Manual.
 - (ii) A minimum of 75% of the small deciduous trees and shrubs required by Section 5-1403(E) shall produce conspicuous flowers at some point during their growing season.
- (3) Use of Gateway Corridor Buffer: In addition to the uses specified in Section 5-1408(C), the following uses are permitted in the Gateway Corridor Buffer:
 - (a) Storm water management and BMP facilities. Such facilities may not be located within the first 50 feet adjacent to the right-of-way, unless the facility is designed as a water feature in accordance with Section 5-1403(E)(3)(b) below.
 - (b) A water feature, defined as a permanent aqueous element to include a fountain, stream, waterfall, and/or cascade; a wet pond that includes a fountain, waterfall and/or cascade; or a bioretention facility and/or wetland. In the case where a water feature is incorporated in the design of the Gateway Corridor Buffer and located within the first 50 feet

immediately adjacent to the right-of-way, the following variations are permitted:

- (i) The number of shrubs required by Section 5-1403(E) above may be reduced by 50% for the total amount of linear feet of frontage that is occupied by the water feature; and
 - (ii) Notwithstanding Section 5-1403(E)(1)(a) and 5-1403(E)(2)(a) above, regarding required plant locations, for the frontage occupied by the water feature, the required large deciduous trees are to be located between the right-of-way and the water feature and the required small deciduous trees, evergreen trees and shrubs may be located around and behind the water feature.
- (4) Reduction: The required width of the Gateway Corridor Buffer may be reduced to 50 feet subject to the Modification and Waiver provisions of Section 5-1409.
 - (5) Other Landscaping and Screening: Where the Ordinance requires the screening of parking, service and loading areas, and utility equipment from roads, such screening as may be necessary shall be in addition to the Gateway Corridor Buffer plantings and shall be provided within the Gateway Corridor Buffer, but outside of the first 50 feet of the required 100-foot-wide Buffer Yard as measured from the right-of-way.

5-1404

BufferYards

(A) Buffer Yards, General Provisions.

- (1) Side and Rear Buffer Yards shall be provided on the developing parcel in accordance with Table 5-1404(B), the Use Buffer Yard Matrix, and in accordance with the provisions of this Section.
- (2) Side and Rear Buffer Yard Types shall be determined based on the proposed use group of the developing parcel and the existing use group of the adjacent parcel, in accordance with Table 5-1404(B).
- (3) In those instances where a proposed use and/or an existing use on a parcel is not identifiable under the use groups in Table 5-1404(B), the Zoning Administrator, using Table 5-

1404(B) as a guide, shall determine the appropriate Buffer Yard Type for the developing parcel.

- (4) Where a structure is proposed to contain more than one use group under Table 5-1404(B) the more stringent requirements of Table 5-1404(B) shall apply.
 - (5) Where a developing parcel and/or an adjacent parcel or parcels contain multiple use groups, the Buffer Yard Type required by Table 5-1404(B) may vary on the developing parcel to correspond to the location of each use group on the adjacent parcel. When the adjacent parcel is used for a wayside stand or temporary use, the Buffer Yard Type shall be determined as if the adjacent parcel were vacant as provided in Table 5-1404(B).
 - (6) Specific Uses in Section 5-600 that reference this section for Landscaping, Buffering, and Screening requirements shall provide the following between the Specific Use and any existing adjacent parcel 4 acres or less in size or any existing adjacent parcel that contains a dwelling unit within 300 feet of the parcel containing the Specific Use:
 - (a) A minimum 50-foot setback measured from the property line;
 - (b) A 6-foot high fence, wall, or berm providing a minimum opacity of 95%, or equivalent natural topography, and/or a Buffer Yard Type B for side and rear yards, and a Road Corridor Buffer Type 2 for front yards.
 - (c) The required fence, wall, or berm for side or rear yards may be configured to surround the Specific Use. The Buffer Yard Type B for side or rear yards may be configured to surround the proposed use so long as the intent of the Buffer Yard Type B is met as described in Section 5-1404(C).
 - (d) Existing vegetation, and trees may be used to meet the requirements of this section in accordance with Section 5-1402(D).
- (B) **Use Buffer Yard Matrix, Table 5-1404(B).** Note that required Buffer Yards may require a different width than a required yard, setback or building restriction line.

Table 5-1404(B). Use Buffer Yard Matrix¹

		Adjacent Use												
		Single Family Detached	Single Family Attached	Multi-Family	Group Living	Agriculture/Horticulture/Animal Husbandry and Passive Uses	Community and Active Recreation Uses ²	Institutional/ Civic	Office and Conference/Training Centers	Commercial/Retail	Flex-Industrial Uses and Utilities	Heavy Industrial and Aviation	Vacant Land, Located in a Residential Zoning District or Land Bay Approved for Residential Use	Vacant Land, Located in all Other Districts or Land Bays
Proposed Use	Use Group	1	2	3	4	5	6	7	8	9	10	11	12	13
Single Family Detached	1	N/A	A	A	A	A	A	A	A	A	B	B	N/A	A
Single Family Attached	2	B	N/A	A	A	B	A	A	A	A	B	B	A	A
Multi-Family	3	B	A	N/A	A	B	A	A	A	A	B	B	B	A
Group Living	4	B	A	A	N/A	B	A	A	A	A	B	B	B	A
Agriculture/Horticulture/Animal Husbandry and Passive Uses	5	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Community and Active Recreation Uses ²	6	B	A	A	A	N/A	N/A	A	A	A	B	B	B	A
Institutional/ Civic	7	B	B	B	A	N/A	B	N/A	A	A	B	B	B	A
Office and Conference/Training Centers	8	B	B	B	B	N/A	B	B	N/A	A	A	B	B	A
Commercial/Retail	9	B	B	B	B	N/A	B	A	A	N/A	A	B	B	A
Flex-Industrial Uses and Utilities	10	C	C	C	C	N/A	C	C	B	B	N/A	B	C	C
Heavy Industrial and Aviation	11	C	C	C	C	N/A	C	C	C	C	C	N/A	C	C
Vacant Land, Located in a Residential Zoning District or Land Bay Approved for Residential Use	12	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Vacant Land, Located in all Other Districts or Land Bays	13	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

¹Buffer yards A, B, and C are described in greater detail in Section 5-1404(C).

²Buffer yards shall not be required between playgrounds or passive uses when located internal to a residential neighborhood.

(C) **Buffer Yard Types.** The intent of the 3 Buffer Yard Types that appear in Table 5-1404(B) is described below. All vegetative material within the Buffer Yard Types below shall meet the criteria of the FSM.

- (1) Buffer Yard Type A: Aesthetic. This Buffer Yard Type is intended to function as an intermittent visual obstruction, and create the impression of spatial separation without eliminating visual contact between uses.
- (2) Buffer Yard Type B: Semi-opaque. This Buffer Yard Type is intended to function as a semi-opaque screen between uses.
- (3) Buffer Yard Type C: Opaque. This Buffer Yard Type is intended to provide the greatest degree of screening feasible and minimize visual contact between uses, creating a strong impression of total separation.

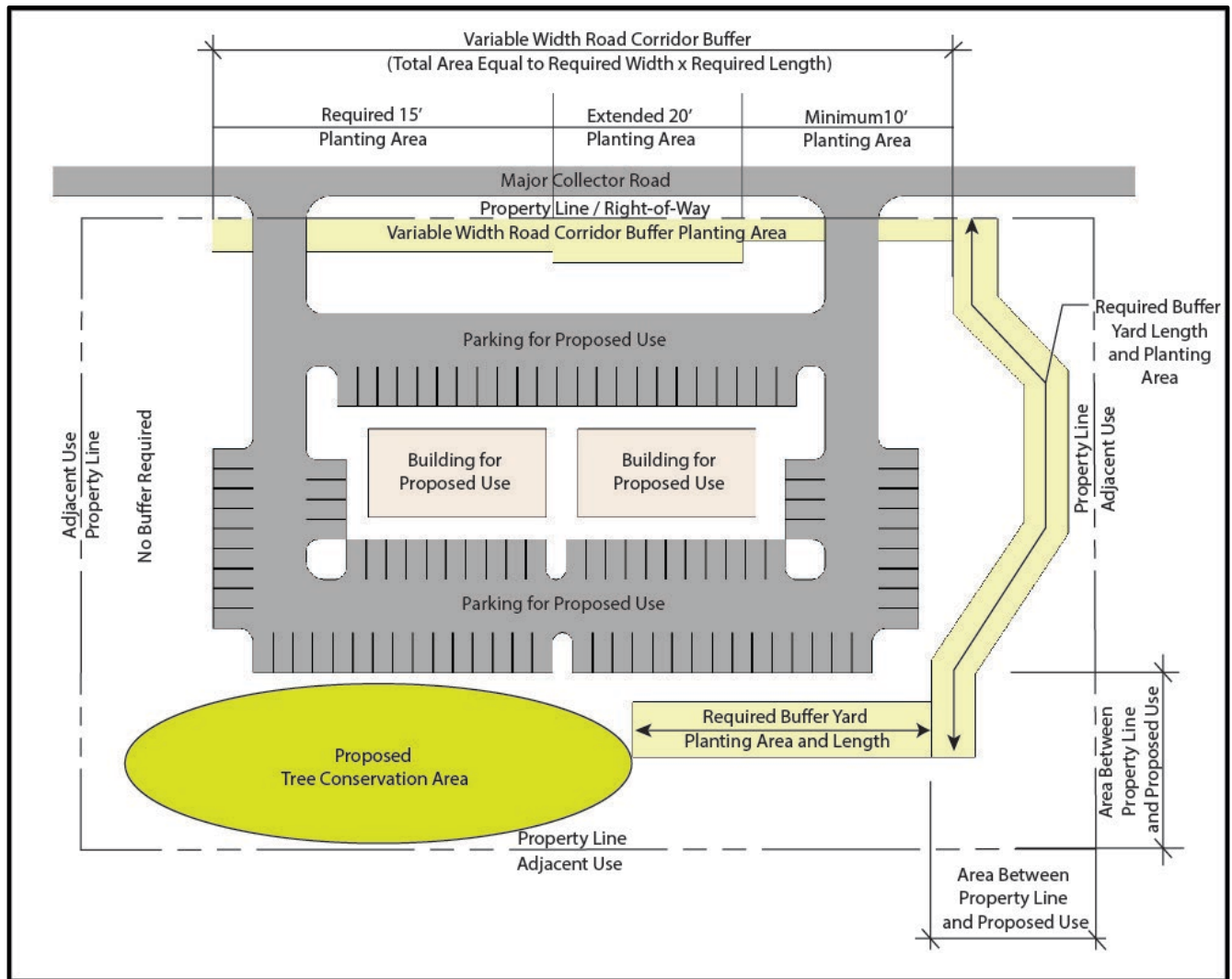
(D) **Buffer Yard Widths and Plant Requirements.**

Table 5-1404(D). Buffer Yard Width and Plant Requirements		
Buffer Yard Type	Width (feet)	Number of Plant Units ¹ Per 100 Linear feet of Required Buffer Yard
A	10	30
B	20	80
C	25	120*
¹ See Table 5-1408(B)(1) for Plant Unit equivalents. *A 6-foot high fence, wall, and/or berm, providing a minimum opacity of 95% is required to run the length of the required Buffer Yard between the proposed use and the required plant units. Required plant units may be planted on a berm.		

(E) **Buffer Yard Location.**

- (1) Required buffer yards shall be provided between the property line and the proposed use, and may be configured to surround the proposed use so long as the intent of the required Buffer Yard Type is met as described in Section 5-1404(C).
- (2) The location of required buffer yards may vary between the property line and the proposed use so long as the required plant units are planted within the required width throughout the full length of the buffer yard.

Buffer Yard Location Example



5-1405

Cemetery, Burial Ground, and Grave Buffer: All existing cemeteries, burial grounds, and graves shall be subject to this section.

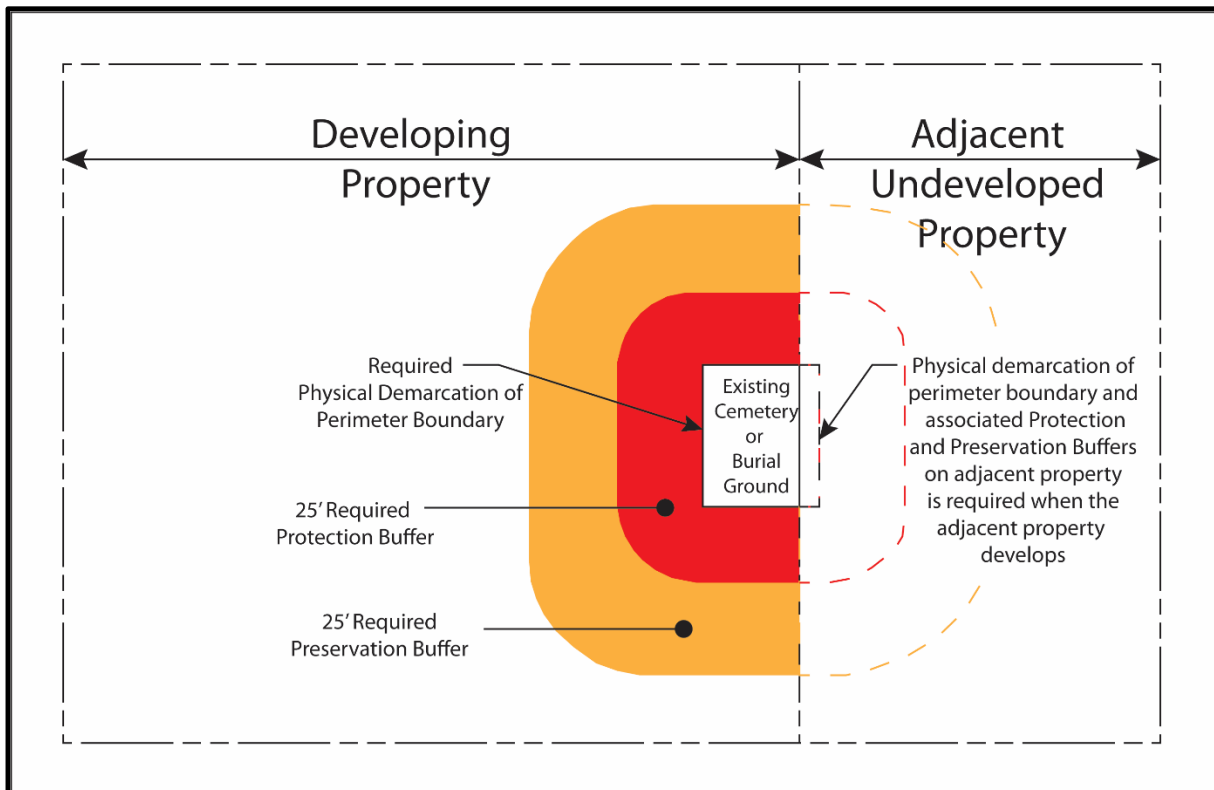
- (A) Exceptions. The Cemetery, Burial Ground, or Grave Buffer shall not apply to the following:
- (1) A cemetery, or an existing cemetery's expansion, legally established after January 7, 2003.
 - (2) A cemetery, burial ground, or grave for animal remains.
 - (3) A cemetery, burial ground, or grave accessory to a religious assembly use.

- (4) A cemetery, burial ground, or grave from which all human remains have been removed in accordance with the Code of Virginia.
- (B) The delineated perimeter boundary of a cemetery, burial ground, or grave shall be physically demarcated with a fence between a minimum of 3 feet and a maximum of 4 feet in height, or other perimeter demarcation as approved by the Zoning Administrator. No land disturbing activity shall be permitted within the delineated perimeter boundary of the cemetery, burial ground, or grave except for the following:
 - (1) Removal and reinternment of burials in accordance with the Code of Virginia;
 - (2) Land disturbing activity associated with the excavation and filling of grave shafts for new burials;
 - (3) Clearing of invasive vegetation on the surface, excluding any species that were planted in association with burials; and
 - (4) Construction of the perimeter demarcation.
- (C) **Protection Buffer.** A 25-foot protection buffer shall be established outside of and abutting the delineated perimeter boundary of the cemetery, burial ground, or grave, or property line in accordance with Section 5-1405(E), to protect the physical integrity of existing burials and to preserve the natural and cultural features associated with the cultural landscape.
 - (1) No land disturbing activity shall be permitted within the protection buffer except for the following:
 - (a) Land disturbing activity associated with construction of the perimeter demarcation required by Section 5-1405(B)
 - (b) Construction associated with pedestrian access; and
 - (c) Clearing of invasive vegetation on the surface, excluding any species that were planted in association with burials.
 - (2) The protection buffer may be modified only by Minor Special Exception in accordance with the provisions of Section 6-1300.
- (D) **Preservation Buffer.** An additional 25-foot preservation buffer

shall be established outside of and abutting the protection buffer required under Section 5-1405(C) above, or property line in accordance with Section 5-1405(E), to create separation from adjacent land uses to preserve the historic context of the existing cemetery, burial ground, or grave. Historic context shall include physical characteristics such as, without limitation, vegetation, topography, water courses, monuments, enclosures, and other cultural features associated with the cemetery, burial ground, or grave.

- (1) No land disturbing activity shall be permitted within the preservation buffer except for the following:
 - (a) Land disturbing activity associated with construction of the perimeter demarcation required by Section 5-1405(B);
 - (b) Construction associated with pedestrian access; and
 - (c) Clearing of invasive vegetation on the surface.
- (2) The Zoning Administrator may approve a waiver or modification of the preservation buffer in accordance with the requirements of Section 5-1409.

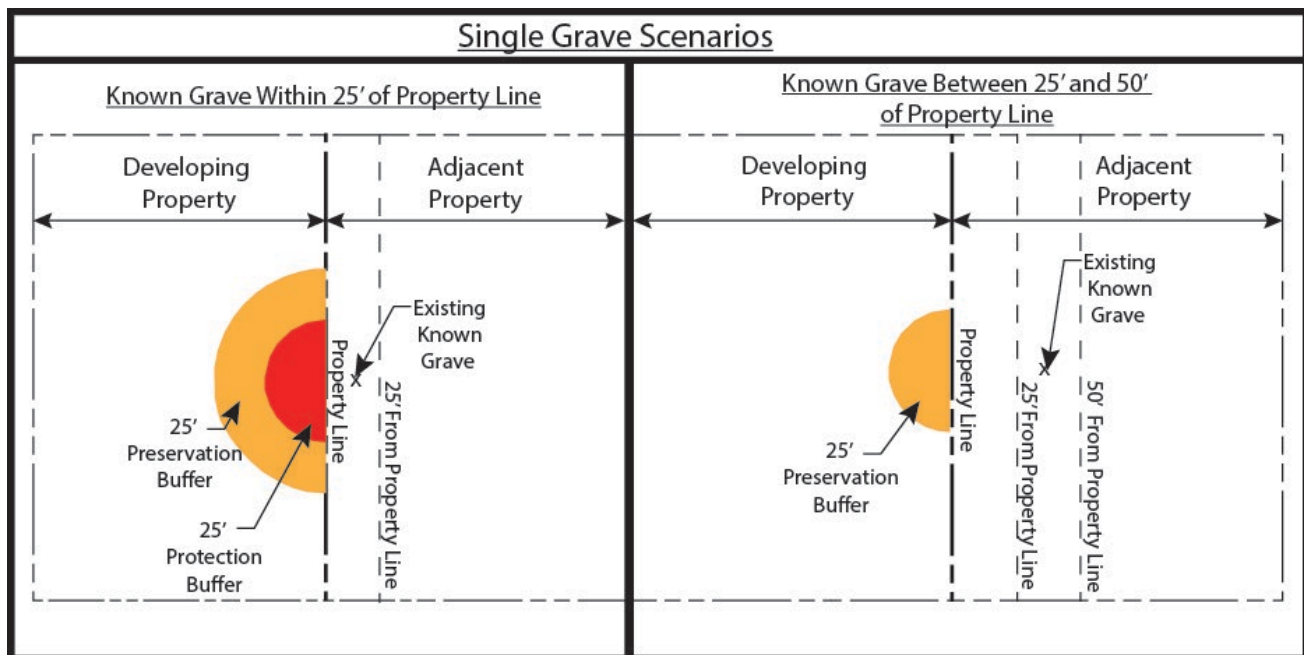
Cemetery, Burial Ground, and Grave Buffer Example



(E) **Off-site Cemetery, Burial Ground, or Grave Buffer.** When a developing parcel is located adjacent to a parcel containing an existing cemetery, burial ground, or grave for which the perimeter boundary has not been delineated, the location of the protection buffer and preservation buffer shall be determined as follows:

- (1) If a known grave on the adjacent parcel is located less than 50 feet but no closer than 25 feet from the parcel line, and no evidence of a grave is found on the developing parcel, then the developing parcel shall provide a Preservation Buffer measured from the parcel line that is equal in length to the extent of any known graves.
- (2) If a known grave on the adjacent parcel is located less than 25 feet from the parcel line, and no evidence of a grave is found on the developing parcel, then the developing parcel shall provide a Protection Buffer measured from the parcel line that is equal in length to the extent of any known graves, and a Preservation Buffer.
- (3) If the closest known grave on the adjacent parcel is located 50 feet or greater from the parcel line, and no evidence of a grave is found on the developing parcel, then no Cemetery, Burial Ground, or Grave Buffer shall be required on the developing parcel.

Off-site Cemetery, Burial Ground, and Grave Buffer Example



5-1406**Screening of Certain On-site Functions**

- (A) On-site functions, to include loading areas, dumpsters, outside storage areas, maintenance areas, mechanical equipment, and utility equipment, shall be screened from view from all public streets and adjoining parcels using at least one of the following screening options:
- (1) An opaque fence or wall that is a minimum of 6 feet in height, the height of the fence or wall shall be no lower than the function/items being screened. An aesthetically compatible gate shall be provided, if applicable.
 - (2) A berm that is a minimum of 3 feet in height with evergreen plantings that are a minimum of 6 feet in height at time of planting.
 - (3) For mechanical and similar equipment, any architectural element compatible with the building that screens the view of the equipment.

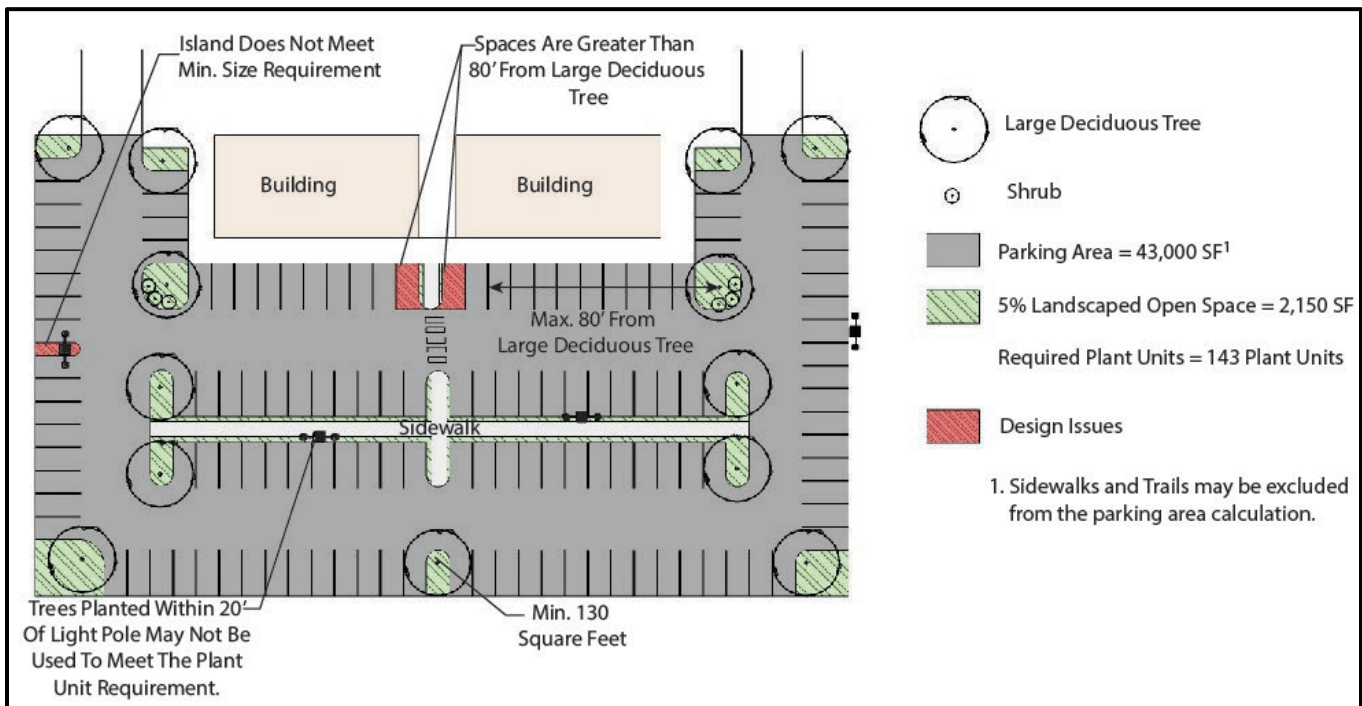
5-1407**Parking Area Landscaping and Screening Requirements**

- (A) **Interior Parking Area Landscaping:** Any parking area that contains 20 or more parking spaces, except areas used for accessory storage of vehicles, shall include interior parking area landscaping, as follows:
- (1) At least 5% of the gross area of the parking area shall be composed of landscaped open space. The gross area of the parking area shall consist of all parking spaces, vehicular travelways, and designated crosswalks within the parking area, but shall not include other pedestrian facilities within the parking area.
 - (2) Any individual area used as landscaped open space provided to meet the requirements of this section shall be no less than 130 square feet in size.
 - (3) Landscaped open space shall be provided at each end of every row of parking spaces, and shall be equal in length to the adjoining parking space. Where less than 8 parking spaces are proposed in a single row, landscaped open space shall be required at only one end of the row.
 - (4) Landscaped open space shall be planted with a minimum of 10 plant units per 150 square feet and shall be designed in

such a way that no parking space is more than 80 feet from a large deciduous tree.

- (5) A minimum of 75% of the total plant units required for landscaped open space shall consist of large deciduous trees. Perennials shall be used only where taller vegetation would conflict with County and VDOT sight distance standards.
- (6) Evergreen trees shall not be used to meet the minimum interior parking area landscaping plant unit requirement.
- (7) No trees or shrubs shall be planted closer than 3 feet to any curb or paved area unless planted within an approved bio-retention structure.
- (8) Light poles may be placed within landscape islands. Large or small deciduous trees planted within 20 feet of a light pole shall not be used to meet the minimum interior parking area landscaping plant unit requirement.

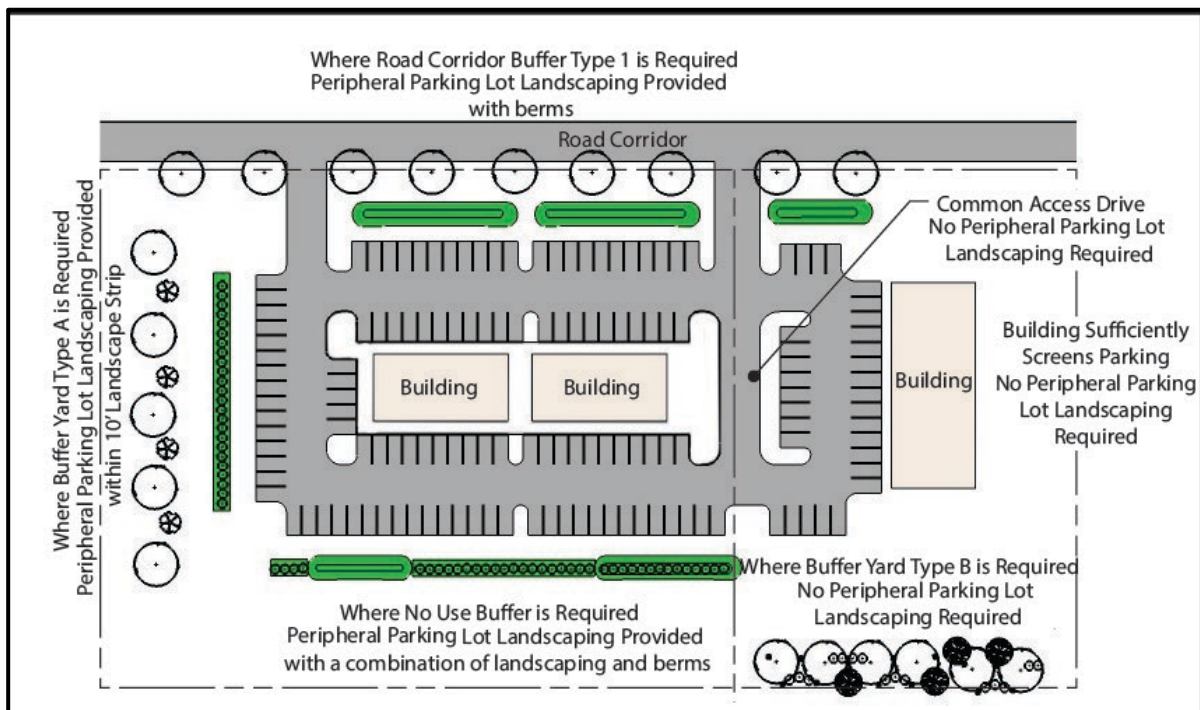
Interior Parking Area Landscaping Example



- (B) **Peripheral Parking Area Landscaping:** Except where a parking area adjoins a Buffer Yard Type B or C, a Road Corridor Buffer Type 2 or 3, or a Gateway Corridor Buffer, any parking area that contains 20 or more parking spaces shall include peripheral parking area landscaping as follows:

- (1) Parking areas and parking area travelways that are not screened by buildings or other structures shall be screened with either berms or landscaping, or a combination of both, to a minimum height of 30 inches. Berms shall not have a grade steeper than 2:1. Such berms and/or landscaping shall be located between the parking area and the parcel line or right of way. Where the boundary between abutting parcels is located within a parking area travelway, no such screening shall be required.
- (2) Where landscaping is proposed, a minimum of 50 plant units per 100 linear feet shall be required within a continuous landscape strip 10 feet in width. A minimum of 75% of the total plant units required shall consist of evergreen shrubs.
- (3) No trees or shrubs shall be planted closer than 3 feet to any curb or paved area unless planted within an approved bio-retention structure.

Peripheral Parking Area Landscaping Example



5-1408 General Landscape Provisions

(A) Landscape Plan.

- (1) A landscape plan in accordance with the Facilities Standards Manual shall be submitted as part of every site plan required by Section 6-701, and construction plans and profiles if applicable.
 - (a) All landscaping and screening required by this Section shall be depicted on such landscape plan, which shall be designed by a licensed landscape architect or other licensed or certified professional in accordance with the Facilities Standards Manual.
 - (b) All landscaping and screening depicted on such landscape plan shall be installed or bonded in accordance with current County requirements prior to issuance of any Certificate of Occupancy.

(B) Plant Unit Requirements.

- (1) The number of Plant Units that a particular plant type shall be considered to be equivalent to shall be determined in accordance with Table 5-1408(B)(1), Plant Unit Equivalents.

Table 5-1408(B)(1), Plant Unit Equivalents	
Plant Type	Plant Units per One (1) Plant Type
Large Deciduous Tree	10
Evergreen Tree	6
Small Deciduous Tree	5
Shrub	2
Ornamental Grass	1
Perennial	0.25

- (2) The following requirements shall apply to the plant types used to meet the Plant Unit requirements for each Buffer Yard or Road Corridor Buffer provided. Maximum percentages shall apply solely in determining the quantity of a given plant type that can be counted towards meeting a Plant Unit requirement, and shall not preclude the installation of additional plant material from that plant type, if desired.
 - (a) A maximum of 50% of the required plant units may be large deciduous trees.
 - (i) Exception. The Road Corridor Buffer

Type 1 may be planted with 100% large deciduous trees.

- (b) A maximum of 50% of the required plant units may be evergreen trees. A minimum of 10% of the required plant units for a Type C Buffer shall be evergreen trees.
- (c) A maximum of 60% of the required plant units may be small deciduous trees.
- (d) A maximum of 30% of the required plant units may be shrubs. When shrubs are used, a minimum of one-third (1/3) shall be evergreen.
- (e) The use of ornamental grasses and perennials is encouraged. When used, a maximum of 25% of the required plant units may be ornamental grasses and/or perennials.
- (f) Walls, fences, and/or berms shall not be counted towards required plant units.

(C) Use of Buffer Yards and Road Corridor Buffers.

- (1) Passive recreation and pedestrian, bicycle or equestrian trails are permitted in Buffer Yards and Road Corridor Buffers, provided that Plant Unit requirements are met.
- (2) Utility easements may be located within Buffer Yards and Road Corridor Buffers provided that Plant Unit requirements are met with plant types that are compatible with the utility easement.
- (3) Driveway entrances and entrances connecting adjacent parking lots or developments may traverse a Buffer Yard or Road Corridor Buffer generally perpendicular to the direction that the length of the Buffer Yard or Road Corridor Buffer is measured.
- (4) Signs, pursuant to Section 5-1200, may be located in Buffer Yards and Road Corridor Buffers.
- (5) Storm water management features such as bioretention areas and rain gardens may be located in Buffer Yards and Road Corridor Buffers provided that Plant Unit requirements are met.

- (D) **Landscape Installation.** The installation of all required plant material shall be in accordance with the Facilities Standards Manual.
- (1) At the time of planting, all trees and shrubs shall meet the requirements of the American National Standards Institute, American Standard for Nursery Stock, ANSI Z60.1-2014. The minimum sizes required for each plant type are as follows:
 - (a) All deciduous trees shall have a minimum caliper of 1 inch.
 - (b) Evergreen trees shall be a minimum of 6 feet in height.
 - (c) Shrubs shall have a minimum height of 18 inches.
 - (2) No minimum height is required for ornamental grasses or perennials. Ornamental grasses and perennials shall be located within a defined planting bed.
- (E) **Maintenance.** The owner, or his agent, shall be responsible for the maintenance, repair and replacement of all plant material required by this Section.
- (1) All plant material shall be tended and maintained in a healthy growing condition, replaced when necessary and kept free of refuse and debris.
 - (2) Fences and walls shall be maintained in good repair. Openings within fences and walls may be required by the Zoning Administrator for accessibility to an area for necessary maintenance.

5-1409

Waivers and Modifications.

- (A) **Zoning Administrator Waivers and Modifications.** Unless otherwise specified, the Zoning Administrator may approve waivers or modifications to the requirements of this section as part of the site plan, subdivision, and/or zoning permit process upon finding that site conditions make a specific requirement either impracticable or ineffective relative to accomplishing the impact mitigation and site design objectives of this Section.
- (1) **Justification.** Site conditions that may justify a waiver or modification include, but are not limited to, the following:
 - (a) Topography, soil, vegetation, or other existing environmental features are such that full compliance is impossible or impracticable.

- (b) Improved environmental quality would result from implementation of modified requirements.
 - (c) Space limitations, unusually shaped lots, and/or existing utility easements.
 - (d) Change of use on a developed site increases the required Buffer Yard to more than what is feasible to provide.
 - (e) Safety or security conditions make modified requirements necessary.
 - (f) Existing development patterns on surrounding properties would enable implementation of the applicable Place Type of the General Plan with modified requirements.
- (2) **Conditions.** The Zoning Administrator may impose conditions upon any waiver or modification in order to ensure that the purpose and intent of this Section continue to be met.
- (3) **Application.** Each request for a waiver or modification shall include the following components:
- (a) **Written Narrative.** A written narrative justifying the request that identifies the specific requirement of this Section for which the modification or waiver is requested, provides a description of the site conditions that necessitate the modification and waiver request, and explains how the approval of the waiver or modification will provide equal or enhanced mitigation of impacts between uses and/or site design than what otherwise would have been required by this Section.
 - (i) **Exception – Cemetery, Burial Ground, and Grave Treatment Plan.** The written narrative shall describe how the modified buffer will achieve the purpose and intent of the required preservation buffer, and address how the historic context of the cemetery, burial ground, or grave will be preserved through the proposed alternative mitigation techniques.
 - (b) **Design.** An exhibit that clearly depicts and tabulates

the quantity, type, location, and size of all proposed plant units and any other proposed design elements. Additional site elevations, plan views, perspectives, and/or pictures may be required by the Zoning Administrator.

(i) **Exception - Reduction of Gateway Corridor Buffer.** When a reduction in the width of a Gateway Corridor Buffer is requested pursuant to Section 5-1403(E)(4), the design elements specified by Section 5-1403(E)(1) or Section 5-1403(E)(2), as applicable, also shall be depicted.

(ii) **Exception – Cemetery Burial Ground and Grave Treatment Plan.** When a waiver or modification is requested to modify the cemetery, burial ground, and grave preservation buffer required by Section 5-1405(D), a Cemetery, Burial Ground, and Grave Treatment Plan shall be required in accordance with the Facilities Standards Manual. The Cemetery, Burial Ground, and Grave Treatment Plan shall indicate how the modified buffer will achieve the purpose and intent of the required preservation buffer, and address how the historic context of the cemetery, burial ground, or grave is being preserved through alternative mitigation techniques.

(B) **Legislative Modifications**

(1) **Road Corridor Building and Parking Setbacks.** The Road Corridor building and parking setbacks of Table 5-1403(B) may be modified by Minor Special Exception approval in accordance with Section 6-1300 upon a finding that such modification is necessary to maintain consistency with the streetscape established by existing development on adjacent properties.

(2) The Board of Supervisors or the Board of Zoning Appeals may modify the requirements of this Section as part of an approval action of a special exception, variance, or as part of proffered conditions. In such event, the requirements of such approval shall govern.

DIVISION E: Performance Standards

Section 5-1500

Performance Standards.

5-1501

Purpose. It is the intent of these regulations to prevent land or buildings, including those permitted by right or by special exception from being used or occupied in any manner so as to create any dangerous, injurious, or noxious activity such as fire, explosive, radioactive or other hazardous condition; noise or vibration; smoke, dust, odor or other form of air pollution; electrical or other disturbance; glare or heat; liquid or solid refuse or waste condition, conducive or elements, (all referenced to herein as "dangerous or objectionable elements") in a manner or amount as to adversely affect the surrounding area. It is also the intent of these regulations to prevent the disturbance of land on steep slopes in a manner that creates erosion, slippage, slope failure, or other conditions that adversely impacts the environment.

5-1502

Zoning Districts Regulated. All permitted and special exception uses, whether such uses are permitted as a principle use or an accessory use, shall operate in conformance with the performance standards set forth in this Division.

5-1503

Applicability.

- (A) **Existing Uses.** All uses shall comply with the performance standards set forth in this Ordinance. However, any use which did not comply with these standards when enacted may be permitted to continue so long as the degree of nonconformity is not increased.

Any use which is a lawful nonconforming use, and which on the effective date of this Ordinance complies with the applicable performance standards of this Division, shall continue to so comply. If, at such time, the operations of such lawful nonconforming use violate the standards specified herein, such operations shall not be varied or changed in such a way as to increase the degree of such violation.

- (B) **Agricultural Uses.** The standards contained in this Division shall not apply to any lawful agricultural operation.

5-1504

Light and Glare Standards.

- (A) **General Requirements.** All sources of glare (direct or reflected artificial light) from any source (other than in connection with operating motor vehicles, lighting at publicly owned facilities utilized for athletic competition, and/or street lighting) must not cause illumination in excess of 0.25 foot candles above background light levels measured at the boundary of any commercial or industrial use abutting any residential use or at the lot line with any residential district, or, in residential or agricultural districts, at the lot line of any adjacent lot. In addition, in the A-3, A-10, AR-1, AR-2, and CR

districts, lights shall be shielded so that the direct glare of the bulb is not visible beyond the property line of the parcel. Publicly owned facilities utilized for athletic competition, as exempted above, other than at public schools (elementary, middle or high), shall use cut-off and fully shielded lighting fixtures that 1) are aimed downward and inward toward the athletic field or interior of the property, and 2) are shielded in directions away from the athletic field to minimize glare and light trespass onto adjacent properties. Publicly owned athletic competition facilities must not cause illumination in excess of ten foot candles above background light levels measured at the boundary of any residential district, or, in residential or agricultural districts, at the lot line of any adjacent lot. Lighting for recreational and athletic fields and facilities at public schools (elementary, middle or high) shall adhere to the performance standards specified in Section 5-666.

- (B) **Method of Measurement.** Illumination levels shall be measured with a photoelectric photometer having a spectral response similar to that of the human eye, following the standard spectral luminous efficiency curve adopted by the Internal Commission on Illumination
- (C) **Special Exception Review for Lighting that does not Comply with Standards.** Lighting that does not meet the standards of Section 5-1504(A) may be permitted by special exception, pursuant to Section 6-1300, upon a finding that the proposed alternative lighting is appropriate.

5-1505 Earthborn Vibration Standards.

- (A) **Required Performance Level.** No use, operation or activity shall cause or create earthborn vibrations in excess of the peak particle velocities prescribed below.
- (B) **Method of Measurement.**
 - (1) Measurements shall be made at or beyond the adjacent lot line, the nearest residential district boundary line, or the nearest district boundary line as indicated below. Ground transmitted vibration shall be measured with a seismograph or complement of instruments capable of recording vibration displacement and frequency, particle velocity, or acceleration simultaneously in three (3) mutually perpendicular directions.
 - (2) The maximum particle velocity shall be the maximum vector sum of three (3) mutually perpendicular components recorded simultaneously. Particle velocity may also be expressed as 6.28 times the displacement in inches multiplied by the frequency in cycles per second.
 - (3) For the purpose of this Ordinance, steady state vibrations are vibrations which are continuous or vibrations in discrete

impulses more frequent than sixty (60) per minute. Discrete impulses which do not exceed sixty (60) per minute shall be considered impact vibrations.

(C) Light Intensity Land Uses.

- (1) Light intensity land use standards apply to all residential districts, all industrial districts, excepting the PD-GI and the MR-HI district(s).
- (2) Uses subject to these standards shall not cause steady state vibrations to exceed the maximum permitted particle velocities described below. Where more than one set of vibration levels apply, the most restrictive shall govern. Readings may be made at points of maximum vibration intensity.
- (3) Maximum Permitted Steady State Vibration Levels:

Table 5-1505(C)(3) Area of Measurement		
<u>Type of vibration</u>	<u>At residential district boundaries</u>	<u>At other lot lines within district</u>
Continuous	.003	.015
Impulsive (100 per minute or fewer)	.006	.030
Fewer than 8 pulses per 24 hours	.015	.075

- (4) Between the hours of 8 p.m. and 7 a.m., all of the permissible vibration levels indicated above at residential district boundaries shall be reduced to one-half (+) the indicated values.

(D) Heavy Intensity Land Uses.

- (1) Heavy intensity land use standards apply to the MR-HI and PD-GI district(s).
- (2) Uses subject to these standards shall not cause steady state vibrations to exceed the maximum permitted particle velocities described in the table below. Where more than one set of vibration levels apply, the most restrictive shall govern. Readings shall be made at points of maximum vibration intensity.
- (3) Maximum Permitted Steady State Vibration Levels.

Table 5-1505(D)(3) Area of Measurement		
<u>Type of vibration</u>	<u>At residential district boundaries</u>	<u>At other lot lines within district</u>

Continuous	.003	.030
Impulsive (100 per minute or fewer)	.006	.060
Fewer than 8 pulses per 24 hours	.015	.150

- (4) Between the hours of 8 p.m. and 7 a.m., all of the permissible vibration levels indicated above at residential district boundaries shall be reduced to one-half (+) the indicated values.

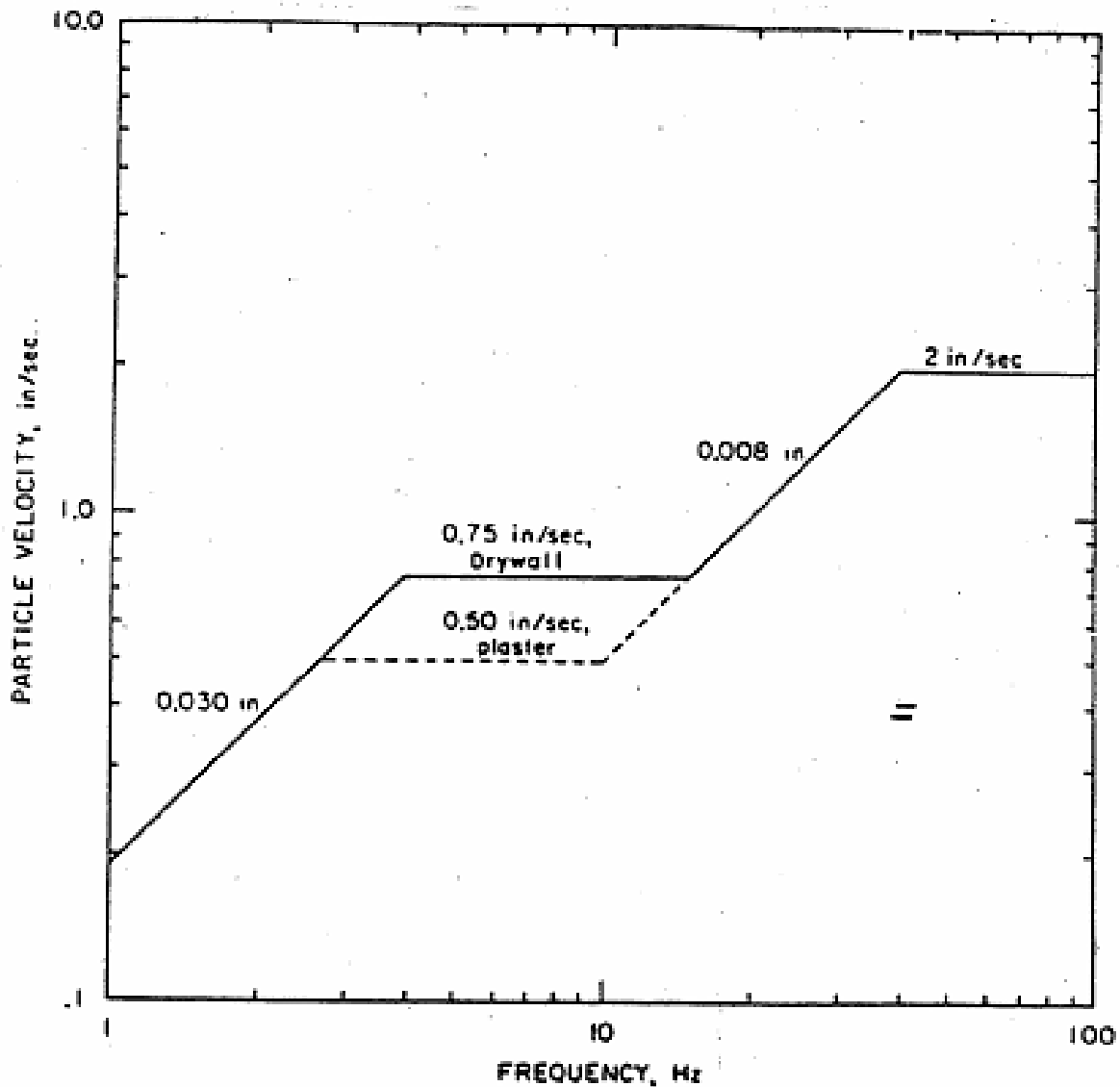
5-1506

Stone Quarrying, Extraction and Mining Standards. In addition to the performance standards set forth in this Division, all stone quarrying extraction and mining uses, whether in the Mineral Resource/Heavy Industrial District (MR-HI) or otherwise, shall satisfy the following additional performance standards:

- (A) No permit for an extraction and mining use shall be issued for any tract of land containing less than fifty (50) acres. This requirement, however, shall not preclude the approval of a permit to enlarge or extend an existing extraction and mining use onto contiguous parcels.
- (B) All blasting shall be limited to the hours of 7 a.m. to 6 p.m. or such lesser time as may be established by special exception.
- (C) All vehicles used to transport excavated material shall be required to be loaded in such manner that the material may not unintentionally be discharged from the vehicle. Trucks shall be cleaned of all material not in the load-bed prior to entering the public streets.
- (D) **Landscaping and Screening Requirements.**
 - (1) All areas within 100 feet of an adjacent public road or a zoning district on land bay allowing or planned to allow residential uses shall meet the standards of Section 5-1400, and shall be landscaped, bermed, screened and maintained with natural vegetation to buffer and screen such areas.
 - (2) In addition to Section 5-1400 existing trees and ground cover along all other boundary lines shall be preserved, maintained and supplemented by selective cutting, transplanting, and addition of new trees, shrubs and other ground cover for the depth of the setback.
 - (3) The type, time of planting, design and spacing of planting screen shall be in accordance with Section 5-1400. Approval of maintenance of landscape areas by the Zoning Administrator shall be required for zoning permit extension and zoning permit renewal.

(E) Notwithstanding the provisions of Sections 5-1505 and 5-1507 of this Division, all extraction and mining special exception operations shall be subject only to the following performance standards as they relate to noise and earthborn vibrations:

- (1) Blasting vibration shall be limited to peak particle velocity* for a corresponding frequency level, as shown in the chart below:



*Peak particle velocities shall be recorded in three mutually perpendicular directions. The maximum peak particle velocity shall be the largest of any of the three measurements.

- (2) Earth vibration produced from sources other than blasting shall not exceed a maximum resultant peak particle velocity of .03 inches per second.
 - (3) The peak over pressure (noise) from any blast shall be limited to 129 dB, as measured at 5 or 6 Hz high pass system.
 - (4) Airborne noise produced from extractive operations other than blasting shall not exceed the following limit, as measured at the lot line of the extractive industry: 80dBA maximum, continuous noise.
 - (5) For noise and vibrations induced by blasting, measurement shall be taken at the nearest off-site occupied building, measured in a straight line distance from the point of the blast.
 - (6) For noise and vibrations induced by sources other than blasting, measurement shall be taken at the property line of the extractive industry.
- (F) In addition, the Board of Supervisors, as a condition of a special exception, may further limit vibration and noise levels where, in the Board's opinion, the existing and proposed surrounding land use or proximity of population in the area warrants additional protection.

5-1507

Noise Standards.

- (G) **Purpose.** The purpose of these standards is to protect citizens from excessive sound (noise), which is detrimental to the health and peaceful enjoyment of property. No use shall be operated or permitted to be operated in such a manner as to create a sound which exceeds the maximum A-weighted sound levels set forth in Table 5-1507(E). Examples of sounds regulated by this Ordinance include, but are not limited to amplified music or voice, or barking dogs at kennels.
- (H) **Applicability.** The maximum A-weighted sound levels of this Section shall apply unless a different decibel level is specified for a use under Section 5-600 et seq., Additional Regulations for Specific Uses.

These standards shall not apply to extraction and mining special exception operations otherwise regulated herein or between multiple uses located within the same building or on the same lot, unless the receiving property is Mixed-Use residential.

- (I) **Definitions.** For the purposes of this section only, the below terms are defined as follows:

- (1) A-Weighted Sound Level is the sound pressure level in decibels as measured on a sound level meter (SLM) using the A-weighting network.
- (2) Emergency is any occurrence or set of circumstances involving actual or imminent physical trauma, property damage or loss of electric or phone services, which require immediate action.
- (3) L Equivalent (Leq) is the constant sound level that, in a given situation and time period, conveys the same sound energy as the actual time-varying A-weighted sound level.
- (4) Mixed-Use Residential is any dwelling unit located in a Planned Development zoning district listed in Article 4, Division A or Division D that permits residential uses, excluding the Planned Development – Housing (PD-H) zoning district.
- (5) Residential is any dwelling unit located in a zoning district listed in Article 2 or 3, or the PD-H zoning district, and any other dwelling unit that does not meet the definition of mixed-use residential.
- (6) Receiving property is the lot or parcel, or for mixed-use residential, the affected dwelling unit, that is the recipient of the subject sound.
- (7) Sound is an oscillation in pressure, particle displacement, particle velocity, or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium.

(J) Methods of Measurement.

- (1) A-weighted sound levels shall be measured with an integrating SLM that meets or exceeds American National Standard Institute S1.43-1997 for Type 1 SLMs. The response of such SLM shall be set to FAST, and a time period of fifteen (15) seconds shall be used. The operator may select another time period between a minimum of ten (10) seconds and maximum of one (1) minute if a fifteen (15) second time period cannot adequately capture the A-weighted sound level.
- (2) Samples shall be taken only when the subject sound can be clearly heard and identified by the operator without any extraneous sounds such as passing traffic, bird songs, etc.
- (3) The operator shall take a minimum of three (3) samples that demonstrate the repeatability and consistency of the subject sound. When possible, the operator should also take at least one (1) sample when the subject sound is not heard for the purpose of comparison.

- (4) The arithmetic average of all samples that demonstrate the repeatability and consistency of the subject sound shall comply with the maximum A-weighted sound levels in Table 5-1507(E).
 - (5) For residential, rural economy, commercial, civic, institutional, and industrial uses, samples of the subject sound shall be taken from the point on the receiving property line that is located the closest to the source of the subject sound. The microphone of the SLM shall be aimed toward the source of the subject sound, and a standard microphone height of five feet (5') above grade shall be used.
 - (6) For mixed-use residential, samples of the subject sound shall be taken from the receiving property at an open window, door, or other aperture that faces in the direction of the source of the subject sound. The window, door, or other aperture that is the closest to the source of the subject sound shall be used. The microphone of the SLM shall use a windscreen, shall be located at the center, and shall extend approximately 0.5 inch beyond the outer plane of said open window, door, or other aperture, and shall be aimed towards the source of the subject sound.
- (K) **Maximum A-Weighted Sound Levels (decibels).** The maximum A-weighted sound level is provided in Table 5-1507 (E) and shall apply any time of day or night.

Table 5-1507(E)				
Receiving Development Type	Mixed - Use Residential	Residential and Rural Economy Uses	Commercial, Civic, and Institutional Uses	Industrial Uses
Maximum A-Weighted Sound Level (decibels)	60	55	65	70

- (L) **Exemptions.** The maximum A-weighted sound levels in Table 5-1507(E) shall not apply to the following:
- (1) All aircraft sound.
 - (2) Sounds produced by activities listed in Chapter 654.02(e) of the Codified Ordinances of Loudoun County, however, sounds produced by outdoor public address systems at public schools shall be regulated pursuant to Section 5-666, and sounds produced by commercial indoor firearm ranges shall be subject to the maximum A-weighted sound levels in Table 5-1507(E).

- (3) Sounds created by the operation of power equipment, such as power lawn mowers, chain saws, and similar equipment, and construction, demolition and/or maintenance activities.
- (4) Sounds created by generators and accessory equipment operating during an emergency or at the request of a utility, and the testing of said generators and associated equipment.
- (5) Sounds created by air conditioner condensers for single-family attached dwellings and single-family detached dwellings.
- (6) Sounds created by utilities and public uses, including, but not limited to utility substations, utility transmission lines, sanitary landfills, public sewer, and public water.

5-1508 Steep Slope Standards.

- (A) **Purpose and Intent.** Improper uses and disturbances in naturally occurring steep slope areas cause erosion, result in structural failure of structures and roads, and lead to downstream flooding and other hazards. Development in these areas also requires higher volumes of cut and fill and greater removal of vegetation than on flatter lands. The provisions in this Section 5-1508, including a general prohibition of land disturbing activities on naturally occurring very steep slope areas greater than 25% and performance standards for development on steep slope areas of 15% or greater, are intended to specifically promote the following:
 - (1) Undertake development in a manner that will protect life and property from hazards due to slope, unstable and erodible soils, earth movement, and other geologic and hydrologic hazards;
 - (2) Reduce potential for increased erosion, sedimentation, and surface runoff, and the resulting adverse impacts on water quality;
 - (3) Promote a safe means of ingress and egress for vehicular and pedestrian traffic in sloped areas;
 - (4) Preserve the visual quality of steep slope areas, which are a valuable natural and economic resource; and
 - (5) Encourage innovative and imaginative building techniques to create structures and site plans that are suited to sloped terrain.
- (B) **Applicability and Exemptions.**
 - (1) **Applicability.**

- (a) **General Rule.** Except as exempted in Section 5-1508(B)(2) below, this section shall apply to all land disturbing activity, including new development and subdivision, proposed on areas of properties containing steep slope areas as that term is defined in Section 5-1508(C) below.
- (b) **Steep Slopes in the MDOD—Conflicting Provisions.** This Section 5-1508 shall apply to steep slope areas, as defined in Section 5-1508(C) below, that are located within the MDOD - Mountainside Development Overlay District and subject to the standards in the MDOD, Section 4-1600. However, to the extent that the standards in this Section 5-1508 conflict with provisions in the MDOD (Section 4-1600), the standard that affords the steep slope areas the greater level of protection shall apply.

(2) **Exemptions.**

- (a) **Single Family Dwelling on Existing Legal Lot.** Construction of a single residential use on a legal lot existing as of June 16, 1993, is exempt from the requirements of Section 5-1508(D). Such exemption shall not apply to non-residential uses. Development on such lot shall be subject to all standards in Sections 5-1508(E) and 5-1508(F).
- (b) **Agricultural Operations.** In order to be considered a lawful agricultural operation under Section 5-1503(B), to which Steep Slope Standards shall not apply, such agricultural operation shall be conducted only in accordance with the Facilities Standards Manual and a Conservation Farm Management Plan approved by the Loudoun County Soil and Water Conservation District or the U.S. Natural Resources and Conservation Service that includes best management practices. Structures associated with agricultural operations shall not be exempt from these provisions. Agricultural operations not conducted in accordance with such approved Conservation Farm Management Plan shall not be considered a lawful agricultural operation and shall not be exempt from Steep Slope Standards.
 - (i) **Timber Harvesting.** In order for timber harvesting or other silvicultural activities to be considered a lawful agricultural operation under Section 5-1503(B), to which Steep Slope

Standards shall not apply, such timber harvesting and other silvicultural activities shall be conducted only in conformance with a Forest Management Plan that meets the requirements of the Facilities Standards Manual, includes best management practices, and is approved by the County. All timber harvesting shall also meet the notification requirements of Section 10.1-1181.2.H of the Code of Virginia. Within very steep or moderately steep slope areas, only those roads shown on the approved Forest Management Plan shall be constructed or used for timber harvesting and other silvicultural activities. Timber harvesting or other silvicultural activities not conducted in accordance with such approved Forest Management Plan, to include the construction or use of roads not shown on the approved Forest Management Plan, or timber harvesting that has not met the notification requirements of Section 10.1-1181.2.H of the Code of Virginia, shall not be considered a lawful agricultural operation and shall not be exempt from Steep Slope Standards.

(C) Establishment of Steep Slope Areas.

(1) Identification of Steep Slope Areas. Naturally occurring steep slope areas are classified into one of the following two categories:

(a) Very Steep Slope Areas. This category of steep slope areas includes land areas with naturally occurring slopes greater than 25%.

(b) Moderately Steep Slope Areas. This category of steep slope areas includes only land areas with naturally occurring slopes from 15% to 25%.

(2) Minimum Size of Steep Slope Area.

(a) For Non-Suburban Zoning Districts under Article 2, and Planned Development-Countryside Village (PD-CV) and the Planned Development Rural Village (PD-RV) Zoning Districts under Article 4, of this Ordinance, steep slope standards shall not apply to contiguous steep slope areas that are less than 5,000 square feet in land area, or less than 15 feet in width. Where the entire

contiguous steep slope area is equal to or greater than 5,000 square feet in land area, but the total very steep slope area is less than 5,000 square feet in land area, the entire contiguous steep slope area shall be subject to the development standards for moderately steep slope areas provided in Section 5-1508(F).

- (b) For Suburban Zoning Districts under Article 3, and Planned Zoning Districts and Route 28 Corridor Zoning Districts under Article 4, of this Ordinance, excluding the PD-CV and the PD-RV Zoning Districts, steep slope standards shall not apply to contiguous steep slope areas that are less than 10,000 square feet in land area, or less than 15 feet in width. Where the entire contiguous steep slope area is equal to or greater than 10,000 square feet in land area, but the total very steep slope area is less than 10,000 square feet in land area, the entire contiguous steep slope area shall be subject to the development standards for moderately steep slope areas provided in Section 5-1508(F).
- (c) For purposes of calculating the total land area of contiguous steep slopes in subsections (a) and (b) above, the entire contiguous steep slope area shall be included, regardless of the number of individual lots or different land ownerships involved.

(D) **Uses and Activities.**

(1) **Very Steep Slope Areas.**

- (a) **Applicability.** This Section 5-1508(D)(1) applies to lands within very steep slope areas, as defined in Section 5-1508(C)(1)(a) above.
- (b) **General Prohibition on Land Disturbance.** Land disturbing activities, including but not limited to clearing, excavation, grading, construction, reconstruction, and investigative land disturbing activities such as test wells, are prohibited on any very steep slope area, except as allowed under Section 5-1508(D)(1)(c) and (d) below.
- (c) **Permitted Uses and Activities.** The following uses are permitted on very steep slope areas, subject to the applicable development standards in Section 5-1508(E) below:

- (i) Passive recreation uses, including trails for non-motorized use only.
 - (ii) Open space, and other conservation uses.
 - (iii) Limited land-disturbing activity not to exceed 5,000 square feet in the aggregate on any property for the sole purpose of surveying and land investigation including the minimum land disturbance necessary for those studies required by the Facility Standards Manual. Heavy equipment may be used only when no other less-invasive method is feasible to conduct or undertake such limited land-disturbing activity.
 - (iv) Roads, driveways, minor utilities, water lines serving an individual water supply system, or septic lines serving an individual sewage disposal system in accordance with the Facilities Standards Manual and the development standards in Section 5-1508 (E)(5).
 - (v) Public water utility drinking water supply reservoirs, including, without limitation, reclaimed quarries.
 - (vi) Sanitary Sewer lines, pursuant to Section 5-1508(E)(8) below.
 - (vii) Water lines pursuant to Section 5-1508(E)(8) below.
- (d) **Special Exception Uses and Activities.** The following uses, when listed in the underlying zoning district, and overlay zoning district if applicable, may be permitted within very steep slope areas by the Board of Supervisors by Special Exception approval, and, if approved, may be subject to certain conditions, pursuant to the provisions of Section 6-1300. All uses shall be subject to Section 5-1508(D)(1)(e) and the development standards of Section 5-1508(E).
- (i) Rural Recreation Establishment, Outdoor, provided the use is dependent on very steep slope areas (the use uniquely requires a site located within a steep slope area and is not compatible with a site that lacks very steep slope areas).

- (ii) Recreation Establishment, Outdoor, provided the use is dependent on Very Steep Slope Areas (the use uniquely requires a site located within a steep slope area and is not compatible with a site that lacks very steep slope areas).
 - (iii) Community, neighborhood, or regional park, active recreational uses, provided the use is dependent on very steep slope areas (the use uniquely requires a site located within a steep slope area and is not compatible with a site that lacks very steep slope areas).
 - (iv) Agricultural Structures when no other alternatives are feasible or available.
 - (v) Expansion of Commercial Uses and Structures existing as of June 16, 1993, when no other alternatives are feasible or available.
 - (vi) Within Suburban Zoning Districts under Article 3, and Planned Zoning Districts and Route 28 Corridor Zoning Districts under Article 4, of this Ordinance, excluding the PD-CV and the PD-RV Zoning Districts, land disturbance less than 5,000 square feet within very steep slope areas when associated with a Permitted, or an approved Minor Special Exception or Special Exception, use in the underlying zoning district, and overlay zoning district if applicable.
- e. **Standards For A Special Exception.** In considering applications for a Special Exception, in addition to the issues for consideration under Section 6-1309, the Board of Supervisors shall make findings that all of the following required standards have been met:
- i. The proposed use shall not increase the danger to life and property due to increased destabilization of steep slope areas.
 - ii. The proposed use and/or structure shall be located and designed to limit its susceptibility to slippage or slope failure, and alternative locations that would not be subject to slippage or slope failure shall not be available.
 - iii. Land disturbance within very steep slope areas shall be limited to the minimum necessary to

locate the proposed use, and any disturbed areas that are not covered by paving, stone, or other solid materials shall be revegetated.

- iv. Clearing of vegetation within very steep slope areas shall be limited to the minimum necessary to locate the proposed use.
- v. Land disturbance within very steep slope areas with slopes greater than 50% shall not be permitted for any structure.
- vi. Land disturbance within very steep slope areas with slopes greater than 50% shall not be permitted unless the use, exclusive of any structure, is dependent on such very steep slope area (the use uniquely requires a site within an area of very steep slopes greater than 50%).

(2) **Moderately Steep Slope Areas.**

- (a) **Applicability.** This Section 5-1508(D)(2) applies to lands within moderately steep slope areas, as defined in Section 5-1508(C), above.
- (b) **Permitted Uses and Activities.** All Permitted uses listed in the underlying zoning district, and overlay district if applicable, subject to the review procedures and standards in this Ordinance.
- (c) **Special Exception Uses on Moderately Steep Slope Areas.** All Minor Special Exception and Special Exception uses listed in the underlying zoning district, and overlay district if applicable, may be permitted within moderately steep slope areas by the Board of Supervisors by Special Exception approval, and if approved, may be subject to certain conditions, pursuant to the provisions of Section 6-1300.

- (E) **Development Standards - Very Steep Slope Areas.** Development and uses on very steep slope areas shall be planned to minimize disturbance to soil geology, hydrology, and environmental features. At a minimum, except for the development of roads shown on the Countywide Transportation Plan and public water utility drinking water supply reservoirs, including, without limitation, reclaimed quarries, all land development applications and land disturbing activities on any parcel of land which includes within its boundaries very steep slope areas shall comply with the Facilities Standards Manual and the following standards:

- (1) **Locational Clearance.** The applicant shall obtain a locational clearance from the Department of Building and Development. The applicant shall submit a map, plan, or plat showing the location and extent of the very steep slope areas within the area to be disturbed, as well as the location and extent of land disturbing activities and mitigation measures including the proposed building sites, paved areas, drainfields, well locations, and other uses.
- (2) **Grading Permit.** If very steep slope areas are proposed to be disturbed, a grading permit shall be required for all land disturbing activity in accordance with Chapter 1220 of the Codified Ordinances, notwithstanding the exceptions listed in the definition of “land disturbing activity” in Chapter 1220 of the Codified Ordinances.
- (3) **Geotechnical Study.** All grading and land disturbing activities on very steep slope areas shall be addressed in a geotechnical study prepared in accordance with the Facilities Standards Manual.
- (4) **Grading for Accessory Building Pads Prohibited.** Separate building pads for accessory buildings and structures other than private garages, such as tennis courts, swimming pools, outbuildings, and similar facilities, shall be prohibited on very steep slope areas.
- (5) **Roads, Driveways, Minor Utility, Water Lines Serving an Individual Water Supply System or Septic Lines Serving an Individual Sewage Disposal System.**
 - (a) All roads and driveways shall follow natural contour lines to the maximum extent feasible.
 - (b) No roads, driveways, minor utilities, water lines serving an individual water supply system or septic lines serving an individual sewage disposal system shall disturb very steep slope areas with slopes greater than 50%.
 - (c) Roads shall not disturb very steep slope areas with slopes greater than 25% to 50%, unless no other alternative exists to access a legal lot of record approved prior to June 16, 1993.
 - (d) Where directional drilling can be utilized to install minor utilities, water lines serving an individual water supply system or septic lines serving an individual sewage disposal system across very steep slope areas and the drilling start and end locations do not result in

disturbance to very steep slope areas, the crossing of very steep slope areas by means of directional drilling shall be permitted and the development standards of Section 5-1508(F) shall not apply.

- (e) Driveways, minor utilities, water lines serving an individual water supply system or septic lines serving an individual sewage disposal system shall not disturb very steep slope areas with slopes greater than 25% to 50%. However, a short run of no more than 200 feet or 10% of the entire length of the driveway, minor utility, water line and/or septic line, whichever is greater shall be allowed to disturb very steep slope areas with slopes greater than 25% to 50%, based on a geotechnical study or findings from a geotechnical professional that:
 - (i) Such driveway, minor utility, water lines and/or septic lines will not have significant adverse visual, environmental or safety impacts, or appropriate engineering or other measures will be taken by the developer to substantially mitigate any such adverse impact; and
 - (ii) No alternative location for such access, minor utility, water line and/or septic line is feasible or available.
- (f) Shared driveways shall be required to the maximum extent feasible where their use will minimize or eliminate land disturbance. Shared driveways shall be subject to a common access easement.
- (g) The grade of private roads and driveways shall comply with the Facilities Standards Manual.
- (h) Storm drainage and culvert design shall comply with the Facilities Standards Manual.
- (6) **Revegetation Required.** Any very steep slope areas that are disturbed in excess of the limits of disturbance approved for a permitted use shall be revegetated.
- (7) **Stormwater Best Management Practices.** The applicant shall incorporate stormwater management best management practices and erosion and sediment control practices in accordance with Chapter 1096 of the Codified Ordinances, Chapter 1220 of the Codified Ordinances, and the Facilities Standards Manual, and such practices shall be approved by the

Department of Building and Development prior to approval of a zoning permit.

(8) Sanitary Sewer and Water Line Standards.

- (a) No sanitary sewer and/or water lines shall disturb very steep slope areas with slopes greater than 50%.
- (b) Water lines shall be located within or directly adjacent to the right-of-way of existing or approved roads. The development standards of this Section shall not apply to such water lines.
- (c) Where directional drilling can be utilized to install sanitary sewer and/or water lines across very steep slope areas and the drilling start and end locations do not result in disturbance to very steep slope areas, the crossing of very steep slope areas by means of directional drilling shall be permitted and the development standards in this section shall not apply.
- (d) Land disturbing activities in very steep slope areas with slopes greater than 25% to 50% shall be avoided to the maximum extent feasible when determining the alignment of gravity sanitary sewer and/or water lines.
- (e) For the purpose of these development standards, the very steep slope areas designated on the County base planimetric and topographic maps may be used.
- (f) Sanitary sewer and/or water lines shall not cross more than 200 feet of any one contiguous very steep slope area. This maximum distance may be increased by the Zoning Administrator, up to an additional 300 feet, provided that the longer crossing distance is found to reduce or have minimal impacts to other environmentally sensitive areas (streams, wetlands, riparian buffers, etc.), as demonstrated by applicable information and/or reports/studies requested by the Zoning Administrator, including, but not limited to: 1) geotechnical study, 2) geophysical study, 3) preliminary soils review, 4) U.S. Army Corps of Engineers approved wetland delineation, 5) tree cover inventory, 6) Phase 1 archeological study, and 7) rare, threatened, and endangered species survey. If the proposed crossing exceeds 200 feet and the Zoning Administrator finds that the crossing does not minimize impacts to other environmentally sensitive areas or the proposed

crossing exceeds a total of 500 feet, the approval of a Minor Special Exception application shall be required in accordance with Section 6-1300 of this Ordinance.

- (g) If blasting is required for any portion of the sanitary sewer and/or water line installation, a blasting plan that describes measures that will be utilized to minimize impacts on environmentally sensitive areas must be provided as part of the grading plan.
- (h) Sanitary sewer and/or water lines shall be aligned in a manner that minimizes disturbance to very steep slope areas with existing tree cover. In situations where sanitary sewer lines result in the clearing of vegetative cover other than open grassland/pastureland, stabilization plans for temporary construction easements shall include reforestation and tree protection in accordance with the Facility Standards Manual. Such reforestation and tree protection shall be reviewed and approved by the County Urban Forester.
- (i) Where very steep slope areas cannot be avoided, construction methods that minimize easement widths and limits of disturbance shall be employed to the maximum extent feasible.
- (j) Prior to approval of grading plans, the public entity responsible for the maintenance and operation of the proposed sanitary sewer and/or water line shall certify that the grading plan minimizes impacts to very steep slope areas and shows practical limits of construction.
- (k) To minimize erosion and sediment control failure associated with sliding debris and the operation of machinery within a confined area, two rows of super silt fence shall be installed as a perimeter control on the downslope side of the disturbed area. The inside row may be installed without filter fabric. The minimum spacing between the rows shall be 2-3 feet to allow for maintenance.
- (l) At a minimum, stabilization of disturbed areas shall consist of Treatment 1 as described in Standard and Specification 3.36 (Soil Stabilization Blankets & Matting) in the Virginia Erosion and Sediment Control Handbook. In problem areas, as determined by the County, Treatment 2 can be required.

- (F) **Development Standards - Moderately Steep Slopes.** All land development applications and land disturbing activities on any parcel of land which includes within its boundaries moderately steep slope areas shall comply with the Facilities Standards Manual and the following standards:
- (1) **Locational Clearance.** The applicant shall obtain a locational clearance from the Department of Building and Development. The applicant shall submit a map, plan, or plat showing the location and extent of moderately steep slope areas within the area to be disturbed, as well as the location and extent of land disturbing activities and mitigation measures including the proposed building sites, paved areas, drainfields, well locations, and other uses.
 - (2) **Grading Permit.** If moderately steep slope areas are proposed to be disturbed, a grading permit shall be required for all land disturbing activity in accordance with Chapter 1220 of the Codified Ordinances, notwithstanding the exceptions listed in the definition of “land disturbing activity” in Chapter 1220 of the Codified Ordinances.
 - (3) The applicant shall incorporate stormwater management best management practices and erosion and sediment control practices in accordance with Chapter 1096 of the Codified Ordinances, Chapter 1220 of the Codified Ordinances, and the Facilities Standards Manual into the permit application, and such practices shall be approved by the Department of Building and Development prior to the approval of a zoning permit.
- (G) **Modification of Development Standards** – The modification of the development standards of Sections 5-1508(E) and (F) may be permitted by the Board of Supervisors by Special Exception approval, and, if approved, may be subject to certain conditions, pursuant to the provisions of Section 6-1300. The application for such modification shall include materials demonstrating how the modification will be used in the design of the project. In considering an application for such modification, the Board of Supervisors shall make findings that all of the following required standards have been met:
- (1) The modification shall achieve an innovative design, improve upon the existing regulations, or otherwise exceed the public purpose of the existing regulation.
 - (2) The modification shall not be for the primary purpose of achieving the maximum density on a site.

- (3) The modification shall not increase the danger to life and property due to increased slope destabilization.
- (4) The proposed use and/or structure associated with the modification request shall be located and designed to limit its susceptibility to slippage or slope failure, and alternative locations that would not be subject to slippage or slope failure shall not be available.
- (5) Land disturbance shall be limited to the minimum necessary to locate the proposed use and/or structure, and any disturbed areas that are not covered by paving, stone, or other solid materials shall be revegetated.
- (6) Clearing of vegetation within very steep slope areas shall be limited to the minimum necessary to locate the use.
- (7) Land disturbance within very steep slope areas with slopes greater than 50% shall not be permitted for any structure.
- (8) Land disturbance within very steep slope areas with slopes greater than 50% shall not be permitted unless the use, exclusive of any structure, is dependent on such very steep slope area (the use uniquely requires a site within an area of very steep slopes greater than 50%).
- (9) The proposed use and/or associated land disturbing activities associated with the modification request shall be setback at least one hundred (100) horizontal feet from either side of any ridgeline, unless the area within such setback is the location on the property with the least adverse impact to steep slope areas and the MDOD - Mountainside Development Overlay District.
- (10) The proposed use and/or associated land disturbing activities associated with the modification request shall be setback at least one hundred (100) horizontal feet from the first emergence of any perennial spring.

5-1509

Administration of Performance Standards.

- (A) **Zoning Permit Procedure.** Before the Zoning Administrator issues a zoning permit, the applicant shall furnish sufficient information to enable the Zoning Administrator to ensure that all performance standards and site development standards set forth in this ordinance can and will be complied with. The Zoning Administrator, in order to determine whether or not the applicant will meet such standards, may require the applicant to submit the following information:

- (1) A plot plan signed by the applicant and drawn to scale showing the location of all existing and proposed structures, drives, parking lots, waste disposal areas, bulk storage areas, streets, streams, or other significant features on or within two hundred (200) feet of the proposed site, not including public right-of-ways or easements.
 - (2) A description of the activity to be conducted regarding waste products, external effects or other conditions which are regulated herein; provided however, that the applicant shall not be required to reveal any trade secrets or sufficient detail with regard to a process which would cause any secret process or manufacturing procedure for a closely guarded proprietary compound or product to become public knowledge and be available to competitors.
 - (3) The type and location of abatement devices to control, or recording instruments to measure, conformance with required standards, not including devices and instruments which are inherent in the manufacturing process.
 - (4) Such other data and certification as may reasonably be required, in addition to the informational requirements of Section 6-1000, by the Zoning Administrator to reach a determination.
- (B) All information and evidence submitted in applications to indicate conformity to performance standards shall constitute a certification and an agreement on the part of the applicant that the proposed use can and will conform to such standards at all times.

5-1510

Enforcement of Performance Standards.

- (A) **Intent Concerning Determinations Involved in Administration and Enforcement of Performance Standards.** Determinations necessary for administration and enforcement of performance standards set forth in this article range from those which can be made by a reasonable person using normal senses and without the need for any equipment to those requiring great technical competence and complex equipment for precise measurement. It is the intent of this ordinance that:
- (1) Where determinations can be made by the Zoning Administrator or other County employee using equipment normally available to the County or obtainable without extraordinary expense, such determinations shall be so made before notice of violation is issued.
 - (2) Where technical complexity or extraordinary expense makes it unreasonable for the County to maintain the personnel or

equipment necessary for making difficult or unusual determinations, procedures shall be available for protecting individuals from arbitrary and capricious administration and enforcement of performance standard regulations and for protecting the general public from unnecessary costs for administration and enforcement.

(B) **Simple Determinations.** If the Zoning Administrator finds that determinations of the nature indicated in Section 5-1510(A)(1) are adequate to demonstrate violations of performance standards in particular cases and if such violations exist, he shall take, or cause to be taken, such lawful action as is appropriate to cause correction of such violations. Failure to obey lawful orders concerning correction of such violations shall be punishable as provided generally for violations herein and in other laws or regulations affecting the case.

(C) **Complex Determinations.** If the Zoning Administrator finds that determinations of the nature indicated in Section 5-1510(A)(2) are required to make precise measurements regarding potential violations of performance standards set forth herein and, if in his considered judgment, he believes there is violation of such performance standards, the following procedures shall be followed:

(1) **Notice and Answer.** The Zoning Administrator shall give notice by registered mail or other means insuring a signed receipt for such notice to the person or persons responsible for the alleged violation. The notice shall describe the particulars of the alleged violation and the reasons why the Zoning Administrator believes there is a violation and shall require an answer or correction of the alleged violation to the satisfaction of the Zoning Administrator within a time limit set by him, but not to exceed 60 days. The notice shall state, and it is hereby declared, that failure to reply or to correct the alleged violation to the satisfaction of the Zoning Administrator within the time limit set constitutes cause for the Zoning Administrator to proceed with enforcement, as provided in Section 6-500. The notice shall further state that, upon request of those to whom it is directed, technical determinations, as described in this ordinance, will be made and that if violations, as alleged, are found, costs of such determinations shall be charged against those responsible for the violation, in addition to such other penalties as may be appropriate. However, if it is determined that no violation exists, the cost of the determination will be paid by the County.

(2) **Correction of Violation.** If there is no reply within the time limit set, but the alleged violation is corrected to the satisfaction of the Zoning Administrator, he shall note "violation corrected"

on his copy of the notice, shall retain it among his official records and shall send a copy to the alleged violator, in addition to taking such other action as may be warranted.

- (3) **Action--Continuation of Violation.** If there is no reply within the time set (thus establishing admission of violation, as provided in Section 5-1510(C)(1)) and the alleged violation is not corrected to the satisfaction of the Zoning Administrator within the time limit set, he shall proceed to take, or cause to be taken, such action as is warranted by continuation of a violation after notice to cease.
- (4) **Time Extension.** If a reply is received within the time limit set indicating that the alleged violation will be corrected to the satisfaction of the Zoning Administrator but requesting additional time, the Zoning Administrator may grant an extension if he deems it warranted in the circumstances of the case and if the extension will not, in his opinion, cause imminent peril to life, health, or property. If the extension is not granted, the Zoning Administrator shall proceed to bring legal action, as provided in Section 6-500 of this Ordinance.
- (5) **Costs of Determinations--Responsibility.** If a reply is received within the time limit set requesting technical determination, as provided in this Ordinance, and if the alleged violations continue, the Zoning Administrator may call in properly qualified experts to make the determinations. If expert findings indicate violation of the performance standards, the costs of the determinations shall be assessed against the properties or persons responsible for the violation, in addition to such other penalties as may be appropriate under the terms of Section 6-500. If no violation is found, the costs of the determinations shall be paid by the County without assessment against the properties or persons involved.