

CHAPTER 57: DEVELOPMENT STANDARDS

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57.01 Site Development

57.01.01 Site Development

Purpose and Applicability

Purpose. The purpose of ~~this Chapter Section 7.01 Site Development~~ is to:

- ~~Aid in the intended and desired interpretation of the requirements of this Zoning Ordinance.~~
- Provide clarity and consistency in the application of site development ~~terms~~ requirements.
- Ensure ~~desired interpretation produces the Zoning Ordinance implements the~~ General Plan Place Types.

Applicability. ~~5 The site development requirements of Section 7.01.01 Building Height~~

- ~~A. Building height is defined apply in Chapter 11.~~
- ~~B.A. Exemptions. The building height limitations of addition to all other applicable provisions of the Zoning Ordinance that are unless otherwise specified in each zoning district do not apply to:~~
- B. Conditions.** In addition to any requirement in Section 7.01, site development must conform to all:
 - 1. Accepted proffers pursuant to Section 11.10.03; and
 - 2. Conditions imposed pursuant to:
 - a. Variance [Section 11.08];
 - b. Special Exception [Section 11.11];

- c. Zoning Modification [Section 11.12]; or
- d. Historic Overlay District (HOD) Review [Section 11.13].

7.01.02 Lot Requirements

Purpose. *The purpose of lot requirements is to provide a mixture of lot sizes and dimensions to allow for a variety of housing opportunities and avoid monotonous streetscapes.*

A. Lot Size.

1. **Variation of Residential Lot Sizes.** Developments in the SN (existing R-4), SCN (existing R-8, R-16, and R-24), TLN (existing TR-1, TR-3, and TR-10), TSN (new), TCN (new), and JLMA Zoning Districts must provide a variety of lot sizes as follows:

- a. All projects containing 10 or more lots must include a mixture of lot sizes and dimensions.
- b. No more than 60% of all single-family detached, and no more than 60% of all single-family attached duplex, triplex, and quadruplex building lots, are permitted to be similar in total lot area.
 1. For purposes of this subsection, "similar" lot areas in the SN (existing R-4), SCN (existing R-8, R-16, and R-24), TSN (new), TCN (new), JLMA-LN (existing R-4), is defined as within 500 square feet of each other.
 2. For purposes of this subsection, "similar" lot areas in the TLN-10, TLN-3, TLN-1 (existing TR-1, TR-3, and TR-10), JLMA-1, JLMA-2, and JLMA-3 Zoning Districts are defined as within 1,000 square feet of each other.
 3. Exception. Up to 70% of the lots within the subject subdivision may be similar if the Zoning Administrator finds that lot sizes and dimensions are sufficiently varied, for different housing types, to allow for a variety of housing opportunities and avoid monotonous streetscapes.

~~a. **Dispersion of Lot Sizes.** Towers, gables, penthouses, scenery lofts, cupolas, barns, silos, farm buildings, residential chimneys, spires, flag poles, monuments or transmission towers and cables, telecommunications or data transfer antennas or other similar structures and necessary mechanical appurtenances.~~

- ~~1. Any smokestack, water tank, radio, or television antenna or tower the height of that does not exceed the distance therefrom to the nearest lot line.~~
- ~~2. Any of the enumerated structures in 5.01.01.b now or hereafter located within existing public utility easements.~~

- c. Similar lot sizes, such as planned for single-family detached and single-family attached dwellings, must be distributed throughout a subdivision rather than grouped in one area, except:
 1. Smaller lots adjacent to parks and open spaces; or
 2. The height Zoning Administrator finds that the intent of the Zoning Ordinance is better served by the proposed grouping of similar sized lots.

B. Lot Width.

1. The width of buildings a regular lot is measured along the rear of the required front yard.
 - a. The width is measured only along 1 road.
 - b. The lot width excludes any private road that extends onto the lot and crosses the front yard.
 - c. When lot width is measured between lot lines that are 10 feet or not parallel, the distance along the front of the front yard must not be less from than 80% of the required lot width.
2. The width of a regular lot fronting on a curved road or a cul-de-sac is measured along the arc of the curve.

- a. Where road radii do not exceed 90 feet, the measurement along the arc at the front property line between side lot lines must not be less than 60% of the required lot width.
- b. Where road radii exceed 90 feet, the measurement along the arc at the front property line between side lot lines must not be less than 80% of the required lot width.

3. Irregular Lots. Irregular lots are not subject to lot width requirements, provided:

- a. Required yard and open space areas are not less than those that would be required for the proposed use in the same zoning district on a regular lot meeting required minimum width and area; and
- b. The building area remaining after required yards are provided has dimensions and locations appropriate for all proposed structures.

A.C. Lot Depth. The depth of a regular lot is measured between and perpendicular to the front and rear lot lines

1. In all other cases, Irregular Lots. If the building height lot is measured perpendicular to and from of irregular dimensions, the ground surface. Ground surface lot depth is equivalent to the average finished grade whereof at least 3 representative measurements.

B.D. Lot Depth to Width Ratio. The maximum allowed lot depth to width ratio specified in the ground surface meets zoning district standards, is expressed as a ratio with width as 1. The greater the front wall of depth, the building higher the ratio.

~~C.~~ In cases where the front façade of the building contains a parapet wall or other design feature that does not align with the roof of the building, height is measured as if the parapet wall or design feature is a pitched roof.

1. Calculation. To obtain the ratio, divide the lot's depth by the lot's width.

- a. **Example.** A residential lot is 200 feet deep and 80 feet wide. Since $200 \text{ feet} \div 80 \text{ feet} = 2.5$, the length to width ratio is 2.5:1.

7.01.0203 Buffers, Yards, and Setbacks, and Yards

A. Requirements.

~~C. Buffers, yards, and setbacks are defined in Chapter 11 and are not interchangeable.~~

- ~~1. Buffers, and yards, and setbacks are separate regulations in the Zoning Ordinance that may require specify different widths and other requirements specified as provided in Section 3.06 Use Specific Standards Chapter 2, Chapter 4, or the zoning districts Chapter 7.~~

~~D. All Road Corridor Buffers and setbacks, yard setbacks, and other setbacks measured from public roads must be measured from the wider of:~~

- ~~1. The existing dedicated right-of-way, or~~
- ~~2. The right-of-way proposed in the Countywide Transportation Plan, or~~

~~E. The minimum dedicated right-of-way permitted for VDOT acceptance of the right-of-way for maintenance.~~

~~F. If no dedicated right-of-way exists, or if less than the minimum right-of-way exists, or if no construction plans are approved for the road, the buffer, yard or setback is to be measured from the edge of the existing travelway.~~

~~G. All Road Corridor Buffers and Setbacks, yard setbacks, and other setbacks measured from private roads or private access easements must be measured from the outer edge of the associated right-of-way or easement.~~

5.01.03 Uses on Lots

~~B. Each permitted use must meet the minimum lot size requirement for that use that is specified in the zoning district requirements, or the minimum lot size requirement specified in the Use Specific Standards in Section 3.06 for that use, whichever is greater.~~

~~C. A maximum of 1 principal dwelling on any 1 lot is permitted except when the principal use is multifamily dwellings.~~

- ~~2. A principal dwelling, except multifamily dwelling units, may not be located on the same lot with any other principal use, building or structure with Unless otherwise specified, buffer, setback, and yard measurements are provided concurrently, not cumulatively.~~

~~a. Only the largest dimension is required.~~

~~b. Any approved Zoning Modification, Variance, or Administrative Waiver and Modification is applied to all.~~

B. Uses in Setbacks and Yards.

- ~~1. Prohibited. Except as specifically permitted in this Section, no part of any use is permitted in any perimeter setback or yard.~~

~~D. Screened. Any on-site component of the following exceptions:~~

~~1. Accessory uses as permitted by Section 3.04.~~

- ~~2. Accessory dwelling units must be screened from view from all public streets and adjoining parcels in accordance with Section 3.06.02.01. 7.04.05:~~

~~a. Telecommunications Uses Accessory buildings;~~

~~b. Parking and loading;~~

~~c. Outdoor storage or display of stock in trade by retail establishments accessible by customers;~~

~~d. Dumpsters and areas for the collection or storage of refuse;~~

~~e. Maintenance areas;~~

~~f. Ground or building mounted mechanical equipment, utility equipment; and~~

~~g. Other on-site components or uses.~~

C. **Permitted Structures** in accordance with the **Setbacks and Yards**. The following structures are permitted in setbacks and yards, provided applicable sight distance and fire safety requirements are met and maintained:

1. **All Yards and Building, Parking, and Perimeter Setbacks.**

- a. Fences, provided that no fence in a residential front yard exceeds 3 1/2 feet in height;
- b. Ground level terraces, patios, or decks not over 30 inches high;
- c. Awnings or canopies provided they do not project more than 4 feet from the existing building façade;
- d. Bay windows and overhanging floors, eaves, and gutters projecting no more than 30 inches into the yard;
- e. Architectural features, chimneys, or the like, projecting no more than 24 inches into a side or rear yard or no more than 3 feet into a front yard provided that such projection is no closer than 3 feet from a lot line;
- f. Porches, enclosed or unenclosed, may project a maximum of 3 feet into a setback or yard provided that such projection is no closer than 3 feet from a lot line except as otherwise permitted under subsection C.3;
- g. Arbors and trellises;
- h. Flag poles;
- i. Recreational equipment;
- j. Signs, pursuant to Chapter 8;
- k. Bus Shelters; and
- l. ~~Entry stairs or handicap ramps including rails.~~ zoning district

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2. Any Yards and Building, Parking, and Perimeter Setbacks, Except Front Yards.

- a. Clotheslines;
- b. Fences, provided that no fence may exceed 8 feet in height in residential areas;
- c. Balconies may project a maximum of 4 feet provided such projection does not extend closer than 3 feet to a lot line;
- d. Air conditioner condensers rated at 5 tons or less provided they are more than 4 feet from any property line;
- e. Air conditioner condensers rated at over 5 tons provided they are more than 12 feet from any property line;
- f. In conjunction with single family dwellings only, any non-habitable, accessory structure not exceeding 12 feet in height that is more than 5 feet from a rear or side property line or a common wall in portions of required yards that are located as follows:
 1. On regular lots, at least 60 feet from road rights-of-way or private access easement lines at the front of the lot, and at least 25 feet from any road right-of-way or private access easement lines at the side of the lot;
 2. On irregular lots, at least 40 feet behind the front line of any building adjacent to the lot line, and at least 25 feet from any access easement;
- g. In conjunction with single family detached (SFD) dwellings only, an attached garage that is more than 5 feet from a rear or side property line, subject to the following standards and the Use Specific Standards in:
 1. In no case can the distance between the attached garage and structures on the adjacent property be less than 16 feet, excluding detached, non-habitable structures;
 2. No windows or doors are permitted on the side of the attached garage that is located within required yards;
 3. No portion of the principal structure other than the attached garage is permitted within required yards;
 4. The attached garage is not permitted to be converted into habitable space;
 5. No second story addition over the attached garage is permitted that extends into minimum required yards for the district, except as provided herein;
- h. A detached garage located at the rear of a lot that has been developed following lot requirements that allowed it to be attached to a similar garage on a contiguous lot may be located within the side yard and no closer than 2 feet to the rear property line. No rear setback is required for garages that are accessed from the front of the lot on such lots;
- a.i. In conjunction with Section 3.06-07-06-04.B.1, temporary buildings for the storage of construction materials, subject to the following standards:
 1. The height of a temporary building must not exceed 9 feet from average finished grade to the peak of the roof;
 2. The temporary building must be setback from any property line a minimum distance equal to its height;
 3. Except for the temporary building, no outdoor storage of construction related materials is permitted to be located anywhere within a required yard;
 4. 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;

- j. For single family detached (SFD) dwellings, decks exceeding 30 inches in height may not extend closer than 5 feet to a rear or side lot line; and
- k. For single family attached (SFA) dwellings, decks exceeding 30 inches in height may extend to the interior side lot line and no closer than 5 feet to any other lot line.

5.01.04 Regular Lots — Determining and Measuring Yards and Setbacks

~~A. Yards.~~

3. Rear Yards.

- a. **Single Family Detached (SFD).** Unenclosed porches must not extend closer than:
 - 1. 10 feet to the rear lot line; or
 - 2. 5 feet to the rear lot line if a rear lot line abuts land that is common open space or land that is subject to a permanent open space easement that is at least 10 feet in width.
- b. **Single Family Attached (SFA).** Unenclosed porches must not extend closer than 5 feet to the rear lot line.

- D. **Structure Location Errors.** Any existing or partially completed structure that does not comply with applicable buffer, setback, or yard requirements may be approved in accordance with Section 11.03. Structure location errors that are not eligible under Section 11.03 are subject to Section 11.11.04.

7.01.04 Yard Requirements

A. Required Yards. For the purposes of this Section, all yards referenced are required yards.

- 1. All yards must be provided with the minimum depth specified in the zoning district in Chapter 2 or as required by Use-Specific Standards in Section 3.06Chapter 4, whichever is greater.
- 2. All yards must be provided across the full length of the property line from which it is measured except where yard setback lines side yards intersect at lot corners with front or rear yards.
- 3. ~~All yard setbacks yards are measured from roads must be measured perpendicular to and run the same distance from the property line coterminous with the public road right of way boundary, the private road right of way boundary or a private access easement boundary.~~
- 4.3. ~~All yard setbacks must be measured and located perpendicular to and parallel with the property line from which it is measured from.~~
- 5. ~~When the property line is rounded at intersections the yard setback must be rounded to transition from one yard to another.~~

B. Front Yard.

- 1. **Interior Lots.** On interior lots, the front yard is adjacent to the yard nearest the street road.
- 2. **Corner Lots.** Corner lots have 2 front yards which are adjacent to the streets and are provided at the same depth, except as provided in subsection B.2.c below.
 - a. There are no rear yards.
 - b. The remaining yards are side yards.
 - 1. If 2 different side yards depths are required in the zoning district, the larger required depth must be provided for each side yard.
 - 2. Regardless of any Zoning Ordinance provision, yards on corner lots must be sufficiently large to comply with VDOT sight distance requirements or Section 7.07.04 Visibility at Intersections, whichever is greater.
 - a-c. In the ARNAR-1 and ARSAR-2 zoning districts, the front yard of a corner lot must be determined to be:

1. The same as the front yards of the prevailing building pattern or the prevailing lot pattern if a building pattern has not been established as long as the shorter of the 2 frontages is 80% or more of the required lot width.
2. When the shorter of the 2 frontages is less than 80% of the minimum required lot width the shorter frontage is determined to be the front yard of the lot.
3. In either a or b above, the determined front yard must be shown on the subdivision plat or site plan.
- ~~3.1. In either a or b above, the determined front yard must be shown on the subdivision plat or site plan.~~

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3. Through Corner Lots:

- a. The front yard ~~must be located along~~ the ~~yardroad~~ with the shortest ~~width fronting the street, or frontage providing access, provided such frontage is less than 80% the length of the larger frontage.~~
- b. If the shortest width ~~fronting on a street~~ is 80% or more of the length of the longest ~~boundary fronting on a street frontage~~, the applicant may select either frontage as the front yard ~~if provided~~ lot width requirements ~~based on the selected front are can be~~ met.
- c. The front yard must be shown on the subdivision plat or site plan.
- d. There will be no rear yard on a through corner lot.
- ~~e.a. The front yard must be shown on the subdivision plat or site plan.~~
- ~~d.a. There will be no rear yard on a through corner lot.~~
- e. The remaining yard is a side yard.

4. Through Lots:

5.4. A through lot will have has 2 lot boundaries that are generally opposite each other and adjacent to 2 streets roads providing legal access to the lot.

- a. The front yard of a through lot ~~must be located along~~ the ~~yardroad~~ with the ~~shorter boundary fronting on a street shortest frontage~~, unless otherwise determined by the Zoning Administrator due to the prevailing building pattern, or the prevailing lot pattern if a building pattern has not been established.
- b. If the lot has equal frontage on 2 streets, roads, the location of the front yard will be the same as the front yards of the prevailing building pattern, or the prevailing lot pattern if a building pattern has not been established.
- c. The front yard must be shown on the preliminary and final subdivision plats and site plans.
- ~~b.a. of the lot must be determined to be the same as the front yards of the prevailing building pattern, or the prevailing lot pattern if a building pattern has not been established.~~
- ~~e.a. The front yard must be shown on the preliminary and final subdivision plats and site plans.~~
- d. The remaining rear yard is opposite the designated front yard of a.

C. Rear Yards.

- 1. Interior Lots. On interior lots, the rear yard is located to the rear lot line, generally opposite the front yard.
- 2. Corner Lots. There are no rear yards on corner lots.
- 3. Through Corner Lots. There are no rear yards on through lot is designated corner lots.
- 4. Through Lots. Rear yards are located as provided in subsection B.4.d.
- ~~d.a. The depth of the rear yard. This rear yard setback will be determined to be the same as the setback of the prevailing building pattern, or the prevailing lot pattern if a building pattern has not been established.~~
- b. When there is no prevailing building or lot pattern within 500 feet or when multiple through lots are created at the same time, the subject rear yard setback must:
 - 1. Have a depth equal to the required rear yard setback specified in the district.
 - 2. ~~This rear yard setback must~~ Be measured from the property line; and
 - 3. ~~This rear yard setback must~~ Be shown on the preliminary and final subdivision plats, subdivision plats, and Site Plans.

6. Corner Lots:

- a. ~~Corner lots have 2 front yards which are adjacent to the streets and no rear yards.~~

- ~~1. The remaining yards are provided and measured as side yards.~~
- ~~2. If 2 different side yards depths are required in the zoning district, the larger required yard depth must be used for each yard.~~
- ~~3. Notwithstanding anything to the contrary contained in this Zoning Ordinance, yard depths on corner lots must be sufficiently large to comply with VDOT sight distance requirements or Section 5.09.04 Visibility at Intersections, whichever is greater.~~

C.D. Side Yards.

- ~~1. On regular~~**Interior Lots.** ~~On interior~~ lots, side yards extend from the required front yard ~~setback line~~ to the required rear yard ~~setback line~~.
- ~~2. On regular~~**Corner Lots.** ~~On corner lots, side yards extend from both front yards to a point where side yards meet.~~
- ~~3. Through Corner Lots.~~ ~~On through lots, side yard setback lines~~**corner lots, side yards extend between required front yards as provided in subsection B.3.**
- ~~2.4. Through Lots.~~ ~~On through lots, side yards~~ extend from the required front yard ~~setback line~~ to the required rear yard setback line as designated in 5.01.04.B.5. subsection C.4.

7.01.05 Building Requirements (Density, Lot Coverage, and Building Height)

A. Density.

1. Density is expressed in terms of:
 - a. Dwelling units (du) per acre (ac) for residential uses, except where specified; and
 - b. Floor Area Ratio (FAR) for all other uses.
- 2. Density Calculations.**
 - a. Residential density is calculated by dividing the total number of dwelling units, not including accessory dwellings, by the acreage of the lot that is occupied or proposed to be occupied. For example:
 1. The density of a 12,000 square foot (sf) lot with 1 dwelling unit is, calculated as $1 \text{ du} \div (12,000 \text{ sf} \div 43,560 \text{ ac/sf}) = 1 \text{ du} \div 0.275 \dots \text{ac} = 3.636 \text{ du/ac}.$
 2. The density of a 25-acre parcel to be developed with 150 dwelling units is, calculated as $150 \text{ du} \div 25 \text{ ac} = 6 \text{ du/ac}.$
 - b. FAR is calculated by dividing the total floor area of the lot that is occupied or proposed to be occupied by principal and accessory structures by the total lot area.
 1. For example, the FAR of a 1-acre lot developed with a 2-story building of 20,000 square feet (sf) each floor is, calculated as $40,000 \text{ sf} \div 43,560 \text{ sf} = 0.918 \text{ FAR}.$
- 3. Density Credit for Public Uses.** Density credit for public uses may be granted pursuant to Section 11.16.

B. Lot Coverage.

- ~~3.~~ Lot coverage is a maximum standard specified in each zoning district as a percentage of the total lot area. ~~On corner lots, side yard setback lines extend perpendicularly from both front yard setback lines that are parallel to both streets to a point where side yard setback lines intersect.~~

~~D. Rear Yards~~ on Interior Lots must be measured from the rear property line.

E. Width Measurements.

- ~~1. The width of a regular lot is measured between the side lot lines and along the required front yard setback line.~~
- ~~2. The distance between side lot lines, measured between the points where they intersect with the front property line must not be less than 80% of the required lot width for the use and the zoning district.~~

- ~~3. When lots front on curved streets or a cul-de-sac, the radii of which do not exceed 90 feet, the distance between side lot lines where they intersect with the front property line must not be less than 60% of the required lot width for the use and the zoning district. This width must be measured along the arc of the curve of the front property line.~~
- ~~4. When lots front on curved streets or a cul-de-sac, the radii of which exceeds 90 feet, the distance between side lot lines where they intersect with the front property line must not be less than 80% of the required lot width for the use and the zoning district. This width must be measured along the arc of the curve of the street line.~~
- ~~5. The width specified in 5.01.04.E.2, 3 and 4 must be measured only along continuous frontage facing 1 street.~~
- ~~6. The minimum width of a lot on a private access easement, when the easement is parallel to the front lot line, must be determined by measurement between the side lot lines along the front yard setback line.~~
- ~~7. Where the private access easement is perpendicular to the front lot line and extends into the lot to intersect the front yard setback line, the lot width measurement must exclude the width of the private access easement.~~

~~F. **Length to Width Ratio Measurement.** The width of a regular lot must be determined by measurement across the required front yard setback line. If the lot is a regular lot, the lot length is the horizontal distance between the front lot line and the rear lot line. The ratio of length to width is specified in the zoning district standards.~~

5.01.05 Irregular Lots — Measurement of Yards and Setbacks

~~B. **Dimensional Requirements.** An irregular lot is considered to meet the dimensional requirements of the zoning district where it is located provided:~~

- ~~1. The lot area must meet district requirements for the proposed use.~~
- ~~2. Lot width does not need to meet district requirements if the requirements below are met:
 - ~~a. The area in required yard setbacks and other open space areas on the irregular lot must not be less than that which is required for the use in the district on a regular rectangular lot that meets the required minimum width and area.~~
 - ~~b. Building area remaining after required yard setbacks have been provided must have dimensions and locations appropriate for all buildings proposed.~~~~
- ~~3. All yards must provide at least the same separation from all lot lines as the required minimum side yards in the district, provided:
 - ~~a. Where district regulations permit building to the lot line of a regular lot under specified circumstances, the same regulations must apply on an irregular lot, except as provided with relation to accessory buildings and structures in Section 5.01.03.~~
 - ~~b. If an irregular lot abuts a street at any point, a distance equal to the required yard on a regular lot adjacent to a street in the district must be provided.~~~~
- ~~4. **Length to Width Ratio Measurement.** If the lot is of irregular dimensions, the lot length is determined to be the average of at least 3 representative measurements of the distance between the front lot line and the rear lot line as measured in a straight line. The ratio of length to width is specified in the zoning district standards.~~

5.01.06 Road Corridor Buffer, Yard Setback, and Other Measurements from Streets

- ~~• All Road Corridor Buffers, yard setbacks, and other setbacks from public streets must be measured from the wider of:
 - ~~○ The existing dedicated right-of-way; or~~
 - ~~○ The ultimate right-of-way specified in the Countywide Transportation Plan; or~~~~

- The minimum dedicated right-of-way permitted for VDOT acceptance of the right-of-way for maintenance.
- For public roads, if no dedicated right-of-way exists, or if less than the minimum right-of-way exists, or if there are no approved construction plans for the road, the right-of-way must be assumed to be centered on the existing travelway.
- All Road Corridor Buffers, yard setbacks, and other setbacks from private roads must be measured from the outer edge of the associated easement.

5.01.07 Permitted Structures in Required Yard Setbacks

A. The following are allowed in a required yard setback or other setback, provided applicable sight distance and fire safety requirements are met and maintained:

1. In all yard setbacks, including a front yard setback and other required setbacks:

- a. Fences, provided that no fence in a residential front yard setback exceeds 3 1/2 feet in height.
- b. Ground level terraces, patios or decks not over 30 inches high.
- c. Awnings or canopies provided they do not project more than 4 feet from the existing building facade.
- d. Bay windows and overhanging floors, eaves, and gutters projecting no more than 30 inches into the yard setback.
- e. Architectural features, chimneys, or the like, projecting no more than 24 inches into a side or rear yard setback or no more than 3 feet into a front yard setback provided that such projection is no closer than 3 feet from a lot line.
- f. Porches, enclosed or unenclosed, may project a maximum of 3 feet into a yard setback or other setback provided that such projection is no closer than 3 feet from a lot line except as otherwise permitted under Section 5.01.07.C.
- g. Arbors and trellises.
- h. Flag poles.
- i. Recreational equipment.
- j. Signs, pursuant to Chapter 6.
- k. Bus Shelters.
- l. Entry stairs or handicap ramps including rails.

2. In any yard setback, except the front yard setback:

- a. Clotheslines.
- b. Fences, provided that no fence may exceed 8 feet in height in residential areas.
- c. Balconies may project a maximum of 4 feet provided such projection does not extend closer than 3 feet to a lot line.
- d. Air conditioner condensers rated at 5 tons or less provided they are more than 4 feet from any property line.
- e. Air conditioner condensers rated at over 5 tons provided they are more than 12 feet from any property line.
- f. In conjunction with a single family dwelling only, any non-habitable, one-story accessory structure that is more than 5 feet from a rear or side property line or a common wall in portions of required yards setbacks that are located as follows.
- g. On irregular lots, at least 40 feet behind the front line of any building adjacent to the lot line, and at least 25 feet from any access easement. On regular lots, at least 60 feet from road rights-of-way or

private access easement lines at the front of the lot, and at least 25 feet from any road right-of-way or private access easement lines at the side of the lot.

h. ~~In conjunction with a single family detached (SFD) dwelling only, an attached garage that is more than 5 feet from a rear or side property line, subject to the following standards:~~

- ~~1. In no case can the distance between the attached garage and structures on the adjacent property be less than 16 feet, excluding detached, non-habitable structures.~~
- ~~2. No windows or doors are permitted on the side of the attached garage that is located within the required yard setback.~~
- ~~3. No portion of the principal structure other than the attached garage is permitted within the required yard setback.~~
- ~~4. The attached garage is not permitted to be converted into habitable space.~~
- ~~5. No second story addition over the attached garage is permitted that extends into the minimum required yard setback for the, except as provided herein.~~
- ~~6. A detached garage located at the rear of a lot that has been developed following lot requirements that allowed it to be attached to a similar garage on a contiguous lot may be located within the side yard setback and no closer than 2 feet to the rear property line. No rear yard is required for garages that are accessed from the front of the lot on such lots.~~
- ~~7. In conjunction with Section 3.05.B.1, temporary buildings for the storage of construction materials, subject to the following standards:~~
 - ~~a. The height of a temporary building must not exceed 9 feet from average finished grade to the peak of the roof.~~
 - ~~b. The temporary building must 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 is permitted to be located anywhere within a minimum required yard setback.~~
 - ~~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.~~
 - ~~e. For single family detached (SFD) dwellings, decks exceeding 30 inches in height may not extend closer than 5 feet to a rear or side lot line.~~

~~b.a. For single family attached (SFA) dwellings, decks exceeding 30 inches in height may extend to the interior side lot line and no closer than 5 feet to any other lot line.~~

~~3. In a Rear Yard Setbacks:~~

- ~~a. For single family detached (SFD) dwellings, unenclosed porches must maintain a minimum rear yard setback of 10 feet. If a rear lot line abuts land that is common open space or land that is subject to a permanent open space easement which is at least 10 feet in width, an unenclosed porch may extend no closer than 5 feet to such rear lot line.~~
- ~~b. For single family attached (SFA) dwellings, unenclosed porches must maintain a minimum rear yard setback of 5 feet to a rear line.~~

~~B. Prohibited uses in required yards.~~

- ~~1. Except as specifically permitted in Section 5.01 no part of a use including principal or accessory buildings, parking, loading, outdoor storage, dumpsters and areas for the collection or storage of refuse, maintenance areas, ground or building mounted mechanical equipment, utility equipment or other on-site components or uses are permitted in any minimum yard setback or required perimeter setback.~~

- ~~2. Outdoor storage and display of stock in trade by retail establishments that is accessible by retail customers is included in this prohibition.~~
- ~~3. Any on-site component noted in (1) or (2) above must be screened from view from all public streets and adjoining parcels following the requirements provided at 5.07.05.~~

5.01.08 Building Location Error – Yard or Setback Reduction

- ~~• Notwithstanding any other provision of this Zoning Ordinance, the Zoning Administrator may approve a reduction in the minimum yard setback and/or other setback and buffer requirements when any existing or partially constructed building does not comply with the requirements applicable at the time the building was constructed or partially constructed. The reduction in the minimum yard setback and/or other setback and buffer requirements must be in accordance with the following provisions:
 - ~~○ The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations;~~
 - ~~○ To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner as determined by the Zoning Administrator;~~
 - ~~○ The reduction will not be detrimental to the use and enjoyment of other properties in the immediate vicinity; and~~
 - ~~○ The error does not exceed 10% of the applicable minimum yard setback, other setback or buffer.~~~~
- ~~• Upon approval of a reduction for a particular building in accordance with this Section, the same must be deemed to be a legally established building.~~
- ~~• The Zoning Administrator has no power to waive or modify the standards necessary for approval under this Section.~~
- ~~• If there is an error greater than 10% of the measurement that is involved, a reduction may be granted by the Board of Zoning Appeals (BZA) in accordance with Section 7.14.~~

5.01.09. Density and Floor Area Ratio Calculations

- ~~A. Calculations of gross and net densities, gross and net residential area, lot area, floor area ratios, and similar measurements must be made in accordance with the formulas provided in the zoning districts, within the definitions of these terms in Chapter 11, or within the Use-Specific Standards of Section 3.06 of this Zoning Ordinance.~~
- ~~B. Wherever a FAR requirement is specified in this Zoning Ordinance, such requirement does not apply to residential uses unless such requirement specifically states that it applies to residential uses.~~

5.01.10 Buildable Area and Lot Coverage

- ~~5.1. Buildable area is determined by subtracting the total square footage of area included within the minimum front, side, and rear yard setbacks from the total area of the lot.~~
- ~~6.1. Lot coverage is a maximum standard specified in each zoning district as a percentage of the total lot area.~~
- ~~7.2. Lot coverage is **determined/calculated** by dividing the total ground area of the lot that is occupied or proposed to be occupied by principal and accessory **buildings and** structures by the total lot area. **The resulting figure is multiplied by 100 to obtain the lot coverage percentage.**
 - ~~a. For example, the lot coverage of a 1-acre lot developed with structures that occupy 30,000 sf of ground floor area is, calculated as $30,000 \text{ sf} / 43,560 \text{ sf} = 0.6887 \times 100\% = 68.87\%$~~~~
- ~~3. Buildable area is determined by subtracting the total square footage of area included within the minimum front, side, and rear yard setbacks from the total area of the lot.~~

5.01.11 Density Credit for Public Uses

- A. ~~This section applies to determining density credit for public uses and certain public road dedications in any zoning district.~~
- ~~1. The public road dedications that may use the density calculations described in this section are those that are for the purpose of constructing or improving any primary highway interchange or portion thereof, lying within or adjacent to a Highway Transportation Improvement District established in accord with Section 15.2-4600 of the Code of Virginia and are hereafter included in the references to public uses.~~
 - ~~2. In those zoning districts, including planned development districts, where density or intensity of land use is controlled by the number of dwelling units per acre or FAR, or other similar measure, such computations with respect to a lot from which land has been severed for the purpose of constructing or improving any public use or portion thereof, including roads shown on the adopted Countywide Transportation Plan, must be based upon the lot area including the area severed for such purpose when:~~
 - ~~a. The area dedicated or conveyed is necessary for the installation or improvement of the public use, including roads shown on the adopted Countywide Transportation Plan, and is in accordance with the adopted Comprehensive Plan;~~
 - ~~b. The area dedicated or conveyed is suitable in location, size, shape, condition and topography for such needed public use and there are no encumbrances to the title that would interfere with such use;~~
 - ~~c. The Board of Supervisors has specifically approved by resolution, the computation of density or intensity for the lot based upon the lot area existing prior to dedication or conveyance; and~~
 - ~~d. An effective irrevocable dedication in fee simple to public use or conveyance to Loudoun County or to another public instrument has occurred and evidence of such dedication or conveyance is on record among the land records of Loudoun County.~~
 - ~~3. Calculations of allowable density must be based on the following:~~
 - ~~a. For development that requires a site plan, allowable density must be calculated in accord with the zoning district in effect at the time a site plan is officially accepted for the lot; or~~
 - ~~b. For development that does not require a site plan, allowable density must be calculated in accord with the zoning district regulations in effect at the time a record plat of subdivision is officially accepted for the lot.~~
 - ~~4. Calculations of allowable floor area must be based on the FAR as established by the zoning district in effect at the time a site plan is officially accepted for the lot.~~
 - ~~5. For the purposes of this section, the terms "lot" and "lot area" may include all adjacent parcels owned in common and which are the subject of an approved unified concept development plan specifying the allocation of density or FAR, whichever is applicable, calculated pursuant to this section.~~
 - ~~6. Where applicable, the term "interchange" means a grade separated limited access intersection with one or more turning roadways for travel between portions of such intersection and must include all related improvements such as access or service roads necessitated by the interchange; and the term "area dedicated" must include all property in excess of the right-of-way for a normal width typical highway section.~~
 - ~~7. In no case must conveyances or dedications made to a public body in exchange for monetary compensation be eligible for density computation under this section.~~
 - ~~8. Conveyances or dedications made or committed to by the landowners or predecessors in interest as part of an approved condition of a subdivision application, special exception application, or a zoning map amendment application are not eligible for density computation under this section provided that an effective irrevocable dedication or conveyance made during the pendency of an application does not decrease the lot area for purposes of density or intensity computation.~~

5.02 Utilities

~~**Purpose.** The purpose of this Section is to:~~

- ~~• Promote the public health, safety, and welfare for the County and its citizens.~~
- ~~• Provide clarity and consistency in the standards for the installation of utilities.~~
- ~~• Promote the orderly development of land.~~
- ~~• Provide standards that lessen any visual impact.~~
- ~~• Ensure best practices are applied and maintained for the longevity of infrastructure.~~

~~**Applicability.** The duly adopted policies, standards, and requirements established in the Zoning Ordinance apply to all utilities and improvements for development within the County.~~

~~**A. General Standards.**~~

~~**1. Location.**~~

- ~~a. **Undergrounding.** All utilities must be located underground on the development site except as exempted by this section.~~
- ~~b. **Conforming to Natural Topography.** Each utility must be located, to the extent practicable, in a manner that conforms to the natural topography, minimizes the disturbance of steep slopes and natural drainage areas, and allows vehicular and pedestrian interconnections within the site and existing or future development on adjoining lands.~~
- ~~c. **Within public street rights-of-way.** If it is necessary to locate a new or existing public utility within the right-of-way of a public street, the developer must obtain the proper permit from the Virginia Department of Transportation (VDOT) prior to installation.~~
- ~~a. **Allowing Street Trees and Landscaping.** Installation of utilities in or adjacent to the right-of-way must not restrict the installation of street trees or required landscaping.~~

~~**Specific Standards.**~~

~~**C. Building Height.**~~

- ~~1. Building height is measured perpendicular to the average finished grade where the ground surface meets the front wall of the building.~~

~~**1. Buildings Rural Policy Area Zoning Districts.**~~

~~**F.A. Utility Requirements.**~~

- ~~1. **Water.** All lots must be served by either:
 - ~~a. Individual water systems, located on the lot served, or~~
 - ~~b. Communal water system, located within Common Open Space.~~~~
- ~~2. **Sewer.** All lots must be served by either:
 - ~~a. Individual sewage disposal systems, located on the lot served or in Common Open Space. A maximum of 70% of the lots are permitted to have primary and/or reserve septic fields within Common Open Space. The record plat must identify the location of all septic fields and must assign them to lots, or~~
 - ~~b. Communal sewage disposal system that must be located within Common Open Space.~~~~
- ~~3. Lots in the Rural Policy Area Zoning Districts must be served by a central or communal water and sewer system only if they are located within a Water or Sewer Service District, the boundaries of which are determined by the County of Loudoun and Loudoun Water, and when the system is available.~~

- ~~1. Lots in the Rural Policy Area Zoning Districts must be served by municipal water and sewer system only if extension of the municipal utility lines are agreed upon by the County of Loudoun, the municipal provider, and the Health Department, and the when The system is available.~~

b. Maintenance of Water and/or Sewage Disposal Systems:

- ~~1. Individual Systems. Maintenance of Individual Water and Individual Sewage Disposal Systems are the responsibility of the owner of the lot the system serves.~~
- ~~2. Communal. If the development is served by a communal water supply system and/or wastewater system, such systems must be operated and maintained by Loudoun Water, in accord with all Loudoun Water adopted policies. If Loudoun Water policies preclude maintenance by Loudoun Water, then the Homeowner's Association (HOA) must contract with a public water or sewer (wastewater) utility as defined in Chapter 10.1 or 10.2 of Title 56 of the Code of Virginia. An access easement must be provided for the entity maintaining the system. All costs of operation and maintenance of such communal systems must be borne as a common expense by the owners of the lots served.~~

2. Joint Land Management Area (JLMA) Zoning Districts:

- ~~a. Utility Requirements. Both municipal water and municipal sewer facilities must be provided to every development site, if available as determined by the Zoning Administrator, in consultation with the Town, and if The Town permits the connection. If municipal water and/or municipal sewer facilities are not available, or if the Town does not permit the connection, development may be served by an individual water supply system (private well) and/or an individual sewage disposal system.~~
- ~~b. Notwithstanding subsection 5.02.C.2.a.1. above, Town owned or County owned and operated public uses must connect to municipal water and/or municipal sewer facilities only if the existing municipal water line and/or municipal sewer line is within 300 feet of the front property line of the parcel being developed and if the Town permits such connection, Unless the County and Town agree that the presence of other physical or geographical constraints would make the connection unreasonable. Otherwise, such Town or County public uses may use communal systems or an individual water supply system (private well) and/or individual sewage disposal system.~~
- ~~c. Notwithstanding subsection 5.02.C.2.a.1. above, any development on a lot existing prior to January 7, 2003, that does not require the approval of any type of subdivision or site plan application to be developed may use an individual water supply system (private well) and/or individual sewage disposal system, provided, however, that if such development is required to connect to a public/municipal sewer pursuant to the Codified Ordinances of Loudoun County, then an individual sewage disposal system is not permitted.~~
 - ~~1. For the purposes of this Section, and notwithstanding the provisions of the Land Subdivision and Development Ordinance (LSDO), lots established by or resulting from the recordation of a boundary line adjustment (BLAD) after January 7, 2003, where all of the lots involved in the BLAD existed prior to January 7, 2003, are deemed to have existed prior to January 7, 2003.~~
- ~~d. Private wells, septic systems, and communal systems may be located within open space.~~
- ~~e. In the JLMA-20, development must be served by individual wells, except for Town-owned or County-owned and operated public uses that may be served by municipal water facilities, if available as determined by the Town, or may be served by communal water supply systems. Development must be served by an on-site septic system, except for Town-owned or County-owned and operated public uses that may be served by municipal sewer facilities, or may be served by communal sewer systems.~~

3. Planning Development District – Rural Village (PD-RV):

- ~~a. Utility Design and Financing Requirements. The applicant must demonstrate to the satisfaction of the Board of Supervisors, the technical and financial ability to provide an appropriately sized water~~

treatment and sewage collection system for both immediate and long-term needs. The location of the water and wastewater treatment facilities, or connections to public water and sewer mains, proposal must be shown in the Concept Development Plan and must be accompanied with a financing plan designed to obtain sufficient revenue from the system users to pay all construction, operating, service and replacement costs incurred by the LCSA. All proposals must meet State and Local Health Department requirements for water and wastewater treatment facilities.

- b. Lots within the Village Center must be served by appropriately sized public water and wastewater collection facilities provided and constructed by the applicant and dedicated to the Loudoun County Sanitation Authority (LCSA), the public body which will be ultimately responsible for utility operation, control and maintenance.
- c. Lots in the Village Conservancy and Satellite Conservancy sub-districts that are not adjacent to the Village Center, may be served by private water supply and sewage disposal systems meeting all State and Local Health Department criteria.

4. Rural Hamlets.

a. Water.

- 1. Rural Hamlet lots must 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.
- 2. All water systems must comply with applicable town, County, State, and/or Loudoun Water standards and requirements, including a commission permit if required by applicable law. As for 1 and 2 above, the Health Department approval of both a safe and adequate water supply system and designated backup well sites based on hydrogeological studies, must be a precondition to recordation of a record plat establishing a rural hamlet.

b. Wastewater.

- 1. Rural Hamlet lots must be served either by:
 - a. Individual sewage disposal system 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.
- 2. All wastewater systems must comply with applicable town, County, State, and Loudoun Water standards and requirements, including a commission permit if required by applicable law.

5. Exemptions. The following uses are exempt from the requirements of this ordinance.

- a. Pursuant to § 56-46.1 of the Code of Virginia, electrical transmission lines of 138 kV or more, approved by the State Corporation Commission (SCC), are deemed to have satisfied the requirements of this ordinance. In addition, the following utility uses are exempt from the provisions of this section: poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or any other similar equipment when used for the purpose of distributing service to individual customers, but not including substations, transmission lines, or trunk lines located on or above the surface of the ground, for the distribution to consumers of telephone, cable television, or other communications, electricity, gas or water, or for the collection of sewage or surface water.

b. Stream Restoration and Wetland Mitigation are exempt from the zoning district requirements except as stated for specific environmental overlay districts.

~~Transition Policy Area Zoning Districts.~~ New uses may be served by public central water and sewer systems.

~~Suburban Policy Area Zoning Districts.~~ New uses must be served by public central water and sewer systems.

~~Urban Policy Area Zoning Districts.~~ New uses must be served by public central water and sewer systems.

5.03 Natural and Environmental Resources Protection Standards

5.03.01 River and Stream Corridor Resources

~~**Purpose.** The purpose of the River and Stream Corridor Resources (RSCR) is to identify, establish, and regulate these resources to:~~

- ~~• Protect natural ecosystems, restore water quality, serve Loudoun's population, and support the built environment through healthy surface and groundwater resources.~~
- ~~• Maintain a healthy river and stream corridor ecosystem that promotes desired water quality standards, prevents soil erosion and flooding, and supports biological diversity.~~
- ~~• Promote river and stream health through streambank/streambed stability, temperature moderation, nutrient removal, sediment removal, flood control, and sustained aquatic habitat and food resources.~~
- ~~• Protect and improve stream quality and watershed health by decreasing the amount of stormwater runoff and pollutants from reaching local waters.~~
- ~~• Protect and enhance impaired streams and their tributaries to improve water quality and provide ecological benefits while also providing opportunities for passive recreation.~~
- ~~• Protect rivers and public drinking water reservoirs to ensure a clean, safe, and adequate supply of drinking water.~~
- ~~• Conserve and protect wildlife habitats, wildlife travel corridors, and access to streams and water sources through the preservation of natural resources, such as native vegetation, forest cover, woodlands, floodplains, streams and stream corridors, wetlands, and undeveloped steep slopes and defined associated areas.~~

~~1. **Definitions.** Key words, terms, and phrases defined in Section 5.03.05 apply when used in Section 5.03.01.~~

~~2. **Applicability and Exemptions.**~~

~~1. **Areas of are Applicability.** Section 5.03.01 applies to the following areas:~~

- ~~i. Rivers and Streams~~
- ~~ii. Floodplain (including Major Floodplain and Minor Floodplain)~~
- ~~iii. Adjacent Steep Slopes~~
- ~~iv. Other Protected Resources~~
- ~~v. Riparian Protection Buffer~~
- ~~vi. Variable Riparian Preservation Buffer~~

~~2. **Exemptions.**~~

- ~~i. **Existing Lots of Record.** On any existing lot of record as of as of the adoption date of this Ordinance, up to 1 single-family dwelling and an accessory unpaved or permeable surfaced and maintained driveway or parking area, and/or detached garage, and incidental structures permitted under Section 4.02 is permitted within the RSCR Management Area established pursuant to Section 5.03.01.D. below.~~
- ~~ii. **Existing Buildings and Structures.** Existing buildings and structures within the RSCR are not considered nonconforming, i.e., they can be added to, subject to the standards of 5.03.04 and provided that such addition does not increase the total floor area of the structure, as existed on [adoption date], by more~~

than 25%, and, if destroyed by fire or casualty, they can be rebuilt to the same or an equivalent footprint, subject to other county, state, and federal agency regulations and approval.

3. Uses and Activities. Except for any exemptions under Section 5.03.01.B.2, refer to table 5.03.03 for uses and activities allowed within RSCR.

4. RSCR Management Area. The RSCR Management Area must be provided in accordance with Table 5.03.01-1 and as follows:

1. As a minimum 300-foot wide buffer measured from the bankfull bench along each side of Scenic Rivers, the Potomac River, and Bull Run;
 - a. As a minimum 100-foot wide buffer measured from the bankfull bench along each side of all other rivers and streams; and curb line, not the lot's finished grade.
2. The widths of the following RSCRs may be included in the measurement of the applicable minimum 300-foot or 100-foot buffer width:
 - i. The Resource Area Width.
 - ii. The Riparian Protection Buffer; and
 - iii. The Variable Riparian Preservation Buffer.

Table 5.03.01-1. DETERMINING THE WIDTH OF THE RSCR MANAGEMENT AREA			
Minimum Width	Resource Area Width ¹	Riparian Protection Buffer Width ²	Variable Riparian Preservation Buffer Width
For Scenic Rivers, the Potomac River, Bull Run, and Broad Run			
300-foot	If the Resource Area Width is <u>250 feet or more</u>	Additional 50 Feet	None required
300-foot	If the Resource Area Width is <u>less than 250 feet</u>	50 Feet	The remaining width needed to achieve the Minimum Buffer Width (300 feet)
For all Other Rivers and Streams			
100-foot	If the Resource Area Width is <u>50 feet or more</u>	Additional 50 Feet	None required
100-foot	If the Resource Area Width is <u>less than 50 feet</u>	50 Feet	The remaining width needed to achieve the Minimum Buffer Width (100 feet)
¹ The addition of the required Riparian Protection Buffer width (50 feet) to the Resource Area Width may result in a greater width than the Minimum Buffer Width. ² For determining the Resource Area Width, the Floodplain must be measured from the bankfull bench. The Resource Area Width applies to the entire length of each side of rivers and streams.			

A. Administrative Change to the Outermost Portion of the RSCR Management Area. The outermost portion of the required RSCR Management Area (the portion of RSCR Management Area located the farthest from the Resource Area Width) may be changed as follows:

1. The Resource Area Width of the RSCR Management Area is not permitted to be changed (not including an approved Floodplain Alteration in accordance with Section 4.03 or more specific site data showing RSCR features submitted pursuant to Section 5.03.04).
2. A change that reduces the RSCR Management Area to less than 300 feet or 100 feet, as applicable, is not permitted.

~~3. Where a Riparian Protection Buffer or Variable Riparian Preservation Buffer widens the RSCR Management Area to greater than 300 feet, or 100 feet, as applicable, the outermost 25 feet of such Riparian Protection Buffer or Variable Riparian Preservation Buffer may be changed by the Zoning Administrator to permit the following uses, subject to the applicable Development and Land Disturbance standards and applicable Additional use specific standards in adjacent steep slopes under Section 5.03.04:~~

- ~~i. Parking for publicly accessible trails or publicly accessible passive recreational uses that are connected by trails, paths, or other multi-use connection to a public passive recreation trail, path, or blueway.~~
- ~~ii. A structure associated with a principal permitted use within RSCR listed under Section 5.03.01.C.1~~
- ~~iii. Publicly accessible Passive Recreation open space pursuant to Section 5.04.C.1.b or Community Open Space pursuant to Section 5.04.C.2.~~
- ~~iv. Bus stations or Transit or bus shelter structures requiring 1,000 square feet of land disturbance or less.~~

~~B. **Development and Land Disturbance Standards.** Covered Activities permitted in RSCR must be in accordance with the Development and Land Disturbance Standards in Section 5.03.04.A.~~

~~C. **Additional Use Specific Standards in Adjacent Steep Slopes.** Additional standards required for specific uses and activities within adjacent steep slopes are provided in Section 5.03.04.B~~

~~D. **Additional Scenic River Protection.** The permanent or temporary diversion of any Scenic River is prohibited.~~

~~E. **Additional RSCR Specific Procedures.** Refer to Section 7.01.F.2.f for additional RSCR specific procedures.~~

5.03.02 Steep Slope Areas

~~**Purpose.** The purpose of these regulations for Steep Slope Areas is to limit land disturbing activities on naturally occurring very steep slope areas greater than 25% and to establish performance standards for development on steep slope areas of 15% or greater, in order to promote the following:~~

- ~~• 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;~~
- ~~• Reduce potential for increased erosion, sedimentation, and surface runoff, and the resulting adverse impacts on water quality;~~
- ~~• Promote a safe means of ingress and egress for vehicular and pedestrian traffic in sloped areas;~~
- ~~• Preserve the visual quality of steep slope areas, which are a valuable natural and economic resource; and~~
- ~~• Encourage innovative and imaginative building techniques to create structures and site plans that are suited to sloped terrain.~~

~~B. **Definitions.** Key words, terms, and phrases defined in Section 5.03.05 apply when used in Section 5.03.~~

~~C. **Applicability.**~~

~~1. **Covered Activities.** Covered Activities within Steep Slope Areas, including any structure associated with agricultural operations, are subject to Steep Slope Areas standards except as follows:~~

~~a. **Single Dwelling Unit on Existing Legal Lot.** Construction of a single dwelling unit on a legal lot existing as of June 16, 1993, is exempt from Section 5.03.02.D.1.a Such exemption does not apply to nonresidential uses. Development on such lot is subject to Section 5.03.04.~~

~~2. **Activities Not Subject to Steep Slope Area standards.** Not including any structure associated with agricultural operations, the following land disturbing activities are allowed within Steep Slope Areas and are not subject to Steep Slope Area standards:~~

- ~~i. **Agricultural Operations.** Agricultural operations that meet the following standards are not subject to the Steep Slope Areas standards; the agricultural operation must be:~~

- ~~1. Considered a lawful agricultural operation under Section 5.01;~~
 - ~~2. Conducted in accordance with the Facilities Standards Manual (FSM); and~~
 - ~~3. Conducted in accordance with a Conservation Farm Plan that includes best management practices and is approved by the Loudoun County Soil and Water Conservation District or the U.S. Natural Resources and Conservation Service. Agricultural operations not conducted in accordance with an approved Conservation Farm Management Plan shall not be considered a lawful agricultural operation and shall not be exempt from Steep Slope Standards.~~
- ii. ~~**Timber Harvesting.** For timber harvesting or other silvicultural activities to be considered a lawful agricultural operation under Section 5.01, to which Steep Slope Area standards do not apply, such timber harvesting and other silvicultural activities must be conducted only in conformance with a Forest Management Plan that meets the requirements of the FSM, includes best management practices, and is approved by the County. All timber harvesting must also meet the notification requirements of § 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 are permitted to 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 § 10.1-1181.2.H of the Code of Virginia, is not considered to be a lawful agricultural operation and is not exempt from Steep Slope Area standards.~~

~~**D. Establishment of Steep Slope Areas.**~~

- ~~2. **Identification of Steep Slope Areas.** Naturally occurring steep slope areas are classified into one of the following two categories:~~
 - ~~i. Very Steep Slope Areas.~~
 - ~~ii. Moderately Steep Slope Areas.~~
- ~~3. **Minimum Size of Steep Slope Area.**~~
 - ~~a. For the following Zoning Districts and Legacy Zoning Districts under Chapter 2 of this Zoning Ordinance, steep slope standards do 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 is subject to the development standards for moderately steep slope areas provided in Section 5.03.04.~~
 - ~~• Transition Policy Area Zoning Districts in Section 2.03~~
 - ~~• Rural Policy Area Zoning Districts in Section 2.04~~
 - ~~• Joint Land Management Area Zoning Districts in Section 2.05~~
 - ~~• The following Legacy Zoning Districts: TR-2 (Section A.09), JLMA-20 (Section A.10), A-3 (Section A.12), A-10 (Section A.11), and PD-RV (Section A.14).~~
 - ~~b. For the following Zoning Districts and Legacy Zoning Districts under Chapter 2 of this Zoning Ordinance, regulations for Steep Slope Areas do 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 is subject to the development and land disturbance standards for moderately steep slope areas provided in Section 5.03.04.~~
 - ~~1. Urban Policy Area Zoning Districts in Section 2.01~~

2. Suburban Policy Area Zoning Districts in Section 2.02;

3. The following Legacy Zoning Districts: PD-H (Section A.01), PD-AAAR (Section A.04), R-1, R-2, R-3 (Section A.07), and PD-CC (Section A.02).

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 must be included, regardless of the number of individual lots or different land ownerships involved.

E. Uses and Activities.

o **Very Steep Slope Areas.** This Section 5.03.02.D.1 applies to lands within very steep slope areas, as defined in Section 5.03.02.C.1.a above.

a. **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 Table 5.03.03.

o **Permitted Uses and Activities.** Except for any exemptions under Section 5.03.02.B.2, refer to table 5.03.03 for uses and activities allowed within Steep Slope Areas.

F. **Development and Land Disturbance Standards.** Covered Activities permitted in steep slope areas must be in accordance with the Development and Land Disturbance Standards in Section 5.03.04.A.

G. **Additional Use Specific Standards.** Additional standards required for specific uses and activities within very steep slope areas are provided in Section 5.03.04.B.

5.03.03 NERS Use Table

—Use Table for Natural and Environmental Resource Standards 5.03.03				
	RSCR	Very Steep Slope Areas	Moderately Steep Slope Areas	Additional Specific Standards
Uses and Activities			P ¹ /S ²	
Infrastructure				
Public crossings for paths and trails, roads, rail, bridges, and driveways	P	P		
Paths and trails, including footpaths, biking or hiking paths, and horse trails	P	P		Paths and trails for motorized use are not permitted
Raised public boardwalks	P			
Public water supply reservoirs, including reclaimed quarries	P	P		
Public water	P	P		5.03.04.B.2.
Public sewer	P	P		5.03.04.B.2.
Local and regional stormwater management facilities within the minor floodplain RSCR only	P			
Lakes and ponds	P			
Roads, driveways	P	P		5.03.04.B.1.
Minor utilities	P	P		5.03.04.B.1.

—Use Table for Natural and Environmental Resource Standards 5.03.03

	RSCR	Very Steep Slope Areas	Moderately Steep Slope Areas	Additional Specific Standards
Water lines serving an individual water supply system, Septic lines serving an individual sewage disposal system		P		5.03.04.B.1.
Community, neighborhood, or regional park, provided the use is dependent on RSCR or very steep slope areas	S	-S		This use must uniquely require a site located within a very steep slope area and is not compatible with a site that lacks RSCR or very steep slope areas.
Recreation				
Passive recreation, outdoor limited to hiking, biking, horseback riding, picnicking, camping, climbing, hunting, fishing, and wildlife viewing	P	P		Motorized recreation is not permitted.
Active recreation, outdoor within RSCR minor floodplain or RSCR buffers only	-P			Within the RSCR, permitted within RSCR minor floodplain or buffers only

—Use Table for Natural and Environmental Resource Standards 5.03.03

	RSCR	Very Steep Slope Areas	Moderately Steep Slope Areas	Additional Specific Standards
Active recreation, outdoor uniquely dependent on RSCR adjacent steep slopes or very steep slope areas	S	S		This use must uniquely require a site located within a RSCR adjacent steep slopes or very steep slope area, and the applicant must demonstrate that the proposed use is not compatible with a site that lacks RSCR or very steep slope areas.
Conservation and Preservation				
Planting Native Vegetation	P	P		
Historic and archaeological sites	P	P		
Conservation, including stream restoration projects, wetland mitigation banks, facilities and activities; Adopt-A-Stream programs; scientific, nature, and archaeological studies; and educational programs	P	P		
Open space, and other conservation uses		P		
Agriculture				
Silviculture as required to care for forests and not commercial forestry, limited to forest preservation and tree planting, limited tree clearing and clearing of invasive species, tree trimming and pruning, and removal of individual trees	P	Agricultural Activities in accordance with		

—Use Table for Natural and Environmental Resource Standards 5.03.03				
	RSCR	Very Steep Slope Areas	Moderately Steep Slope Areas	Additional Specific Standards
Agricultural activities (but not structures) including crop planting, crop harvesting, and grazing	P	Section 5.03.02.B.2 are exempt from Steep Slope Standards		
Agricultural structures when no other alternatives are feasible or available	S	S		
Other/Miscellaneous				
Limited land-disturbing activity for the sole purpose of surveying and land investigation		P		5.03.04.B.3
Expansion of Commercial Uses and their associated structures existing as of June 16, 1993, when no other alternatives are feasible or available		S		
In any Suburban Policy Area Zoning District in Section 2.02 or Single-Family Residential Legacy Zoning District in Section 2.07.03, land disturbance less than 5,000 square feet within adjacent steep slopes or 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		S		
<p>1. All Permitted uses listed in the very steep slopes, any underlying zoning district, and overlay district if applicable, subject to the review procedures and standards in this Ordinance.</p> <p>2. All Minor Special Exception and Special Exception uses listed in very steep slopes, any underlying zoning district, and overlay district if applicable, may be permitted within moderately steep slope areas by the Board of Supervisors by separate Special Exception approval pursuant to this Section 5.03.xx., and if approved, may be subject to certain conditions, pursuant to the provisions of Section 7.09.</p>				

5.03.04 Natural And Environmental Resource Development, Land Disturbance, and Additional Use Specific Standards

~~A. **Development and Land Disturbance Standards.** Covered Activities permitted within River and Stream Corridor Resources (RSCR), Very Steep Slopes, or Moderately Steep Slopes must 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 reclaimed quarries, all Covered Activities on any parcel of land that includes RSCRs or Steep Slopes within its boundaries must comply with the standards in Table 5.03.04-1:~~

Table 5.03.04-1 Natural and Environmental Resource Standards (NERS) Development and Land Disturbance Standards

Standard	RSCR	Very Steep Slopes	Moderately Steep Slopes
1. Locational Clearance.	The applicant must obtain a locational clearance from the Department of Building and Development. RSCR, very steep slope areas, and moderately steep slope areas within the proposed 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. Stormwater Best Management Practices.	The applicant must incorporate stormwater management best management practices and erosion and sediment control practices in accordance with erosion and sediment control and stormwater management regulations of the Codified Ordinances and the Facilities Standards Manual (FSM), and such practices must be approved by the Department of Building and Development prior to approval of a zoning permit.		
3. Grading Permit.	A grading permit is required for all land disturbing activity in accordance with erosion and sediment control and stormwater management regulations of the Codified Ordinances and the FSM.		
4. Geotechnical Study.	All grading and land disturbing activities must be addressed in a geotechnical study prepared in accordance with the FSM.		
5. Grading for Accessory Building Pads Prohibited.	Separate building pads for accessory buildings and structures other than public facilities or private garages, are prohibited. Examples include but are not limited to tennis courts, swimming pools, outbuildings, and similar facilities.		
6. Revegetation.	Any land disturbing activity located outside of the limits of disturbance approved for a permitted use must be revegetated with native vegetation.		
7. Preservation of Existing Vegetation.	Existing vegetation must be preserved to the maximum extent possible consistent with the Covered Activity permitted, except that invasive or nonnative vegetation may be removed and revegetated with native vegetation.		
8. Siting and Disturbance.	Land disturbance or land disturbing activity is limited to the area necessary to provide the Covered Activity, and must be designed and configured to minimize disturbance and have minimal adverse effects on water quality and erosion.		
9. Permeable Surfaces.	Roads, paths, trails, driveways, and parking areas must use and maintain surfaces or paving materials that are permeable to stormwater.		
10. Natural Heritage Resources.	The applicant must identify, and then demonstrate that the proposed Covered Activities will not disturb or impact, any Natural Heritage Resources, including any plants, animals, natural communities, and other features that are exemplary, rare, or endangered on a global or statewide basis.		

B. Additional Use Specific Standards in RSCR adjacent steep slopes and Very Steep Slopes. In addition to the NERS Development Standards provided in Table 5.03-1, the following standards apply when these specific uses and activities are permitted within RSCR or Very Steep Slopes:

~~1. Roads, Driveways, Minor Utility, Water Lines Serving an Individual Water Supply System, or Septic Lines Serving an Individual Sewage Disposal System:~~

- ~~i. All roads and driveways must follow natural contour lines to the maximum extent feasible.~~
- ~~ii. No roads, driveways, minor utilities, water lines serving an individual water supply system, or septic lines serving an individual sewage disposal system are permitted to disturb very steep slope areas with slopes greater than 50%.~~
- ~~iii. Roads are not permitted to disturb adjacent steep slopes or 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.~~
- ~~iv. Where the following applies, the crossing of adjacent steep slopes or very steep slope areas by means of directional drilling is permitted and the development standards of Section 5-1508(F) do not apply:~~
 - ~~1. 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 adjacent steep slopes or very steep slope areas; and~~
 - ~~2. the drilling start and end locations do not result in disturbance to adjacent steep slopes or very steep slope areas.~~
- ~~v. Driveways, minor utilities, water lines serving an individual water supply system or septic lines serving an individual sewage disposal system are not permitted to disturb adjacent steep slopes or 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, is permitted to disturb adjacent steep slopes or very steep slope areas with slopes greater than 25% to 50%, based on a geotechnical study or findings from a geotechnical professional that:~~
 - ~~1. 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~~
 - ~~2. No alternative location for such access, minor utility, water line and/or septic line is feasible or available.~~
- ~~vi. Shared driveways are required to the maximum extent feasible where their use will minimize or eliminate land disturbance. Shared driveways require a common access easement.~~
- ~~vii. The grade of private roads and driveways must comply with the FSM.~~
- ~~viii. Storm drainage and culvert design must comply with the FSM.~~

~~2. Public Sanitary Sewer and Water Line Standards:~~

- ~~i. No public sanitary sewer and/or water lines are permitted disturb adjacent steep slopes or very steep slope areas with slopes greater than 50%.~~
- ~~ii. Public water lines must be located within or directly adjacent to the right-of-way of existing or approved roads. The development standards of this Section do not apply to such water lines.~~
- ~~iii. Where directional drilling can be utilized to install public sanitary sewer and/or water lines across adjacent steep slopes or very steep slope areas and the drilling start and end locations do not result in disturbance to adjacent steep slopes or very steep slope areas, the crossing of adjacent steep slopes or very steep slope areas by means of directional drilling is permitted and the development standards in this section do not apply.~~
- ~~iv. Land disturbing activities in adjacent steep slopes or very steep slope areas with slopes greater than 25% to 50% must be avoided to the maximum extent feasible when determining the alignment of gravity sanitary sewer and/or water lines.~~

- ~~v. For the purpose of these development standards, the adjacent steep slopes or very steep slope areas designated on the County base planimetric and topographic maps may be used.~~
- ~~vi. Public sanitary sewer and/or water lines are not permitted cross more than 200 feet of any 1 contiguous adjacent steep slopes or very steep slope area.~~
 - ~~1. 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:~~
 - ~~a. Geotechnical study,~~
 - ~~b. Geophysical study,~~
 - ~~c. Preliminary soils review,~~
 - ~~d. U.S. Army Corps of Engineers approved wetland delineation,~~
 - ~~e. Tree cover inventory,~~
 - ~~f. Phase 1 archeological study; and~~
 - ~~g. Rare, threatened, and endangered species survey.~~
 - ~~2. 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 is required in accordance with Section 7.10 of this Ordinance.~~
- ~~vii. If blasting is required for any portion of the public 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.~~
- ~~viii. Public sanitary sewer and/or water lines must be aligned in a manner that minimizes disturbance to adjacent steep slopes or very steep slope areas with existing tree cover.~~
 - ~~1. In situations where sanitary sewer lines result in the clearing of vegetative cover other than open grassland/pastureland, stabilization plans for temporary construction easements must include reforestation and tree protection in accordance with the FSM.~~
 - ~~2. Such reforestation and tree protection must be reviewed and approved by the County Urban Forester.~~
- ~~ix. Where adjacent steep slopes or very steep slope areas cannot be avoided, construction methods that minimize easement widths and limits of disturbance must be employed to the maximum extent feasible.~~
- ~~x. Prior to approval of grading plans, the public entity responsible for the maintenance and operation of the proposed sanitary sewer and/or water line must certify that the grading plan minimizes impacts to adjacent steep slopes or very steep slope areas and shows practical limits of construction.~~
- ~~xi. To minimize erosion and sediment control failure associated with sliding debris and the operation of machinery within a confined area, 2 rows of super silt fence must be installed as follows:~~
 - ~~1. As a perimeter control on the downslope side of the disturbed area.~~
 - ~~2. The inside row may be installed without filter fabric.~~
 - ~~3. The minimum spacing between the rows must be 3 feet to allow for maintenance.~~
- ~~xii. At a minimum, stabilization of disturbed areas must consist of Treatment 1 as described in Standard and Specification 3.36 (Soil Stabilization Blankets & Matting) in the Virginia Erosion and Sediment Control Handbook.~~

1. In problem areas, as determined by the County, Treatment 2 can be required.

3. ~~Standards for Limited Land Disturbing Activity for the Sole Purpose of Surveying and Land Investigation.~~

- i. ~~Heavy equipment may be used only when no other less-invasive method is feasible to conduct or undertake such limited land-disturbing activity.~~
- ii. ~~Land-disturbing activity may not exceed 5,000 square feet in the aggregate on any property, including the minimum land disturbance necessary for any studies required by the FSM.~~

5.03.05 NERS Definitions

Adjacent Steep Slopes: ~~Surface formations with a vertical incline greater than 25% located within the first 50 feet from the edge of a stream or floodplain, which is sufficient steepness to cause problems such as erosion or increased flooding when land is disturbed. Also referred to as Very Steep Slopes when located outside of River and Stream Corridor Resources.~~

Bankfull: ~~The water level, or stage, at which a stream or river is at the top of its banks and any further rise would result in water moving into the floodplain. It may be identified by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.~~

Bankfull Bench: ~~A flat or shallowly sloped area above bankfull that slows high velocity flows of water during flows above bankfull.~~

Covered Activities: ~~For the purposes of Sections 4.04, 4.05, and 5.03, Covered Activities includes all of the following:~~

1. ~~Land Development Applications:~~

4. ~~Legislative: All Zoning Amendments, Special Exceptions, Minor Special Exceptions, Commission Permits, Certificates of Appropriateness, Variances and Zoning Modifications reviewed for approval by the Planning Commission, Board of Supervisors, Board of Zoning Appeals, or Historic District Review Committee.~~
5. ~~Administrative: All Subdivisions (including preliminary subdivision plats), Site Plans, grading permits, construction plans and profiles, and zoning permits and building permits that involve land disturbing activities, modifications reviewed for approval by the Zoning Administrator.~~

2. ~~Land Disturbances or Land Disturbing Activity:~~ ~~Land Disturbances or Land-Disturbing Activities include, but are not limited to: cutting; filling; clearing; excavation; grading; construction; reconstruction; investigations (such as test wells); and the location, sourcing, and construction of water supply systems under Chapter 1040 of the Loudoun County Codified Ordinances.~~

3. ~~Uses in Chapter 3:~~

Floodplain: ~~A low, usually flat terrain on either side of a river or stream that is normally dry but submerged at times of high water, and where accumulations of silt and sand are deposited away from the main channel. See also, Major Floodplain and Minor Floodplain.~~

Major Floodplain: ~~The floodplain created by flooding from a stream that drains greater than 640 acres.~~

Minor Floodplain: ~~The floodplain created by flooding from a stream that drains less than 640 acres but greater than 100 acres.~~

Moderately Steep Slopes: ~~Surface formation with a vertical incline from 15 to 25%, which is sufficient steepness to cause problems such as erosion or increased flooding when land is disturbed. See also Steep Slopes.~~

Natural Heritage Resources: ~~Natural Heritage Resources are rare, threatened, and endangered plant and animal species; exemplary natural communities, habitats, and ecosystems; which are listed under the database provided by the Virginia Department of Conservation and Recreation (DCR), Division of Natural Heritage Resources.~~

Permeable: Describes materials that permit water to enter the ground by virtue of their porous nature or by large spaces in the material.

Resource Area Width: The total width of any Floodplain, Major or Minor, and any Adjacent Steep Slopes;

Riparian: An area of land contiguous to a stream, river, lake, or wetland that contains vegetation that, due to the presence of water, is distinctly different from the vegetation of adjacent areas.

Riparian Forest: A strip of land along a river or stream where forest and vegetation help to protect water quality, filter pollutants, regulate water temperature, enhance aquatic and wildlife habitats, and provide aesthetic value to the river or stream. Also called a riparian forest buffer when part of a larger stream buffer.

Riparian Protection Buffer: RSCR buffer area that is a minimum 50 feet in width and measured beginning from and extending landward from the greatest extent of the RSCR Floodplain, Adjacent Steep Slopes, and Other Protected Resources as indicated in Table 5.03.01-1.

River and Stream Corridor Resources (RSCR): Certain water resources and associated land areas, specifically any of the following:

- A. — Rivers and Streams
- B. — Floodplain (including Major Floodplain and Minor Floodplain)
- C. — Adjacent Steep Slopes
- D. — Other Protected Resources
- E. — Riparian Protection Buffer
- F. — Variable Riparian Preservation Buffer

Rivers and Streams: A natural, flowing course of water draining 100 acres or greater.

Steep Slopes: Surface formation with a vertical incline greater than 15%, which is sufficient steepness to cause problems such as erosion or increased flooding when land is disturbed. See also, Moderately Steep Slopes and Very Steep Slopes.

River and Stream Corridor Resources Management Area: The cumulative regulated area of RSCR composed of the following:

- 1. — Resource Area Width,
- 2. — Riparian Protection Buffer; and
- 3. — Variable Riparian Preservation Buffer.

Other Protected Resources: Wetlands, forests, historic and cultural resources, and archaeological sites that are located partially within or within River and Stream Corridor Resources.

Variable Riparian Preservation Buffer: RSCR buffer area that varies in width as needed to achieve a required minimum buffer width, beginning from and extending landward from the Riparian Protection Buffer provided in accordance with Table 5.03.01-1.

Very Steep Slopes: Surface formation with a vertical incline greater than 25%, which is sufficient steepness to cause problems such as erosion or increased flooding when land is disturbed. See also Steep Slopes.

Scenic River: A river or section or portion of a river designated by an act of the Virginia General Assembly pursuant to § 10.1-400 of the Code of Virginia and that possesses superior natural and scenic beauty, fish and wildlife, and historic, recreational, geologic, cultural, and other assets.

5.04 Open Space Standards

5.04 Open Space Standards

~~**Purpose.** Chapter 2, Zoning Districts, of this Zoning Ordinance establishes the minimum amount and type of open space requirements by zoning district. The purpose of the open space standards is to:~~

- ~~• Promote the public health, safety, and welfare.~~
- ~~• Provide consistent open space standards.~~
- ~~• Implement the General Plan's open space goals by Policy Area and Place Type.~~
- ~~• Ensure and provide the open space desired and appropriate to the district requirements in Chapter 2.~~
- ~~• Ensure light, air, and space in all new development.~~
- ~~• Preserve the County's natural, environmental, and historic resources.~~
- ~~• Ensure the availability of open space for active and passive recreation.~~
- ~~• Provide open space and amenities in proximity to users, which promotes compact development patterns and reduces the consumption of resources and capital costs.~~
- ~~• Maintain property values.~~

5.04.01 Applicability

~~B.A. Applicability.~~

- ~~1. The amountIn cases where the roof is not flat and type of required open space is indicated in the Dimensional Standards tables of the Zoning Districts listed in Chapter 2.~~
- ~~2. The open space to be provided must meet front façade of the requirements of this section in addition to the open space requirements of the district contained in Chapter 2.~~
- ~~3. Zoning Districtsbuilding contains a parapet wall or other design feature that do not require open space contain the notation N/A in the Dimensional Standards tables.~~

~~B. The requirement to provide open space according to the standards in the Dimensional Standards tables in Chapter 2, Zoning Districts applies to the following applications initiated after the effective date of the Zoning Ordinance:~~

- ~~1. All zoning map amendments, including incremental additions to an existing district.~~
- ~~2. All site plans for uses in Residential, Lodging, Public/Civic/Institutional, Commercial, Industrial/Production, Infrastructure Use Classifications as provided in the Use Tables in Section 3.02does not align with the following exceptions:~~
 - ~~i. Cemeteries, government provided infrastructure, Utilities except commercial solar facilities, uses expressly exempted from providing open space in 3.06 and uses listed under the Use Classifications Agriculture and Miscellaneous.~~
 - ~~ii. All residential subdivisions with 5 or more lots.~~
- ~~3. When applicable, the open space represented on the site plan must be provided in accordance with the approved zoning map amendment and/or Concept Development Plan (CDP) where the site thatroof of the building, building height is the subject of the site plan is located.~~
- ~~4. In the absence of a previously approved zoning map amendment and/or CDP that includes the subject site, open space must be provided in the amount and type as specified in the Dimensional Standards table contained in the applicable zoning district in Chapter 2, Zoning Districts.~~
- ~~5. Development applications for up to and including 4 new single-family dwelling units, regardless of form (SFD or SFA duplex, triplex or quadruplex) are exempt from providing open space according to the requirements~~

contained in Chapter 2, Zoning Districts unless the affected land area was included in an approved zoning map amendment or CDP with open space requirements:

- b. ~~Piecemeal applications that result in the approval of more than 4 dwelling units without the required open space when it would have otherwise been required measured as if the applications had not been submitted separately, will be required to provide the required amount of open space on any future development application parapet wall or design feature were a pitched roof.~~
6. ~~All development applications subsequent to an approved zoning map amendment or CDP must include a Comprehensive Open Space Plan (COSP) as described in 5.04.10.~~
 - i. ~~The COSP must show the location of the area subject to the development application and its relationship to all of the open space approved for the development.~~
 - ii. ~~If the open space requirement is located within the parcel(s) under current review, all information to ensure the provision of the required amount, type, and location and reference to the provisions to insure the long-term protection of the open space must be provided.~~

5.04.02 Calculation of Open Space.

- A. ~~Open Space is calculated by multiplying the required percentage as provided in the district requirements specified in Chapter 2, Zoning Districts, by the gross acreage of the area proposed for development, which may be:~~
 1. ~~The entire parcel area;~~
 2. ~~The combined area of several parcels proposed for development; or~~
 3. ~~The area proposed for development as specified on the site plan.~~
- B. ~~Open space is not permitted to be located on individual **Exempt** building lots.~~
 1. ~~**Exceptions.** The following open space features may be provided on an individual building lot:~~
 - a. ~~River and Stream Corridor Resources provided pursuant to Section 5.03.01 that are less than 1 acre in size;~~
 - b. ~~Steep Slope Areas provided pursuant to Section 5.03.02 that are less than 1/2 acre in size.~~
- C. ~~The following areas are excluded from the gross acreage used in the calculation of required open space:~~
 1. ~~Any portion of the parcel that may be included in an easement that would prevent use as part of the development or open space;~~
 2. ~~Any part of the parcel or parcels that will be subtracted or separated from the gross land area specified above before approval of the application and that sets the final amount of open space required.~~
- D. ~~When specified by district requirements, the amount of open space to be provided must be determined at the earliest plan review opportunity and maintained throughout the development review process until the development is completed unless modified according to Section 5.04.12.~~
- 8.2. ~~Areas within existing easements or rights-of-way may be used to meet open space requirements subject to the height limitations in 8.04.02.C, except when the recorded right of way or easement language prohibits use contrary to the purpose or intended use of the open space as identified on the CDP or an approved site plan of the Zoning Ordinance specified in the zoning district regulations do not apply to:~~
 - a. Towers, gables, penthouses, scenery lofts, cupolas, barns, silos, farm buildings, residential chimneys, spires, flag poles, monuments or transmission towers and cables, telecommunications or data transfer antennas or other similar structures and necessary mechanical appurtenances.
 - b. Any smokestack, water tank, radio, or television antenna or tower, provided:
 1. The height does not exceed the distance of the structure to the nearest lot line; and
 2. It is located within an existing public utility easement.

7.01.06 Transitions

Purpose. *The purpose of the Transitions Standards is to:*

- Ensure larger scale, more intense, mixed use and nonresidential developments do not adversely affect neighboring smaller scale, less dense residential development both internal to a zoning district and among adjacent zoning districts.
 - Give preference to natural or man-made buffers, then building scale and design elements to soften the transitions.
 - Promote balanced street walls that appear similar in height and avoid extreme or disharmonious height reductions or increases at the end of blocks.
 - Maintain substantial open space and setbacks along roadways and adjacent development in the Transition Policy Area to shield views of new development, provide extensive buffers around communities, and create visual transition between the Suburban Policy Area and the Rural Policy Area.
 - 1. The easement or right-of-way holder or beneficiary must acknowledge and approve the designation of open space in the subject area.
 - No more than 30% *Protect the long term viability of Extractive Industries and other Industrial uses.*
 - 2. *Protect the rural character* of the total required open space may be located within an easement or right-of-way.
- E. Open space must not include pending dedications or reserved rights-of-way.

5.04.03 Open Space Types and Purposes.

A. Open space must be designated as one of the following three types:

1. **Recreation Open Space.** Areas for leisure activities to enhance physical and mental health.
 - i. Active Recreation open space is areas for leisure activities usually of an organized or formal nature and often requiring fields, courts, and/or equipment designed specifically for the activity. Examples include team sports, swimming, playgrounds, golf courses, and dog parks.
 - ii. Passive Recreation open space is areas for less organized or less vigorous activities that may only require the space to perform the activity or minor accommodations. Examples include hiking, biking, picnicking, or fishing.
2. **Community Open Space.** Areas to allow and encourage public gathering for socialization and community support activities. Examples include outdoor gathering space, plazas, greens, squares, and parks.
3. **Natural, Environmental, or Heritage Open Space.** Areas that contain naturally occurring phenomenon or characteristics that are subject to potentially negative effects from man-made alterations. Examples may include surface or groundwater features, floodplain, prime agricultural or erodible soils, contiguous forest, and threatened or endangered species habitat.
 - i. Heritage open spaces may contain natural or man-made structures or landscapes that have gained importance or are unique to represent, interpret, or understand the community's past and are in need of protection or sensitive incorporation into new development.
4. **Agricultural.** Areas of land in use to produce food or fiber for human or animal consumption, including the support of livestock and tree or timber production, and the provision of same as an essential contribution to the local economy. Agricultural open space may also include areas of land underlain with prime agricultural soils that are not currently in use for agricultural purposes.

B. **Open Space Purpose.** In addition to the Open Space types in 8.04.03 (A), open space must be designated as:

1. **Common.** Common open space is land within, or related to, a development which is designed or intended for the common use or enjoyment of the residents of the development and their invited guests only. Common

open space is not owned by individual lot owners in the development. Ownership must be by an Owner's Association (OA) meeting the requirements of Section 5.12. Common open space may include complementary structures and improvements as necessary and appropriate for the intended use.

2. ~~**Public.**~~ Public open space is intended to be available for use by and accessible to the general public without the requirement for residency in the development where it is located. Ownership and management of public open space must be by an OA, or a comparable entity created specifically for the purpose of owning and managing the open space and meeting the requirements of 5.12. Public open space may be owned through dedication by the owner to the County. A fee may be charged for access to the open space.
3. ~~**Private.**~~ The open space may be in private ownership where use and access to the space is determined solely by the owner. The open space area must be under a protective easement limiting its use to the intended open space purpose.

5.04.04. Credits for Inclusion in Open Space

C. ~~**Bonus Credit.**~~ The following are priorities for protection and inclusion in open space and will receive the indicated credit towards meeting the minimum open space amounts required by Chapter 2 Zoning Districts:

a. ~~Historic resources in any of the following designations (1.25 x the area):~~

- i. ~~Designated as a National Historic Landmark;~~
- ii. ~~Listed or eligible for listing in the National Register of Historic Places or a contributing resource in a historic district listed or eligible for listing in the National Register of Historic Places;~~
- iii. ~~Listed or eligible for listing in the Virginia Landmarks Register or a contributing resource in a historic district listed or eligible for listing in the Virginia Landmarks Register;~~
- iv. ~~Designated as the following types of Historic Overlay Districts (HOD) pursuant to Section 7.09.08:~~
 1. ~~Loudoun County Historic Site; or~~
 2. ~~Contributing resource in a Loudoun County Historic and Cultural Conservation District.~~

- ~~Prime agricultural soils not currently in production of food or fiber or in support of livestock and not currently protected by a conservation easement in any Transition Policy Area or *Rural Policy Area* zoning district (1.50 x the area);.~~

b. ~~**Applicability.**~~ Mature forest, as determined by an Urban Forester, Certified Arborist or Landscape Architect in accordance with FSM guidelines and approved by the County's Urban Forester or Director's designee greater than 10 acres in any district (1.25 x the area).

c. ~~Mature forest as determined in 3 above, greater than 10 acres contiguous to mature forest greater than 10 acres on an adjacent parcel in any district (1.50 x the area).~~

d. ~~Pedestrian and bicycle trails or shared use paths that meet the goals or prioritization proposals in the Liner Parks and Trails System (LPAT) (1.25 x the area).~~

e. ~~Preservation through protective easements of wildlife habitat or corridors connecting fragmented habitat consistent with and as verified by the Virginia Wildlife Action Plan of the Virginia Department of Game and Inland Fisheries (1.25 x area).~~

D. ~~**Full Credit.**~~ The following areas will receive 1:1 credit towards meeting the minimum open space amounts required by Chapter 2, Zoning Districts.

a. ~~Historic Resources in any County Historic Overlay District as defined in Section 7.09.08.~~

b. ~~Archaeological Resources as verified by a Phase I Archaeological survey performed by a qualified professional.~~

c. ~~Cultural Landscapes.~~

d. ~~Major or minor floodplain if it is provided as a park or contains a trail or shared use path that is consistent with the LPAT Plan, subject to Section 4.03, FOD. Otherwise, floodplain inclusion is subject to the limitation in 5.04.05.B.3.~~

e. ~~River and Stream Corridor Resources as regulated in Section 5.03.01.~~

f. ~~Wetland areas.~~

g. ~~Very Steep Slope Areas and Moderately Steep slope areas, as regulated in Section 5.03.02.~~

h. ~~In the Mountainside Development Overlay District (MDOD):~~

i. ~~Mapped Somewhat Sensitive Areas, Sensitive Areas, Highly Sensitive Areas pursuant to Section 4.04.C.1.c.~~

ii. ~~Mountainside Resource Protection Areas pursuant to Section 4.04.E.~~

i. ~~In the Limestone Overlay District (LOD):~~

i. ~~Karst/Sensitive Environmental Features and Required Setbacks pursuant to Section 4.05.D.~~

ii. ~~Prime agricultural or erodible soils or land area currently producing food or fiber for human or animal consumption or in the support of livestock located in the Transition Policy Area or Rural Policy Area and that is not currently protected by a conservation easement.~~

iii. ~~Mature forest as determined in 5.04.04(a) greater than 1 acre.~~

iv. ~~Threatened or endangered species and/or habitat that has been verified to be located on the parcel by the Virginia Department of Conservation and Recreation, Division of Natural Heritage pursuant to procedures contained in Chapter 8 of the FSM. (alternately Virginia Department of Agriculture and Consumer Services or Game and Inland Fisheries).~~

v. ~~13. Trails or shared use paths that do not meet the goals or prioritization proposals in the LPAT Plan.~~

vi. ~~Publicly accessible parks, squares or greens, patios, plazas, outdoor gathering spaces, active recreation spaces and mini-parks.~~

vii. ~~Open areas required as a condition of Proffers or Conditions of Approval.~~

viii. ~~Active or passive recreation areas.~~

ix. ~~Shared use paths or pedestrian and bicycle networks at the minimum width of 10 feet as specified in Table 5.15-1. When paths are provided within larger open space areas receiving credit, the width of the path must not receive additional or separate credit.~~

x. ~~Community and cultural open space as defined by the General Plan.~~

xi. ~~Gateway Road Corridor Buffers as specified in 5.07.02.~~

xii. ~~Any buffer required by this Zoning Ordinance of 50 feet or greater width that includes a shared use path.~~

E. ~~Other Credit.~~ The following areas will receive the credit indicated when included in open space:

a. ~~Open areas created by meeting buffer or setback requirements of this Zoning Ordinance (0.75 x the area).~~

b. ~~Open areas created by meeting any stormwater management requirements including open channels and detention or retention ponds (0.75 x the area).~~

c. ~~Street trees measured by mature canopy. (0.5 x the area of mature canopy).~~

d. ~~Any buffer required by this ordinance less than 50 feet wide (0.5 x the area of the buffer).~~

e. ~~Any buffer required by this ordinance of 50 feet or greater width that does not include a shared use path. (0.75 x the area of the buffer)~~

C.A. 5.04.05 Open Space Design Transition Standards apply to all new development.

1. General Open Space. ~~General open space must meet the following Design~~**General Building and Lot Location Standards.**

- ~~2. Open space intended or provided as a location for community gathering or assembly requiring public access must:
 - ~~i. Be accessible by pedestrians and bicycle by way of a pedestrian facilities and shared use paths, and~~
 - ~~ii. Contain features for comfort and convenience and typical for public use and consistent with the intended use, such as benches, trash cans, fountains or water features, play equipment, and landscaping for enjoyment and shade.~~
 - ~~iii. When open space is provided in an incremental addition to an existing zoning district, the additional open space that is less than 1 acre in size must be contiguous to at least 1 existing open space parcel or area of approved open space unless it is at least 1 acre. The additional open space must be similar in characteristics to the existing open space to which it will be added.~~
 - ~~iv. When adjacent properties contain existing or approved planned open space intended for active or passive recreation open space, every effort must be made to provide pedestrian connections from the proposed development to the existing open space.~~~~
- ~~3. Open Space provided as Public Parks must be bordered on at least 1 side by a public or private road.~~
- ~~4. When open space is required by a Use Specific Standard in Section 3.06, that required amount of open space supersedes the minimum open space requirement specified in the district where the use is located. However, the land area of the open space to be provided for the specific use may be included to determine compliance with the development's overall open space requirement for a development.~~
- ~~5. Open space that results from compliance with another Zoning Ordinance requirement may be included in the total minimum open space requirement.~~
- ~~6. Separate parcels or areas of less than 1,000 square feet may be included in the total open space provided but may not count toward meeting the minimum requirement.~~
- ~~7. Open space areas must be appropriately sized for the intended use.~~
- ~~8. There is no minimum or maximum size of a required open space area except the minimum amount required in Chapter 2, Zoning Districts and subsequently determined by the calculation specified in 5.04.B above.~~
- ~~9. All open space areas and facilities except those in private ownership must be accessible to all individuals, regardless of mobility capabilities or limitations.~~

2. Limitations.

- ~~2. Slope must not limit the intended use of the open space.~~
- ~~3. Any parking area landscaped island that is less than 130 square feet in area is not permitted to be counted toward the minimum required amount of open space or landscaped open space. However, they may be included in the total open space provided.
 - ~~i. Parking lot landscaped open space may not exceed 25% of the total of required open space provided.~~~~
- ~~4. No more than 25% of the total open space required may be established in the major or minor floodplain.~~
- ~~5. Areas containing 50% or more prime agricultural soil are not permitted to be designated as open space for recreation or community use.~~
- ~~6. Open Space must be contiguous to the development that it is provided for and must not be separated by roads or parcels of land not under the same ownership of the parcel that is developed.~~

5.04.06 Type Specific Open Space Design Standards.

- ~~1. Active Residential Recreation. When open space is required by the district standards to be active residential recreation space it must conform to the following:
 - ~~1. Provided at the rate specified in the Zoning District standards.~~~~

- ~~2. The residential active recreation open space must be identified, labeled, and protected for that specific purpose on the COSP required in 5.04.10.~~
- ~~3. The recreational activities intended to be provided on the designated area should be indicated at the earliest stage of the development review, such as on the CDP. The activity must be identified and confirmed upon any site plan or subdivision plat that includes the designated space.~~
- ~~4. The designated area must be centrally located and adjacent to a pedestrian and bicycle network. The network must be accessible and useable to all patrons regardless of mobility limitations.~~
- ~~5. The designated area must be within a ¼ mile radius of each lot in a residential subdivision and each lot must be contiguous to a pedestrian or bicycle path to access said open space.~~
- ~~6. If the development is of such size that the residential active open space cannot be located within ¼ mile of all Buildings and lots then the open space must be provided in multiple locations in order to meet the proximity requirement.~~
- ~~7. Must be flat and well drained to allow the intended use.~~

~~2. **Passive Recreation Space.** When open space is provided as passive recreation space, it should be designed using the following guidelines:~~

- ~~1. Centrally located and accessible by a pedestrian and bicycle network.~~
- ~~2. Contain a variety of natural features such as water bodies, forest, and open space.~~
- ~~3. Should not have limiting factors, such as excessive amounts of steep slopes or wetlands that would prevent or discourage its use.~~
- ~~4. Should not be located adjacent to any road other than a local road.~~

~~3. **Commercial or Employment Districts.** When open space is provided in commercial or employment districts it should conform to the following guidelines:~~

- ~~1. The space should be centrally located and no further than ¼ mile from all buildings proposed in the district.~~
- ~~2. If 1 centrally located area within a ¼ mile radius cannot be accomplished then multiple spaces should be provided.~~
- ~~3. The space should provide a respite from work activities and allow for passive recreation.~~
- ~~4. The space must provide accessories or furniture such as tables and seating for eating, trash receptacles, and shade.~~
- ~~5. Access to the area may be limited to the same hours of operation as the employment or commercial areas that the space is intended to serve.~~

~~4. **Public Outdoor Gathering Space.** When open space is required by the district to be a publicly accessible outdoor gathering any of the following may be provided according to the guidelines herein unless the zoning district requires a specific type or a greater standard. All of the following are considered to be public outdoor gathering space distinguished by size and purpose: greens, parks, squares and plazas,~~

- ~~1. Green — A green is intended as a place for formal, casual, passive, or impromptu social gathering and must have a minimum area of 5,000 square feet.~~
- ~~2. Mini or Pocket Park — A mini or pocket park is intended for active or passive recreation. The park must contain a predominance of natural features or recreation equipment for children or adults and accessories for spectators or passive users such as benches, shade trees, refuse receptacles and water fountains. The park must have a minimum area of 5,000 square feet.~~
- ~~3. Square — A square must serve as a focal point and place for social gathering that is improved with a combination of lawn, landscaping, and seating areas, and be accessible to the public or a specific project's tenants or customers. A square must be bounded by streets on at least one side and pedestrian walkways~~

on at least 2 sides. A square requires a minimum depth and width of 30 feet and a minimum total area of 1,000 square feet.

4. ~~Plaza~~—A plaza may also be referred to as a courtyard and is an open space usually surrounded by or adjacent to streets or buildings. A plaza must serve as a visual cue to an adjacent building entrance. A plaza must contain an open area with seating, planting areas, and other accessories. The majority of the land area may contain an impervious surface to support pedestrian activity but it is not required. A plaza requires a minimum depth and width of 10 feet and a minimum area of 300 square feet.

5. ~~Additional public outdoor gathering space standards~~ are as follows:

1. ~~The grade or slope of any constructed surface in the public gathering space must be appropriate for the intended use and must be ADA compliant.~~
2. ~~Accessories must be provided as appropriate for the intended use of the space and may include such items as benches, play equipment, bicycle racks, shade trees, waste receptacles, drinking fountains, gazebos, lighting, wayfinding signage, restrooms, landscaping and other convenience or comfort items or features.~~
3. ~~The public gathering space must be accessible by and adjacent to a pedestrian/bicycle path or sidewalk.~~
4. ~~The public gathering space must be adjacent to a public or private street on at least 1 side.~~
5. ~~The public gathering space must be connected to adjacent buildings by sidewalks.~~
6. ~~Where conditions allow, outdoor gathering spaces should be located where adjacent buildings or natural land features can provide a sense of enclosure on at least 2 sides while not restricting the penetration of light and air movement.~~
7. ~~These design guidelines may be modified to accommodate natural environmental features or engineering requirements.~~

5.04.07 Trails

B. ~~Trails designed for hikers (pedestrians), bikers, or equestrians for recreational purposes as described in the LPAT Plan are distinguished from pedestrian and bicycle networks intended as an alternative to motorized vehicles access for movement within a development. Trails must be designed to the following standards:~~

1. ~~The network must avoid connections that encourage or allow public access to areas or pedestrian facilities that are intended to be only for the use of residents of the development or indicated as private.~~
2. ~~Public and private trail networks must be accessible to and usable by all potential patrons by providing a surface treatment that allows use by all patrons regardless of mobility limitations.~~
 - a. ~~Sections of the network that require steps or include grades that exceed the maximum grade for handicapped accessibility must provide an alternate route around the obstruction.~~
3. ~~The trail must be provided in an easement that ensures its availability and use to all patrons at all times if it is not included within the boundary of a parcel owned and managed by an OA or dedicated to the County for public use.~~
4. ~~The ownership and maintenance arrangements must provide mechanisms for repairs, surface maintenance, and replacement of trail accessories as needed.~~
5. ~~The trail must provide accessories at reasonable intervals along its length such as benches, bike racks, trees for shade, and waste receptacles. The accessories must be included in the ownership and maintenance arrangements required above.~~
6. ~~Access and use may be subject to reasonable limitations for use such as limited hours for public safety reasons.~~
7. ~~The trail configuration may be adjusted as needed during development plan approval to accommodate the natural environment and engineering requirements if it can be determined that the intent and purpose of the trail will be achieved.~~

5.04.08 Uses in Open Space

~~A. Uses Generally.~~

- ~~1. Notwithstanding the uses listed as permitted or as special exceptions in Chapter 2 Zoning Districts where the open space area is located, only the following uses intended to support or facilitate the purpose of the designated type of open space are permitted in the open space.~~
 - ~~a. The OA may further limit the uses permitted in open space under its ownership or management.~~
 - ~~b. The OA must not permit uses in open space areas that are not permitted by the zoning district.~~
 - ~~c. Incidental or accessory uses provided for utilization of the open space, such as agricultural buildings not intended for public assembly, park furniture and other accessories, or recreation or playground equipment.~~
 - ~~d. Incidental structures required for the protection of sensitive environments, if included in open space, such as but not limited to fencing or required buffers are excluded from this limitation.~~

~~B. Common Open Space Permitted Uses.~~ ~~Uses permitted on common open space under OA ownership and management are:~~

- ~~1. Active and passive recreational uses.~~
- ~~2. Easements and improvements for drainage, communal sewer systems and septic systems, communal water supply systems, wells and other water supply systems.~~
- ~~3. All of the following uses are subject to Use Specific Standards contained in Section 3.06.~~
- ~~4. Tenant Dwelling, accessory to agriculture, horticulture or animal husbandry uses.~~
- ~~5. 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:~~
 - ~~a. Direct Market Business for sale of products produced on-site including but not limited to PYO (pick-your-own).~~
 - ~~b. Farm co-ops.~~
 - ~~c. Farm Market, on-site production.~~
 - ~~d. Pet Farm.~~
 - ~~e. Stable.~~
 - ~~f. Stable, Livery, with frontage on a state maintained road.~~
 - ~~g. Wayside Stand.~~
 - ~~h. Arboretum.~~
 - ~~i. Botanical garden or Nature study area.~~
 - ~~j. within Nursery, Production, with frontage of a state maintained road.~~
- ~~6. Uses permitted in the Agriculture, Horticulture, and Animal Husbandry pursuant to 3.06.08.01.~~

~~C. Common Open Space Special Exception Uses.~~ ~~The following uses may be approved in common open space owned by an OA or by the Board of Supervisors, and if approved, may be subject to certain conditions pursuant to Section 7.10.~~

~~D. Uses allowed in the Agricultural Support and Services Directly Related to On-going Agriculture, Horticulture and Animal Husbandry Activity, On-Site, Use Category, subject to the use specific standards of Section 3.06 as follows:~~

- ~~1. Stable, Livery, without frontage on a state maintained road.~~
- ~~2. Agricultural Processing.~~
- ~~3. Nursery, Production, without frontage of a state maintained road.~~

~~E. Uses permitted on public open space:~~

- ~~1. Active and passive recreational uses allowed in open space, as defined in Chapter 11.~~
- ~~2. Easements and improvements for drainage, communal sewer systems and septic systems, communal water supply systems, wells and other water supply systems.~~
- ~~3. Agriculture.~~

~~F. Uses permitted on open space under private ownership are listed below and must be protected by an easement providing limitations that support the purpose of open space and are also subject to the use specific standards of Section 3.06.~~

- ~~1. Uses on private open space must not result in land disturbance or impervious area of more than 10% of the total parcel area.~~
- ~~2. The growing of agricultural products, timber production and the pasturing of livestock are exempt from this limitation.~~
- ~~3. Uses permitted in the Agriculture, Horticulture, and Animal Husbandry Use Categories.~~
- ~~4. Direct Market Business for sale of products produced on-site including but not limited to PYO (pick-your-own).~~
- ~~5. Farm co-ops.~~
- ~~6. Farm Market, on-site production.~~
- ~~7. Pet Farm.~~
- ~~8. Stable, Private.~~
- ~~9. Stable, Livery, with frontage on a state maintained road.~~
- ~~10. Wayside Stand.~~
- ~~11. Tenant Dwelling, accessory to agriculture, horticulture or animal husbandry uses.~~
- ~~12. Uses permitted in the Agricultural Support and Services Directly Related to On-going Agriculture, Horticulture and Animal Husbandry Activity.~~

~~5.04.09 Comprehensive Open Space Plan.~~

- ~~1. Following approval of a Zoning Map Amendment and/or CDP that includes requirements for the provision of open space, all of the approved open space must be depicted in 1 drawing to be labeled as the Comprehensive Open Space Plan (COSP) and included in the final plan set.~~
 - ~~1. The COSP must show all of the approved open space areas, parcels, trails, bicycle and pedestrian access network and the relationship of each to the approved development.~~
 - ~~2. The type and size of each parcel or area of open space must be provided with a clear depiction of its boundaries with metes and bounds.~~

~~D.B. With each submission for approval of a new development plan for a portion of the approved development, an updated COSP must be included and demonstrate the following must be located as follows:~~

~~1. All Uses.~~

~~a. The location, area, and preferred transition method between differing residential densities, uses, and zoning districts is the use of protection for:~~

- ~~1. Open space approved on earlier, such as parks or plazas; and~~
- ~~2. Protected natural, environmental, and heritage resources.~~

~~a.b. When adjoining existing less intensive uses and smaller buildings, taller buildings must step down in height to transition to the neighboring development plans; so that at the edge of the district, buildings are no more than 15 feet taller than adjoining development consisting of less-intensive uses.~~

- c. If the adjoining property is not developed, then the buildings at the edge of the district must not be more than 15 feet taller than the maximum permitted height in the existing district or Place Type identified in the General Plan for the adjoining property, whichever is taller.
- d. Changes in building height or character must begin in the middle of a block as determined by:
 - 1. The ~~location, area, width~~ of the corner building; or
 - 2. One-third of the proposed block length as measured from the edge of the block adjacent to the less intensive development.

2. Residential Uses.

- a. Single-family attached and ~~method of stacked~~ multi-family dwellings and lots must be located to minimize their impact on adjacent existing single-family detached dwellings.
- b. Multifamily attached dwellings and lots must not be located at the edge of a development when adjacent to existing single-family detached dwelling unit developments.
- c. Multifamily dwellings or lots must be located so that they create a transition between nonresidential uses and lower density residential areas, either within the same development or an adjacent development.

3. Nonresidential Uses.

- a. Nonresidential buildings or lots must be located so that they minimize their impact on adjacent single-family detached dwellings, either within or outside of the development.
- b. Nonresidential buildings or lots must be located in a manner that noise, light, vibration, or odor does not negatively affect proximate residential uses.
- c. Nonresidential buildings or lots must be located so that the impact on surrounding properties of loading, delivery, and waste collection is reduced to the maximum extent feasible, with highest priority given to reducing the impact on residential uses.
- d. If transitions to neighboring residential development cannot be made due to existing development patterns or unavoidable natural, environmental, and heritage resources, then commercial uses and centers must be designed, oriented, landscaped, and buffered to be compatible with the neighboring residential development.

C. Urban Policy Area Zoning District Transition Standards. The following transition standards apply to the UT/UM (existing PD-TRC) Zoning District:

- 1. If the Outer Core Subarea of the UT/UM (existing PD-TRC) district is adjacent to an existing or planned lower density residential development, then the minimum building height required by Table 2.01.01-1 in the block or blocks adjacent to this development may be reduced to the minimum heights required in the UM Subarea by Table 2.01.01-1.
- 2. If the Outer Core Subarea of the UT/UM (existing PD-TRC) district is adjacent to an existing or planned lower density residential development, then the minimum FAR required by Table 2.01.01-1 in the block or blocks adjacent to this development may be reduced to 0.7 FAR.
- 3. The change in building height and FAR must occur in accordance with subsection B.1.b above.
- 4. Single-family detached dwelling units permitted pursuant to Section 4.02.08.A must be located along the periphery of the district when they will serve as a compatible transition between the district and adjacent residential developments.

D. Suburban Policy Area Zoning Districts Transition Standards. The following transition standards apply to the SCN (existing R-8, R-16, and R-24), SM (new), SC (existing PD-CC), SE (existing PD-OP, PD-IP, PD-RDP), SI (existing PD-GI), and SME (existing MR-HI) Zoning Districts:

1. Buildings at the edge of a Suburban Policy Area zoning district must decrease in height so they are no more than 15 feet taller than an adjoining existing or planned development consisting of less-intensive uses with lower permitted heights. Changes in building height must occur in accordance with subsection B.1.b above.
2. Open space that includes extensive landscaping or the ~~protection for open space remaining and to be of~~ environmental, natural, and heritage resources is the preferred method to provide a transition between the SCN (existing R-8, R-16, and R-24) zoning district and adjacent lower density residential districts.
3. In the SM (new) zoning district, single-family dwelling units permitted pursuant to Section 4.02.08.D must be located along the periphery of the district when they will serve as a compatible transition between the district and adjacent residential developments.
4. In the SM (new) zoning district, multifamily stacked dwellings permitted pursuant to Section 4.02.09.C must be located along the periphery of the district when they will serve as a compatible transition between the district and adjacent uses.
5. In the SC (existing PD-CC) zoning district, the yard setback adjacent to residential uses may be reduced as follows:

- ~~b.a.~~ To 25 feet when an alley is ~~provided in the future; and~~ between the residential use or district and the SC (existing PD-CC) district;
- b. To 30 feet if open space meeting the requirements of Section 7.02 is provided between the residential use or district and the SC (existing PD-CC) district.

E. Transition Policy Area Zoning Districts Transition Standards. The following transition standards apply to the TLN (existing TR-1, TR-3, and TR-10), TSN (new), TCN (new), TCC (new), TLI (existing PD-IP, PD-OP), TI (existing PD-GI), and TME (existing MR-HI) Zoning Districts:

1. **Perimeter Setback.** A required Perimeter Setback must be provided as follows:
 - a. Along public roads forming the boundary of or within a TLN (existing TR-1, TR-3, and TR-10), TSN (new), TCN (new), TCC (new), TLI (existing PD-IP, PD-OP), TI (existing PD-GI), or TME (existing MR-HI) development.
 - b. Along subdivision or other development plan boundaries.
2. Existing native vegetation and natural features creating a visual buffer between the subdivision or development plan and the boundary of the development or roads identified in this section must be maintained.
3. Existing native vegetation must be augmented with additional plantings to meet the requirements of Section 7.04.02 and/or to provide visual screening of the subdivision from views from surrounding roads and other developments.
4. No residential or nonresidential buildings or parking within a subdivision or development are permitted to be in the Perimeter Setback.
 - a. Agricultural structures may be located in the setback. If an agricultural structure is located in the Perimeter Setback it is not permitted to be converted to a non-agricultural use.
5. In addition to the Perimeter Setback requirements for each district, the lots and buildings within a subdivision or development must be sited to reduce visibility of the residential and nonresidential uses from public roads by using existing topography, vegetation, distance, and other factors to minimize impact. Options include:
 - a. Siting lots and buildings sufficiently below ridgelines or tree lines so the horizon remains visually defined by the ridgeline or tree line rather than by building rooftops; or
 - b. Placing lots and buildings at the far edge of a field as seen from a public right-of-way or other lot group.
6. In the TCN (new) Zoning District, single-family attached duplex, triplex, and quadruplex dwellings must be located to minimize their impact on single-family detached dwelling unit developments adjacent to the TCN (new) District.

7.02 Reserved

7.03 Tree Planting, Replacement, and Preservation

Purpose. *The purpose of the Tree Planting, Replacement, and Preservation section is to:*

- Provide regulations for the planting and replacement of trees destroyed or damaged during the development or redevelopment process, pursuant to § 15.2-961 of the Code of Virginia.
- Encourage the preservation of existing trees to meet canopy requirements.
- Promote tree planting and preservation to reduce the heat island effect, manage stormwater run-off, and improve and protect water quality, air quality, and wildlife habitat.
- Prioritize the planting of native vegetation, specifically along those wildlife corridors that provide connections to other natural, environmental, and heritage resources. and
- Ensure that new development, redevelopment, and infill development incorporates existing native vegetation and plantings of native vegetation into the landscape design to the extent feasible.

A. General Standards. The following general standards apply to the Tree Planting, Replacement, and Preservation requirement:

1. All trees to be planted must meet the specifications of AmericanHort.
2. The planting of trees must be done in accordance with either the standardized landscape specifications jointly adopted by the Virginia Nursery and Landscape 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.
3. Minimum plant sizes must be provided in accordance with Section 7.04.07.D.
4. All existing and new vegetative material required to meet the tree canopy requirements must meet the standards of the Facilities Standards Manual (FSM).

B. Canopy Requirements. Tree canopy requirements apply as follows:

1. **Site Plan/Construction Plans and Profiles.** A Site Plan, or Construction Plans and Profiles for single family attached (SFA) units in those districts where applicable, required under Section 11.06, must include the planting and replacement of trees on site to the extent that, at maturity of 20 years, minimum tree canopy must be provided in accordance with Table 7.03-1. For purposes of this Section, "on site" means on individual sites subject to a site plan, not the overall development project.

TABLE 7.03-1. CANOPY REQUIREMENTS

Reference	Development Type	Percentage
<u>1</u>	<u>Sites zoned business, commercial, or industrial in the UT/UM (existing PD-TRC), UE (existing PD-TREC), SE (existing PD-OP, PD-IP, PD-RDP), SM (new), SC (existing PD-CC), SI (existing PD-GI), SME (existing MR-HI), TCC (new), TI (existing PD-GI), TLI (existing PD-IP, PD-OP), PD-IP and PD-OP in Leesburg JLMA, RC, VC, PD-TC, PD-MUB, PD-CC(SC), and PD-CC(RC) districts</u> <u>Business or commercial sites in the SN (existing R-4) and SCN (existing R-8, R-16, and R-24) districts</u>	<u>10%</u>
<u>2</u>	<u>Residential sites zoned SCN (existing R-8, R-16, and R-24) with densities of 20 or more units per acre</u>	<u>10%</u>
<u>3</u>	<u>Residential sites zoned SCN (existing R-8, R-16, and R-24) for multifamily and SFA units with densities of 11 to 19 units per acre</u>	<u>15%</u>
<u>4</u>	<u>Residential sites zoned SCN (existing R-8, R-16, and R-24), SN, and R-3 for multifamily and SFA units with densities of 3 to 10 units per acre</u>	<u>20%</u>
<u>5</u>	<u>Cemetery as defined in Virginia Code § 54.1-2310, regardless of the zoning district in which it is located</u>	<u>10%</u>

2. Landscape Plan. All plats and plans for single-family detached and/or duplex dwelling units for property that is zoned for densities of less than 10 dwelling units per acre must include a landscape plan that provides for the planting or replacement of trees on the site to the extent that, at maturity of 20 years, minimum tree canopies will be provided as follows:

- a. Street trees are required pursuant to Section 7.04.02.E.
- b. Every platted lot must have a minimum tree canopy coverage of 2.5%, or 3,000 square feet, whichever is less, calculated at 20 years maturity.
 1. Such trees are counted toward the minimum tree canopy requirements in (a) and (b) above.
 2. Lots for which no permits for new structures will be sought and the residual parcel are exempt from this requirement.
- c. If the site has a tree canopy coverage of less than 20% prior to development, the landscape plan must 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.
- d. If the site has a tree canopy coverage of 20% or more prior to development, the landscape plan must provide for the preservation, or planting and replacement of trees on site resulting in a tree canopy of at least 20%, calculated at 20 years maturity.

C. Tree Canopy Coverage Exclusion Areas. To determine tree canopy coverage requirements, the following areas are excluded from calculating the area of a site:

1. Properties reserved or dedicated for future street construction or other public improvements and utilities;
2. Water bodies and unwooded wetlands;
3. Properties reserved or dedicated for school sites, playing fields, and other non-wooded recreation areas; and
4. Portions of a site that contain existing structures that are not the subject of a pending application

D. Tree Cover Credit. Tree cover credit in consideration of the preservation of existing tree cover or for preservation of trees of outstanding age, size, or physical characteristics may be permitted in conformance with FSM process for determining existing cover or trees for preservation and tree cover credit.

E. Modifications. Modifications of requirements in this Section to allow for the reasonable development of farmland or other areas devoid of healthy or suitable woody materials, for the preservation of wetlands, or otherwise when the strict application of the requirements would result in unnecessary or otherwise unreasonable hardship to the developer, may be approved by the Zoning Administrator upon application by the owner.

7.04 Landscaping, Buffers, and Screening

7.04.01 Purpose, Applicability, and Exceptions

Purpose. *The purpose of the Landscaping, Buffer Yards, Screening, and Landscape Plans section is to:*

- Foster attractive and harmonious development through the use of landscaping.
- Minimize the harmful impacts of noise, dust, and other debris.
- Minimize motor vehicle headlight glare and other artificial light intrusion.
- Protect property values by reducing visual impacts and land use conflicts.
- Provide shade and reduce the heat island effects.
- Enhance natural drainage systems and manage stormwater runoff.
- Contribute to ecosystem benefits and improve water quality, air quality, and wildlife habitat.
- Ensure that new development, redevelopment, and infill development incorporates existing native vegetation, plantings of native vegetation, and removal of invasive species into the landscape design.
- Preserve and promote the health, safety, and general welfare of the public.
- Establish a minimum setback for certain roads within Loudoun County due to their function, location, and capacity.

A. Applicability. This Section applies to all land development requiring a site plan, construction plans and profiles, subdivision, and/or a zoning permit application.

B. Exceptions. The following exceptions apply to Section 7.04.01.A.:

1. Road Corridor Buffers required by Section 7.04.02 and Buffer Yards required by Section 7.04.04 are not required as follows:
 - a. For zoning permit applications for single-family detached dwellings and residential accessory uses and structures;
 - b. At the time of subdivision application in the AR-1, AR-2, A-3, A-10, JLMA-20, and JLMA-3 Zoning Districts;
 - c. At the time of boundary line adjustment, family subdivision, single lot subdivision waiver, low density development waiver, or dedication plat application; and
 - d. To any use subject to Section 5.07.03.A.6.
 2. Road Corridor Buffers required by Section 7.04.02 will:
 - a. Apply along roads adjacent to the boundary of the UT/UM (existing PD-TRC), UE (existing PD-TREC), SM (new), SC (existing PD-CC), TCC (new), PD-MUB, PD-TC, and PD-RV Zoning Districts. All other roads within these Zoning Districts are subject to the street tree requirement in Section 7.04.02.E.
 1. 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 (FSM).
 3. Buffer Yards required by Section 7.04.04 do not apply within the UT/UM (existing PD-TRC), UE (existing PD-TREC), SM (new), SC (existing PD-CC), TCC (new), PD-CC, PD-MUB, and PD-TC Zoning Districts. Buffer Yards within these Zoning Districts must be provided in accordance with the regulations for such Zoning Districts.
 4. These exceptions under Sections 7.04.01.B do not apply to the structure and parking setbacks of Section 7.04.02 or the Cemetery, Burial Ground, and Grave Buffer of Section 7.04.05.
- C.** This Section is intended to complement Section 7.03 of this Zoning Ordinance. Trees planted to fulfill the canopy requirements of Section 7.03 also may fulfill the requirements of this Section.
- D.** All vegetative material required to be planted to meet the requirements of Section 7.04 must be in accordance with the FSM.

E. Existing vegetation that 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.

1. Such existing vegetation must be shown on a Tree Conservation Plan prepared in accordance with the FSM.
2. Invasive species are not suitable for use in compliance with the requirements and must be removed from an area of existing vegetation proposed to meet the requirements of this section. Removal of invasive species from such an area must be maintained for a minimum of 4 years after establishment of the buffer.

F. Where any provision of this Section imposes restrictions or standards different from those of Section 7.03 or any other County ordinance or regulation or other provision of law, whichever provisions are more restrictive or impose higher standards will control, unless the intent is clearly otherwise.

7.04.02 Road Corridor Buffers and Setbacks, Street Trees

A. General Provisions. The following general provisions apply to the Road Corridor Buffers and Setbacks:

1. Road Corridor Buffers and Setbacks must be provided in accordance with:
 - a. Table 7.04.02-1, Road Corridor Buffer and Setbacks Matrix;
 - b. Section 7.01, and extend across the length of the proposed development site; and
 - c. Exception: When street trees are required under Section 5.06.B.2.d, the street tree requirement applies to roads in or adjacent to a development that are not arterial roads, collector roads, or ramps at grade separated interchanges. The Road Corridor Buffer and Setbacks of Table 7.04.02-1 apply to arterial roads, collector roads, and ramps at grade separated interchanges in the development.
2. 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, provided:
 - a. The width is not reduced to less than 10 feet; and
 - b. The total area of the length of Road Corridor Buffer with varied width is not reduced below the minimum area that would have been required.
3. Road Corridor Buffers may be set back from the right-of-way line or private road easement line where easements, covenants, or natural features would prevent the required Road Corridor Buffer from abutting the public road or private road, in which case the required Road Corridor Buffer must be provided in addition to such easements, covenants, or natural features.
4. For subdivisions that require open space, Road Corridor Buffers are not permitted to be located on individual residential lots of 20,000 square feet or less.
5. When a Road Corridor Buffer is located on an individual residential lot the Road Corridor Buffer must be located within an easement dedicated to the County of Loudoun.
 - a. Street trees required pursuant to Section 7.04.02.E are not permitted on individual residential lots.
6. The Road Corridor Setback applies to certain roads within Loudoun County because their function, location and capacity require that uses be set back a certain minimum distance from them.
 - a. Exemptions. The following are exempt from the Road Corridor Setbacks in Table 7.04.02-1 :
 1. All agricultural structures located along all roads and used only for agriculture;
 2. All structures along all roads, except arterial roads, located within the Village Conservation Overlay District (Section 5.07) and Joint Land Management Area Districts (Section 2.05);
 3. All structures and parking along all roads, except arterial roads, in the Urban Districts (Section 2.01 and 2.02); and
 4. Dwellings, and their accessory structures and accessory uses, built before June 16, 1993, pursuant to Section 10.C.4.

7. For lots as they existed on June 16, 1993, the structure setback from a road in Table 7.04.02-1 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 addition,
- a. In no case will the modified structure setback from the road be less than the yard or setback required by the underlying zoning district.
 - b. Parking setbacks must be coterminous with structure setbacks, and
 - c. No lot may be altered or reconfigured to increase the degree of its shallowness.

Table 7.04.02.-1. Road Corridor Buffer and Setbacks Matrix

<u>Route Number or Road Type¹</u>	<u>Structure Setback²</u>	<u>Parking Setback²</u>	<u>Buffer Type</u>
Arterial Roads			
<u>Route 7: Fairfax County line west to Broad Run</u>	<u>50'</u>	<u>50'</u>	<u>3</u>
<u>Route 7: Broad Run west to east corporate limit of Leesburg</u>	<u>200'</u>	<u>125'</u>	<u>Gateway</u>
<u>Route 7: Bypass from the west corporate limit of Leesburg west to Clarke County line</u>	<u>200'</u>	<u>100'</u>	<u>3</u>
<u>Route 267</u>	<u>150'</u>	<u>100'</u>	<u>3</u>
<u>Route 50: Fairfax County line east to Northstar Boulevard</u>	<u>100'⁴</u>	<u>100'⁴</u>	<u>Gateway</u>
<u>Route 50: Northstar Boulevard west to Fauquier County line</u>	<u>100' for all districts, except TCC (new) TCC (new): 50'</u>	<u>75' for all districts, except TCC (new) TCC (new): 50'</u>	<u>3</u>
<u>Route 15</u>	<u>100'</u>	<u>75'</u>	<u>3</u>
<u>Route 28</u>	<u>100'</u>	<u>75'</u>	<u>3</u>
<u>Route 9</u>	<u>100'</u>	<u>75'</u>	<u>3</u>
<u>Route 606</u>	<u>100'</u>	<u>75'</u>	<u>3</u>
<u>Other Arterial Roads</u>	<u>100' for all districts, except SM (new), SCN (existing R-8, R-16, and R-24), SC (existing PD-CC), SE (existing PD-OP, PD-IP, PD-RDP), TCC (new) SM (new), SCN (existing R-8, R-16, and R-24), SC (existing PD-CC), SE (existing PD-OP, PD-IP, PD-RDP), TCC (new): 50'</u>	<u>75' for all districts, except SM (new), SCN (existing R-8, R-16, and R-24), SC (existing PD-CC), SE (existing PD-OP, PD-IP, PD-RDP), TCC (new) SM (new), SCN (existing R-8, R-16, and R-24), SC (existing PD-CC), SE (existing PD-OP, PD-IP, PD-RDP), TCC (new): 50'</u>	<u>3</u>
Collector Roads			
<u>Route 287</u>	<u>100'</u>	<u>75'</u>	<u>3</u>
<u>Other Major Collector Roads</u>	<u>75', except SM (new), SCN (existing R-8, R-16, and R-24), SC (existing PD-CC), SE (existing PD-OP, PD-IP, PD-RDP), TCC (new) SM (new), SCN (existing R-8, R-16, and R-24), SC (existing PD-CC), SE (existing PD-OP, PD-IP, PD-RDP), TCC (new): 35'</u>	<u>35'</u>	<u>2</u>
<u>Minor Collector Roads</u>	<u>See applicable district regulations</u>	<u>See applicable district regulations</u>	<u>2</u>
Other			

Table 7.04.02.-1. Road Corridor Buffer and Setbacks Matrix:

<u>Route Number or Road Type²</u>	<u>Structure Setback³</u>	<u>Parking Setback⁴</u>	<u>Buffer Type</u>
All other roads in Nonresidential Districts	See applicable district regulations	25' ⁵	1
All roads in A-3, A-10, AR-1, AR-2, VAR, Transition, JLMA, Districts	See applicable district regulations	See applicable district regulations	1
All roads in SN (existing R-4), SCN (existing R-8, R-16, and R-24), SM (new), UT/UM (existing PD-TRC), UE (existing PD-TREC), PD-AAAR, R (including PD-H administered as R) Districts	See applicable district regulations	See applicable district regulations	Street Trees pursuant to 5.07.02.E
Private road serving as an alley ⁶ or serving commercial loading area	N/A	N/A	N/A
Ramps at grade separated interchanges associated with the roads listed above	75'	35'	3
W&OD Trail	25'	See applicable district regulations	2

(' = foot)

¹ Unless exempt pursuant to Section 7.04.02.A.7.a.

² The road type is determined by the Countywide Transportation Plan.

³ The setback must be provided in accordance with the Structure Setback or Parking Setback or the setback provided in an approved corridor study whichever setback is greater.

⁴ May be reduced in accordance with Section 7.04.02.D.3.C.

⁵ Unless otherwise specified in applicable district regulations.

⁶ As defined in the Zoning Ordinance.

B. Road Corridor Buffer Types. The intent of the Road Corridor Buffer Types referenced in Table 7.04.02.B are described below.

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.

C. Road Corridor Buffer Width and Plant Requirements. Road Corridor Buffer widths and plant units must be provided in accordance with Table 7.04.02-2.

Table 7.04.02-2. Road Corridor Buffer Width and Plant Requirements

<u>Road Corridor Buffer Type</u>	<u>Width (feet)</u>	<u>Number of Plant Units¹ Per 100 feet of Right-of-Way or Easement²</u>
1	10'	20
2	15'	60
3	20'	95
Gateway	100'	*

Table 7.04.02-2. Road Corridor Buffer Width and Plant Requirements

Road Corridor Buffer Type	Width (feet)	Number of Plant Units ¹ Per 100 feet of Right-of-Way or Easement ²
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¹See Table 5.07.07-1 for Plant Unit equivalents.

²Vehicle entrances, bridges, and/or pedestrian tunnels may be excluded from length of public road or private road frontage calculation. The buffer length is measured from where the buffer yard intersects the entrance travelway.

*The Gateway Corridor Buffer is subject to the requirements specified in Section 5.07.02.E.

D. Specific Requirements for Gateway Corridor Buffer. The Gateway Corridor Buffer must be provided in accordance with Table 7.04.02-3 and as follows:

Table 7.04.02-3. 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. Route 50 Gateway Corridor Buffer. The Route 50 Gateway Corridor Buffer must provide the following Design Elements:

a. Plant Location: The plants required in Table 7.04.02-3 must be installed on the parcel as follows:

- The plants must be located within the first 50 feet of the required 100 foot Buffer Yard immediately adjacent to the right-of-way of Route 50.
- Each 100 foot segment of frontage must contain the plants required per 100 linear feet.
- The plants must be located in front of the linear element required in Section 7.04.02.D.1.b.
- The plants and the linear element must be configured to align with the plants and the linear element on adjacent parcels, where feasible, to create a uniformly landscaped frontage along the right-of-way.

b. Linear Element: A linear element must be provided within the Gateway Corridor Buffer for at least 40% of a parcel's frontage adjacent to Route 50 and **must consist of a stone-faced feature**. The linear element may also include a fence and/or hedgerow.

- The stone-faced feature (i.e., wall, pillar, sign, and the like) must be:
 - Faced with materials having characteristics similar to native stone.
 - A minimum of 3 feet in height notwithstanding the Section 7.01 height limitation for fences in front yards, and
 - Have a minimum length equal to 10% of a parcel's frontage if combined with a fence or hedgerow.
- If a fence is provided, it must be:
 - A maximum height of 4.5 feet notwithstanding the height limitation of Section 7.01 for fences in front yards, as measured from the ground to its highest point, to include posts or other supporting structures.
 - Constructed of wood or a wood-like polymer in a rail, paddock, or horizontal board design, and
 - Have a minimum opacity of 50%.

3. If a hedgerow is provided, it must consist of a minimum of 10 shrubs planted in a continuous row that must:
 - a. Be planted at 36 inches on center.
 - b. Have a minimum height of 24 inches, and
 - c. Not count towards fulfilling the required plants in Table 7.04.02-3.
 4. 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.
 5. Areas of existing vegetation used to meet the Gateway Corridor Buffer plant requirements are excluded for the purposes of calculating the frontage length for determining the required minimum length of the linear element.
 6. The linear element does not have to be located parallel to the road.
 7. The linear element can be used towards fulfilling the Peripheral Parking Lot Landscaping requirements under Section 7.04.06.B.
 2. **Route 7 Gateway Corridor Buffer.** The Route 7 Gateway Corridor Buffer must provide the following Design Elements:
 - a. **Plant Location:** The plants required in Table 7.04.02-3 must be installed on the parcel as follows:
 1. 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.
 2. The total plants required for each 100-foot segment of frontage must contain the plants required per 100 linear feet, except plants may be relocated within the Buffer Yard where existing environmental constraints or public utility easements prevent planting within a particular segment.
 3. **Uses in the Gateway Corridor Buffer:** In addition to the uses specified in Section 7.04.07, the following uses are permitted in the Gateway Corridor Buffer:
 - a. Storm water management and best management practice (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 follows:
 1. As a water feature in accordance with Section 7.04.02.D.3.b. below; or
 2. A bio-retention facility that includes plantings required in the corridor buffer.
 - 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:
 1. The number of shrubs required by Table 7.04.02-3 may be reduced by 50% for the total amount of linear feet of frontage that is occupied by the water feature; and
 2. Notwithstanding Section 7.04.02.D.1.a. and 7.04.02.D.2.a., 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.
 - c. **Reduction:** The required width of the Gateway Corridor Buffer may be reduced to 50 feet subject to the Modification and Waiver provisions of Section 7.04.08.
 - d. **Other Landscaping and Screening:** Where the Zoning Ordinance requires the screening of parking, service and loading areas, and utility equipment from roads, such screening as may be necessary must

be in addition to the Gateway Corridor Buffer plantings and must be provided within the Gateway Corridor Buffer, but outside of the first 50 feet of the required 100-foot width as measured from the right-of-way.

E. Specific Requirements for Street Trees. When street trees are required, they must be provided as follows:

1. Planted at a rate of 20 plant units per 100 linear feet along each side of all public roads or private roads. The planting rate applies individually to each side of the road.
 - a. Only small deciduous trees and large deciduous trees are permitted to meet the plant unit requirement for street trees.
 - b. Trees are not permitted to be planted closer than 3 feet to any curb, sidewalk, or paved area unless planted within an approved manufactured stormwater treatment device.
2. Street trees must be regularly spaced.

7.04.03 Buffer Yards

A. General Provisions. Buffer Yards must be provided in accordance with the following:

1. Side and Rear Buffer Yards must be provided on the developing parcel in accordance with Table 7.04.03-1, the Use Buffer Yard Matrix, and in accordance with the provisions of Section 7.04.
2. Side and Rear Buffer Yard Types must 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 7.04.03.
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 7.04.03-1, the Zoning Administrator, using Table 7.04.03-1 as a guide, will 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 7.04.03-1 the more stringent requirements of Table 7.04.03-1 will apply.
5. Where a developing parcel and/or an adjacent parcel or parcels contain multiple use groups, the Buffer Yard Type required by Table 7.04.03-1 may vary on the developing parcel to correspond to the location of each use group on the adjacent parcel.
 - a. When the adjacent parcel is used for a wayside stand or temporary use, the adjacent parcel will be considered vacant when determining the Buffer Yard Type.
6. Specific Uses under Section 4 that reference this section for Landscaping, Buffering, and Screening requirements must 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 Road Corridor Buffer Type 2 for front yards;
 - c. 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.
 1. The required fence, wall, or berm for side or rear yards may be configured to surround the Specific Use.
 2. The Buffer Yard Type B for side or rear yards may be configured to surround the Specific Use provided the intent of the Buffer Yard Type B is met as described in Section 7.04.03.B.
7. Existing vegetation, and trees may be used to meet the requirements of this section in accordance with Section 7.04.01.D.
8. When a required Buffer Yard is a different width than a required yard setback, both the required Buffer Yard width and the required yard setback width must be accommodated.

9. All vegetative material within the Buffer Yard Types A, B, and C must meet the specifications of the Facilities Standards Manual.

Table 7.04.03-1. Use Buffer Yard Matrix¹

Proposed Use	Use Group	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 in a Residential District or Land Bay Approved for Residential Use	Vacant Land in all Other Districts or Land Bays
Single Family Detached	<u>1</u>	N/A	A	A	A	A	A	A	A	A	B	B	N/A	A
Single Family Attached	<u>2</u>	B	N/A	A	A	B	A	A	A	A	B	B	A	A
Multifamily	<u>3</u>	B	A	N/A	A	B	A	A	A	A	B	B	B	A
Group Living	<u>4</u>	B	A	A	N/A	B	A	A	A	A	B	B	B	A
Agriculture/Horticulture/Animal Husbandry and Passive Uses	<u>5</u>	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	<u>6</u>	B	A	A	A	N/A	N/A	A	A	A	B	B	B	A
Institutional/Civic	<u>7</u>	B	B	B	A	N/A	B	N/A	A	A	B	B	B	A
Office and Conference/Training Centers	<u>8</u>	B	B	B	B	N/A	B	B	N/A	A	A	B	B	A
Commercial/Retail	<u>9</u>	B	B	B	B	N/A	B	A	A	N/A	A	B	B	A
Light Industrial and Flex-Industrial Uses and Utilities	<u>10</u>	C	C	C	C	N/A	C	C	B	B	N/A	B	C	C
Heavy Industrial and Aviation	<u>11</u>	C	C	C	C	N/A	C	C	C	C	C	N/A	C	C
Vacant Land ³ in a Residential District or Land Bay Approved for Residential Use	<u>12</u>	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 ³ in all Other Districts or Land Bays	<u>13</u>	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 5.07.03.B.
²Buffer yards are not required between playgrounds or passive recreational uses when located internal to a residential neighborhood.
³Includes land designated as Open Space, but no use is specified.

B. Buffer Yard Types. The intent of Buffer Yard Types A, B, and C listed in Table 7.04.03-2 are as follows:

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.

C. Buffer Yard Widths and Plant Requirements. Buffer Yard Types A, B, and C must be provided in accordance with Table 7.04.03-2.

Table 7.04.03-2. Buffer Yard Width and Plant Requirements

Buffer Yard Type	Width (feet)	Number of Plant Units ¹ per 100 Linear feet of Required Buffer Yard
<u>A</u>	<u>10</u>	<u>30</u>
<u>B</u>	<u>20</u>	<u>80</u>
<u>C</u>	<u>25</u>	<u>120*</u>

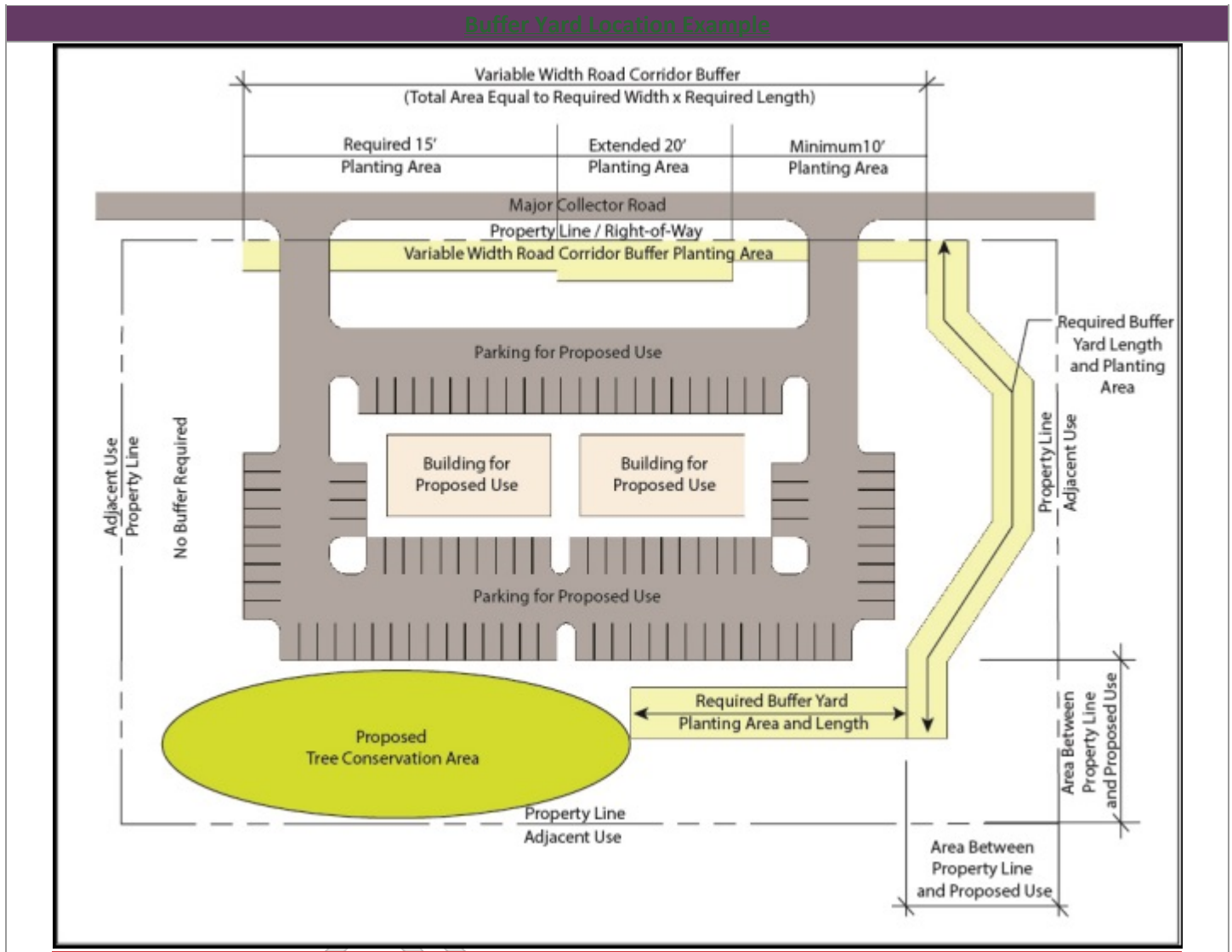
¹See Table 7.04.07-1. for Plant Unit equivalents.

*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.

D. Buffer Yard Location. Buffer yards must be located as follows:

1. Required buffer yards must be provided between the lot line and the proposed use and may be configured to surround the proposed use provided the intent of the required Buffer Yard Type under Section 7.04.03.B is met.
2. The location of required buffer yards may vary between the lot line and the proposed use provided the required plant units are planted within the required width throughout the full length of the buffer yard.

Draft 8/5/22



7.04.04 Cemetery, Burial Ground, and Grave Buffer

A. General Provisions. The following general provisions apply to all cemeteries, burial grounds, and graves:

1. A Cemetery, Burial Ground, or Grave Buffer must be provided for all existing cemeteries, burial grounds, and graves except for the following:
 - a. A cemetery, or an existing cemetery's expansion, legally established after January 7, 2003.
 - b. A cemetery, burial ground, or grave for animal remains.
 - c. A cemetery, burial ground, or grave accessory to and located on a parcel owned by and operated as an active religious assembly use. This exception does not apply to adjoining parcels that are not owned by and/or operated as the active religious assembly use.
 - d. A cemetery, burial ground, or grave from which all human remains have been removed in accordance with the Code of Virginia.
2. The Cemetery, Burial Ground, and Grave Buffer comprises 3 components: a perimeter boundary, a protection buffer, and a preservation buffer.
 - a. The intent of the perimeter boundary is to demarcate the delineated perimeter of the existing burials.

b. The intent of the protection buffer is to protect the physical integrity of existing burials and to preserve the natural and cultural features associated with the cultural landscape.

c. The intent of the preservation buffer is to create separation from adjacent land uses to preserve the historic context of the existing cemetery, burial ground, or grave. Historic context includes physical characteristics such as, without limitation, vegetation, topography, water courses, monuments, enclosures, and other cultural features associated with the cemetery, burial ground, or grave.

B. Perimeter Boundary and Demarcation. The following requirements apply to the perimeter boundary of each cemetery, burial ground, or grave:

1. If archaeological delineation of the perimeter boundary of a cemetery, burial ground, or grave is required by the Facilities Standards Manual (FSM), then the delineated perimeter boundary must 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.

2. No land disturbing activity is permitted within the delineated perimeter boundary of the cemetery, burial ground, or grave except for the following:

a. Construction of the perimeter demarcation.

b. Clearing of invasive vegetation on the surface, excluding any species that were planted in association with burials.

c. Land disturbing activity associated with the excavation and filling of grave shafts for new burials.

d. Removal and reinternment of burials in accordance with the Code of Virginia.

C. Protection Buffer. If archaeological delineation of the perimeter boundary of a cemetery, burial ground, or grave is required by the Facilities Standards Manual (FSM), then the following requirements apply:

1. For a cemetery, burial ground, or grave on the developing property, a 25-foot protection buffer must be established outside of and abutting the delineated perimeter boundary.

2. For a developing property located adjacent to a parcel containing an existing cemetery, burial ground, or grave for which the perimeter boundary has not been delineated, the protection buffer must be provided in accordance with Section 7.04.04.E.

3. No land disturbing activity is permitted within the protection buffer except for the following:

a. Land disturbing activity associated with construction of the perimeter demarcation required by Section 7.04.04.B.

b. Construction associated with pedestrian access.

c. Clearing of invasive vegetation on the surface, excluding any species that were planted in association with burials.

4. The protection buffer may be modified only by Minor Special Exception in accordance with the provisions of Section 11.11.02.

D. Preservation Buffer. If archaeological delineation of the perimeter boundary of a cemetery, burial ground, or grave is required by the Facilities Standards Manual (FSM), then the following requirements apply:

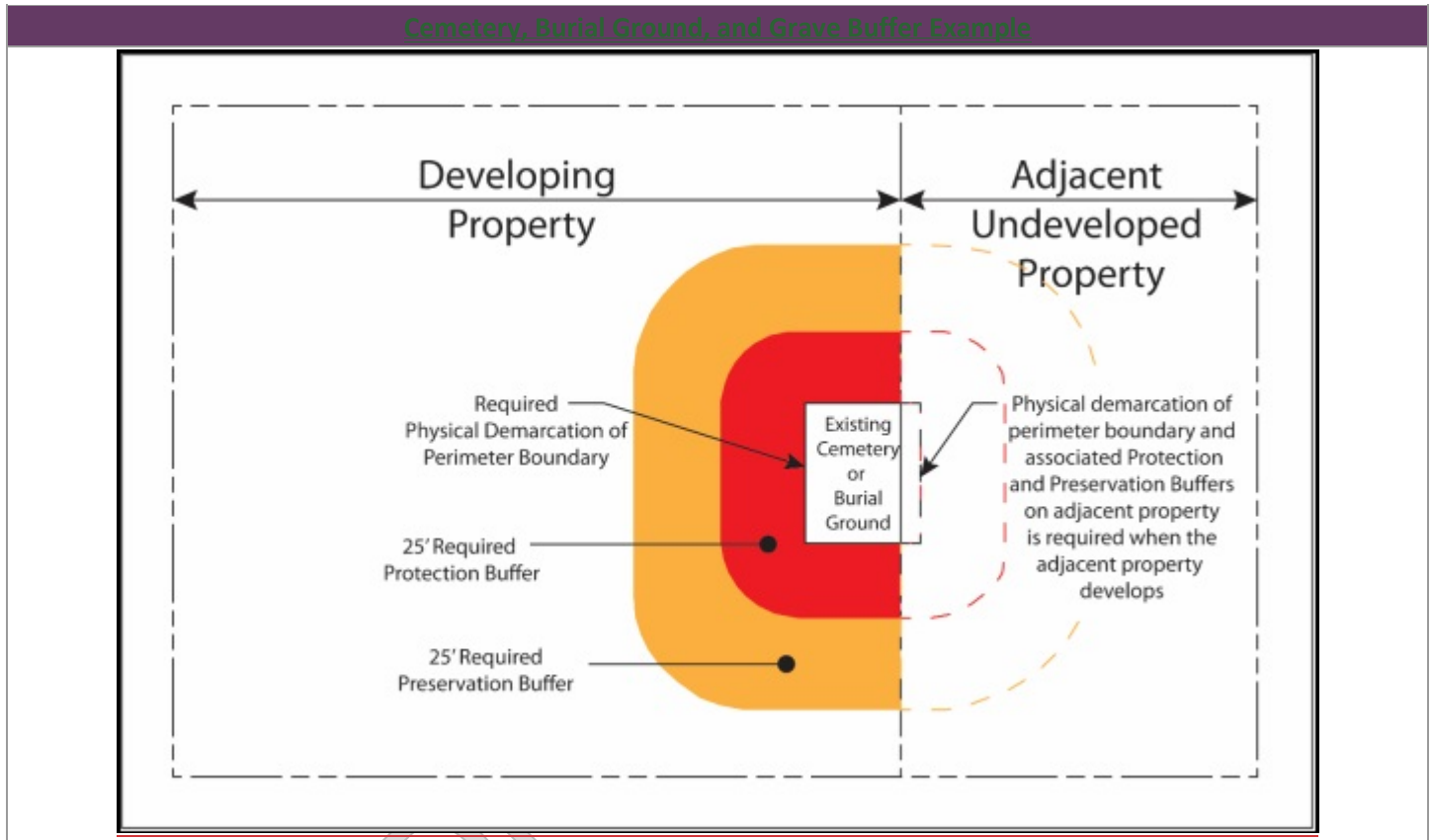
1. For a cemetery, burial ground, or grave on the developing property, a 25-foot preservation buffer must be established outside of and abutting the protection buffer required under Section 7.04.04.C.

2. For developing property located adjacent to a parcel containing an existing cemetery, burial ground, or grave for which the perimeter boundary has not been delineated, the preservation buffer must be provided in accordance with Section 7.04.04.E.

3. No land disturbing activity is permitted within the preservation buffer except for the following:

a. Land disturbing activity associated with construction of the perimeter demarcation required by Section 7.04.04.B.

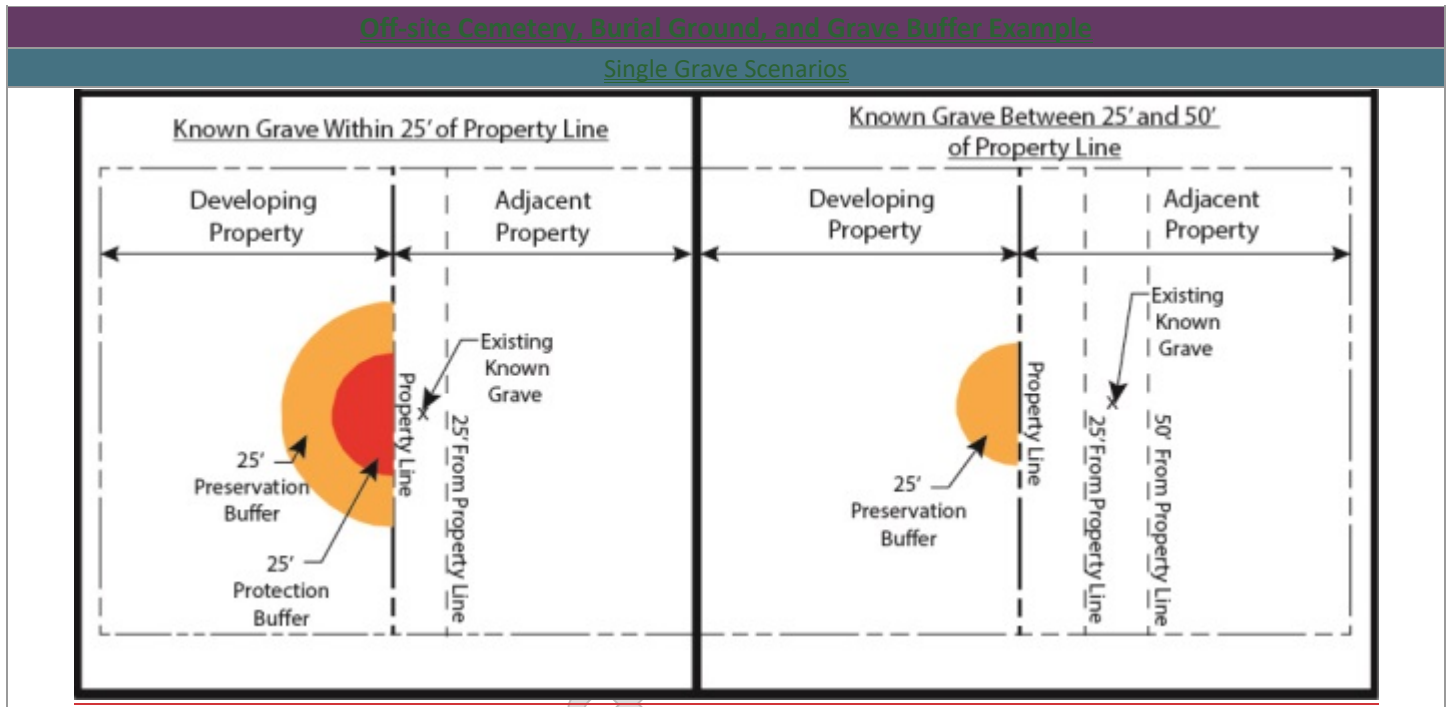
- b. Construction associated with pedestrian access.
- c. Clearing of invasive vegetation on the surface.
- 4. The Zoning Administrator may approve a request to waive or modify the preservation buffer in accordance with the requirements of Section 7.04.08 or in conjunction with a Minor Special Exception request pursuant to Section 5.07.04.C.4.



E. Off-site Cemetery, Burial Ground, or Grave Buffer. When a developing parcel requires an archaeological survey pursuant to the Facilities Standards Manual (FSM) and 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 must be determined as follows:

1. 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 must 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.
2. If a known grave on the adjacent parcel is located 25 feet or greater, but less than 50 feet from the parcel line, and no evidence of a grave is found on the developing parcel, then the developing parcel must provide a Preservation Buffer measured from the parcel line that is equal in length to the extent of any known graves.
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 is required on the developing parcel.

4. The protection buffer and preservation buffer are not permitted to be located on an individual residential or nonresidential lot.
5. The buffer required by this section applies regardless of whether a variation of archaeological survey requirements under the Facilities Standards Manual (FSM) is approved for the developing parcel.



7.04.05 Screening of Certain On-site Components

- A. On-site components, to include loading areas, dumpsters and areas for collection of refuse, outdoor storage areas, maintenance areas, ground- or building- mounted mechanical equipment, and utility equipment, must 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 is not permitted to be lower than the component/items being screened. Gates must be aesthetically compatible if provided.
 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.
 - a. All building-mounted mechanical equipment must incorporate this Subsection 3 into the required screening.
 - b. In cases where parapets are used to screen rooftop equipment, the maximum height of the parapet must be equal to the top of the highest mechanical unit but must not exceed the maximum height allowed in the district by more than 3 feet.
 4. This requirement does not apply to Residential uses, except multifamily attached structures, or Agricultural uses.

7.04.06 Parking Area Landscaping and Screening Requirements

A. Interior Parking Area Landscaping: Any property, use, or parking area that contains 20 or more parking spaces, except areas used for accessory storage of vehicles, must include interior parking area landscaping provided as landscaped open space, as follows:

1. At least 5% of the gross area of the parking area must be landscaped open space.

a. The gross area of the parking area:

1. Includes all parking spaces, vehicular travelways, and designated crosswalks within the parking area.

2. Does not include pedestrian facilities other than designated crosswalks within the parking area.

b. Landscaped open space must be:

1. No less than 130 square feet in size for any individual area:

2. Located at each end of every row of parking spaces, and equal in length to the adjoining parking space.

a. Where fewer than 8 parking spaces are proposed in a single row, landscaped open space is required at only 1 end of the row;

3. Planted with a minimum of 10 plant units per 150 square feet; and

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

c. Plant units in landscaped open space must be provided as follows:

1. A minimum of 75% of the total plant units required for landscaped open space must consist of large deciduous trees.

2. A minimum of 15% of the total plant units required for landscaped open space must consist of small deciduous trees.

3. Perennials are allowed only where taller vegetation would conflict with County and VDOT sight distance standards.

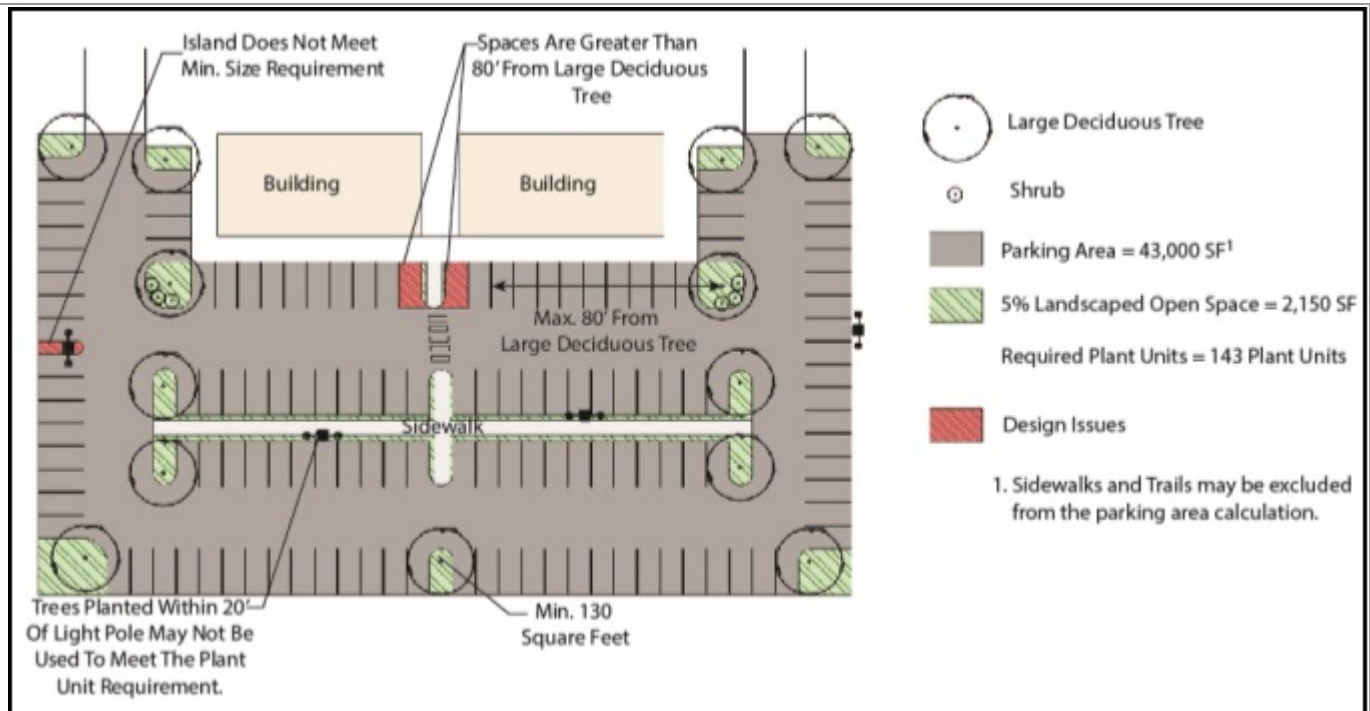
4. Evergreen trees are not permitted to be used to meet the minimum interior parking area landscaping plant unit requirement.

2. Trees or shrubs are not permitted to be planted closer than 3 feet to any curb or paved area unless planted within an approved manufactured stormwater treatment device.

3. Light poles may be placed within landscape islands.

a. Large or small deciduous trees planted within 20 feet of a light pole are not permitted to be used to meet the minimum interior parking area landscaping plant unit requirement.

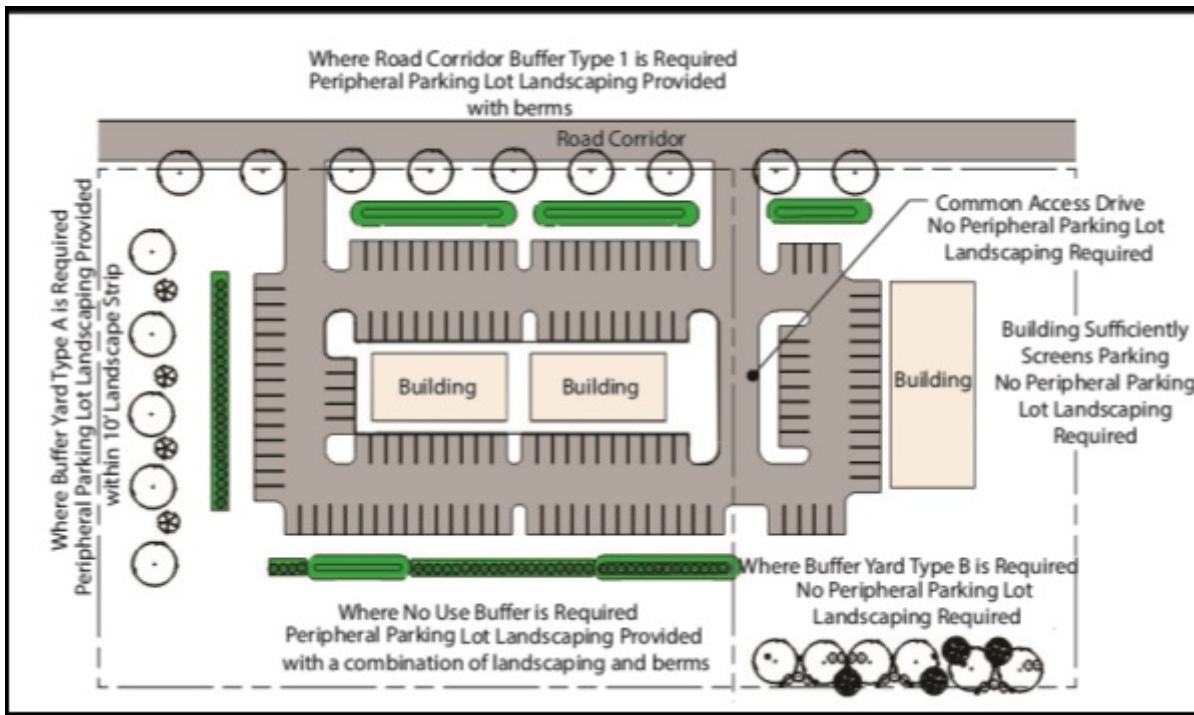
Interior Parking Area Landscaping Example



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 property, use, or parking area that contains 20 or more parking spaces must include peripheral parking area landscaping as follows:

1. Parking areas and parking area travelways that are not screened by buildings or other structures must be screened with either berms or landscaping, or a combination of both.
2. Such berms and/or landscaping must:
 - a. Have a minimum height of 30 inches.
 - b. Be located between the parking area and the lot line or right-of-way.
 1. Where the boundary between abutting lots is located within a parking area travelway, no screening is required.
 - c. Where a berm is proposed, the grade is not permitted to be steeper than 2:1.
 - d. Where landscaping is proposed, it must consist of:
 1. A minimum of 75% of the total plant units required must be evergreen shrubs. A minimum of 50 plant units per 100 linear feet within a continuous 10-foot-wide landscape strip, and;
 2. Trees or shrubs are not permitted to be planted closer than 3 feet to any curb or paved area, unless planted within an approved manufactured stormwater treatment device.

Peripheral Parking Area Landscaping Example



7.04.07 General Landscape Provisions

A. Landscape Plan. A landscape plan in accordance with the Facilities Standards Manual (FSM) must be submitted as part of every site plan and construction plans and profiles.

1. All landscaping and screening required by this Section must be depicted on such landscape plan, which must be designed by a licensed landscape architect or other licensed or certified professional in accordance with the FSM.
2. All landscaping and screening depicted on such landscape plan must be installed or bonded in accordance with current County requirements prior to issuance of any Certificate of Occupancy.

B. Plant Unit Requirements. The plant types used to meet the Plant Unit requirements for each Buffer Yard or Road Corridor Buffer must meet the following:

1. The number of Plant Units that a plant type is considered to be equivalent to is determined in accordance with Table 7.04.07-1, Plant Unit Equivalents.

Table 7.04.07-1. Plant Unit Equivalents

Plant Type	Plant Units per 1 Plant Type
Large Deciduous Tree	10
Evergreen Tree	6
Small Deciduous Tree	5
Shrub	2
Ornamental Grass	1
Perennial	0.25

2. Provided Plant Units must meet the following percentages:

a. No more than 50% of the required plant units are permitted to be large deciduous trees.

1. Exception. The Road Corridor Buffer Type 1 may be planted with 100% large deciduous trees.
- b. No more than 50% of the required plant units are permitted to be evergreen trees.
 1. A minimum of 10% of the required plant units for a Type C Buffer must be evergreen trees.
- c. No more than 60% of the required plant units are permitted to be small deciduous trees.
- d. No more than 30% of the required plant units are permitted to be shrubs.
 1. When shrubs are used, a minimum of 30% must be evergreen.
- e. The use of ornamental grasses and/or perennials is encouraged and may constitute a maximum of 25% of the required plant units.
- f. To support a pollinator habitat, plant units must be provided as follows:
 1. A minimum of 50% must consist of native species as specified in the FSM, and;
 2. A minimum of 75% of the small deciduous trees and shrubs provided must produce conspicuous flowers at some point during their growing season.
- g. Maximum percentages apply solely in determining the quantity of a given plant type that can be counted towards meeting a Plant Unit requirement, and do not preclude the installation of additional plant material from that plant type.

3. Walls, fences, and/or berms are not counted toward required plant units.

C. Use of Buffers. The following uses are permitted in Buffer Yards and Road Corridor Buffers:

1. Passive recreation and pedestrian, bicycle, or equestrian trails provided that Plant Unit requirements are met.
2. Utility easements 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 traversing the buffer generally perpendicular to the direction the length of the Buffer Yard or Road Corridor Buffer is measured.
4. Signs, pursuant to Chapter 8.
5. Vegetative stormwater management facilities such as bioretention, dry swales, or sheet flow vegetated buffer provided that Plant Unit requirements are met.

D. Landscape Installation. The installation of all required plant material must be in accordance with the FSM.

1. At the time of planting, all trees and shrubs must meet the requirements of the American National Standards Institute, American Standard for Nursery Stock, ANSI Z60.1-2014.
2. The minimum sizes required for each plant type are provided in Table 7.04.07-2.

Table 7.06.07-2. Required Minimum Sizes for Plant Types

<u>Plant Type</u>	<u>Minimum Size</u>
<u>Large Deciduous Tree</u>	<u>Minimum caliper of 1 inch</u>
<u>Small Deciduous Tree</u>	<u>Minimum caliper of 1 inch</u>
<u>Evergreen Tree</u>	<u>Minimum of 6 feet in height</u>
<u>Shrub</u>	<u>Minimum height of 18 inches</u>
<u>Ornamental Grass</u>	<u>Minimum 1 gallon container</u>
<u>Perennial</u>	<u>Minimum 1 gallon container</u>

E. Maintenance. The owner, or his agent, is responsible for the maintenance, repair and replacement of all plant material required by this Section.

1. All plant material must be tended and maintained in a healthy growing condition, replaced when necessary, and kept free of refuse and debris.

2. Fences and walls must be maintained in good repair.
3. Openings within fences and walls may be required by the Zoning Administrator for accessibility to an area for necessary maintenance.

7.04.08 Waivers and Modifications

A. Zoning Administrator Road Corridor Buffer and Buffer Yard Waivers and Modifications. Unless otherwise specified, the Zoning Administrator may approve requests for waivers or modifications to the road corridor buffer and buffer yard 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 the approval of a buffer yard 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. A modified buffer would be consistent with the applicable Place Type of the General Plan based on the surrounding property's existing development pattern and design characteristics.
 - g. The site is developing consistent with the applicable nonresidential Place Type of the General Plan and the adjoining vacant lot or land bay is designated as the same Place Type, or in the same zoning district if located in the Suburban Mixed Use Place Type.
2. **Conditions.** Zoning Administrator approval of any buffer yard waiver or modification may be subject to conditions that ensure the purpose and intent of this Section continue to be met.
3. **Application.** Each request for a buffer yard waiver or modification must include the following components:
 - a. **Written Narrative.** The written narrative must include:
 1. The specific requirement of this Section subject to the modification or waiver request and how the Section is proposed to be modified.
 2. A justification for the request based on Section **7.04.08.A.1.**
 3. A description of the site conditions that necessitate the modification and waiver request, and
 4. An explanation of 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.
 5. The written narrative for a request to modify or waive the cemetery, burial ground, and grave preservation buffer required by Section **7.04.04.D.4.**, must:
 - a. Describe how the modified buffer will achieve the purpose and intent of the required preservation buffer, and
 - b. Address how the historic context of the cemetery, burial ground, or grave will be preserved through the proposed alternative mitigation techniques.
 - b. **Design Exhibit.** The design exhibit must clearly depict and tabulate the quantity, type, location, and size of all proposed plant units and any other proposed design elements.

1. Additional site elevations, plan views, perspectives, and/or pictures may be required by the Zoning Administrator.
2. When the reduction of a Gateway Corridor Buffer width is requested pursuant to Section 7.04.02.D.4., the design elements specified by Section 7.04.02.D.1. or Section 7.04.02.D.2., as applicable, also must be depicted.
3. When a waiver or modification is requested to modify the cemetery, burial ground, and grave preservation buffer required by Section 7.04.04.D.4., a Cemetery, Burial Ground, and Grave Treatment Plan is also required in accordance with the Facilities Standards Manual (FSM). The Cemetery, Burial Ground, and Grave Treatment Plan must:
 - a. Indicate how the modified buffer will achieve the purpose and intent of the required preservation buffer, and
 - b. Address how the historic context of the cemetery, burial ground, or grave is being preserved through alternative mitigation techniques.

B. Legislative Modifications

1. **Buffer Yards.** The Board of Supervisors or the Board of Zoning Appeals may modify the buffer yards requirements of Section 7.04.03 as part of an approval action of a special exception, variance, or as part of proffered conditions. The request for such modification of buffer yards requirements is subject to Sections 7.04.08.A.1, and 7.04.08.A.3.
 - i. **Road Corridor Setback Modifications.** The COSP must show and describe all modifications to the originally approved open space including the method used to approve the modification and the date that it was approved.

5.04.10 Maintenance and Management of Open Space.

1. The Owner of the parcels where open space is provided is responsible for management and maintenance unless other arrangements are approved and documented.
2. Loudoun County is not responsible for the maintenance or replacement of any open space or improvements unless the open space area is dedicated and accepted through the appropriate process.
3. Routine maintenance is permitted according to an approved maintenance agreement. Open space must be maintained as appropriate for its designated use as specified in the approved rezoning CDP, Proffer Statement, or special exception conditions and the following:
 - a. Routine maintenance of common open space is limited to the removal of dead, diseased, dying, invasive, or noxious plant material.
 - b. — Removal and replacement of dead landscaping and/or screening or buffering materials.
 - c. Installation of supplemental or additional plant materials consistent with the intent of the open space.
 - d. — Lawn care and maintenance.
 - e. Repair or replacement of equipment.
 - f. Maintenance of any prepared surface, e.g., multi-use path or trail, sidewalk, playing field or court.

5.04.11 Ownership, Operation, and Management of Common Open Space and Common Facilities.

- A. All common open space and common facilities must be preserved for their intended purpose as expressed in the Concept Development Plan (CDP). The developer must choose prior to approval of the first record plat or final site plan, 1 or a combination of the following methods of preserving, protecting, and administering common open space:
- B. Public dedication to the County of the common open space, subject to acceptance by the Board of Supervisors.

- ~~C. Establishment of a nonprofit association, corporation, trust, or foundation of all owners of residential property within the planned development. Such organization must conform to the following requirements:~~
- ~~1. The organization must be established prior to approval of the first record plat or site plan, whichever is first in time, in the proposed development. The documents establishing such organizations must be reviewed and approved by the County.~~
 - ~~2. Membership in the organization must be mandatory for all residential property owners, present or future, within the planned community and said organization must not discriminate against members or shareholders.~~
 - ~~3. The organization must manage maintain, administer and operate all open space and improvements and other land not publicly or privately owned and must secure adequate liability insurance on the land and such improvements.~~
 - ~~4. Sales brochures or other literature and documents provided by the seller of all lots must include information regarding membership requirements and responsibilities of such organizations.~~
 - ~~5. Retention of ownership, control and maintenance of common open space and improvements by the developer.~~
- ~~D. All common open space not dedicated to the County must be subject to restrictive covenants running with the land restricting its use to that specified in the approved Concept Development Plan. Such restrictions must be for the benefit of and enforceable by all present or future residential property owners and the Board of Supervisors of Loudoun County.~~
- ~~E. All common open space, as well as public recreational facilities, must be specifically included in the development schedule and be constructed and fully improved by the developer at an equivalent or greater rate than the construction of residential structures.~~
- ~~F. Provisions for establishment of a management organization must include provisions to ensure the continued preservation, management, and maintenance of the open space in the event the organization can no longer fulfill its obligations.~~

5.04.12. Modifications.

2. ~~Only~~ The Board of Supervisors may modify the ~~requirements for open space in Section 5.04. Road Corridor Parking and/or Structure Setbacks of Table 7.04.02.B as follows:~~
 - a. The Road Corridor Parking and/or Structure Setbacks may be modified by Minor Special Exception approval in accordance with Section 11.11.02 upon a finding that such modification is necessary to maintain consistency with the streetscape established by existing development on adjacent properties within 100 feet of and on the same side of the road as the property subject to the request.
 1. The application for such modification must include the materials that demonstrate the following:
 - a. The location of structures used to justify the proposed setback will maintain consistency with the streetscape established by existing development.
 - b. The proposed new Road Corridor Parking and/or Building Setback.
 - b. Modifications of open space requirements If the modification request does not meet the criteria of Section 7.04.08.B.2.a, then the Applicant may request to modify the road corridor setbacks as part of a Planned Development District pursuant to Section 2.06.

7.05 Light, Noise, and Vibration

7.05.01 Purpose and Applicability

Purpose: *The purpose of these noise, light, and vibrations standards is to promote the public health, safety, and welfare by ensuring land and buildings will be occupied by uses that comply with reasonable standards to protect the community from dangerous, injurious, or noxious activity or conditions such as:*

- *Fire, explosion, radioactivity or other hazardous condition.*
- *Noise or vibration.*
- *Smoke, dust, odor or other forms of air pollution.*
- *Electrical or other atmospheric disturbance.*
- *Glare or heat.*
- *Liquid or solid refuse or waste conditions or other dangerous or objectionable elements or conditions in a manner or amount as to adversely affect the surrounding area or be detrimental to mental and physical health and peaceful enjoyment of property.*

A. Applicability.

1. *All permitted and Special Exception uses as set forth in 3.02, whether such uses are permitted as a principle use or an accessory use, must be initiated through an operate in conformance with the standards set forth in Section 7.05.*
2. **Existing Uses.** *Any legally established nonconforming use that did not comply with these standards is permitted to continue so long as the degree of nonconformity is not increased.*
 - a. *Any application for the expansion or change of use of a nonconforming use will require the subsequent expansion or change to comply with the requirements of this Section.*
3. **Agricultural Operations.** *a PD zoning district pursuant to the procedures and The standards contained in Section 7.05 do not apply to any legally established agricultural operation as defined by the Code of Virginia.*

- B. Enforcement.** *The enforcement of the standards set forth in Section 7.05 will be in conformance with the requirements of Section 7.0911.14.E.*

57.05-Parking Standards.02 Light and Glare

Purpose: *The purpose of the Light and Glare standards is to provide a regulatory strategy for outdoor lighting that will:*

- *Permit reasonable uses of outdoor lighting for nighttime safety, utility, security, productivity, enjoyment, convenience, and commerce while minimizing light pollution.*
- *Promote a glare-free environment while improving visibility and enhancing safety.*
- *Minimize glare, obtrusive light, and artificial skyglow by limiting outdoor lighting that is misdirected, excessive, or unnecessary.*
- *Minimize the adverse effects of light trespass to adjacent properties, roadways, the natural environment, and view of the night sky.*
- *Conserve energy and resources.*
- *Implement General Plan action to promote the International Dark-Sky Association's Dark Sky standards to prevent light pollution.*

A. Applicability.

1. Required.

- a. *Except as provided below, all outdoor lighting must comply with this Section.*
- b. *Regulated lighting includes, but is not limited to, new lighting, replacement lighting, or any other lighting regardless of what it is attached to, its location, or who installed it.*

c. Existing, nonconforming lighting affected by the approval of revisions to an approved Site Plan or a change of use requiring a Zoning Permit must comply with the lighting standards contained in this Section.

2. Exempt. The following are exempt from compliance with the requirements of this Section:

- a. Exterior lights mounted on residential structures at entry and exit doorways that are neither located nor emit light above the eave;
- b. Street lighting located along public or private roads for the purpose of illuminating the roads and not areas outside of such roads;
- c. Temporary seasonal or holiday lighting;
- d. Lighting for public monuments or statuary;
- e. Temporary lighting for theatrical, television or performance areas and construction sites when the lighting is turned off at least 1 hour after the site is closed, event concludes, or workday ends;
- f. Underwater lighting in swimming pools and other water features;
- g. Lighting that is only used under emergency conditions; and
- h. Motion sensing lights that:
 - 1. Are directionally shielded away from adjacent properties; and
 - 2. Automatically turn off after a predetermined interval of time.

3. Exceptions. The following light sources may be subject to alternate regulations, which will take precedence:

- a. Lighting identified below in subsection C Special Standards;
- b. Lighting required by federal, state, county, or municipal laws or regulations; and
- c. Lighting approved by Special Exception pursuant to subsection E.

B. General Standards.

1. Lighting Fixtures.

- a. Lighting fixtures must be full cutoff so that the emitted light is not projected above the horizontal plane of the shield, or bulb enclosure, and the bulb is recessed or level with the lowest portion of the lighting shield. Verification of this standard for each lighting fixture is required by:
 - 1. Manufacturer certification; or
 - 2. The International Dark Sky Association Fixture Seal of Approval.
- b. Side shielding, which extends a minimum of 3 inches below the bulb, must be provided for pole-mounted lighting, except at driveways and travelway intersections.

2. Light Direction. Lighting fixtures must be aimed downward and inward to direct light towards the interior of the property.

3. Maximum Illumination. Lighting must not cause illumination in excess of 0.25 foot candles above background light levels measured at any property line of the parcel upon which the lighting fixture is located.

4. Photometric Plan. All applications to permit outdoor lighting must submit a photometric plan to document maximum illumination.

5. Height Limit.

- a. The maximum overall height for any exterior lighting is 25 feet unless a lesser or greater maximum height is specified in:
 - 1. Use-Specific Standards in Chapter 4;
 - 2. Approved Proffers; or
 - 3. Special Exception or Variance Condition of Approval.

b. Height is measured from grade to top of pole or lighting fixture, whichever is taller.

6. **Color Temperature.** To minimize negative environmental impacts of outdoor lighting, all new luminaires must be rated 3000K or less Correlated Color Temperature (CCT).

7. **Automatic Switching.**

a. Controls must be provided that automatically extinguish all outdoor lighting when sufficient daylight is available using a control device or system such as:

1. Photoelectric switch;
2. Astronomic time switch or equivalent functions from a programmable lighting controller; or
3. Building automation system or lighting energy management system.

b. Each control device or system must have battery or other power back-up.

c. **Exceptions.** Automatic switching control is not required for:

1. Under canopy lighting; nor
2. Lighting for tunnels, parking garages, garage entrances, and similar conditions.

8. **Automatic Lighting Extinguishment.** All exterior lighting must be extinguished between 11:00 pm and 7:00 am except for the following:

- a. Single-family dwellings;
- b. Multifamily dwellings, not including common areas;
- c. Lighting required by the Building Code for steps, stairs, walkways, and building entrances;
- d. Exterior lighting necessary for security purposes, as determined by the Zoning Administrator; or
- e. Businesses that operate on a 24-hour basis, or during the hours of operation permitted by:
 1. Use Specific Standards of Chapter 4;
 2. An approved Site Plan; or
 3. Approved Proffers or Special Exception.

C. Alternate Standards.

1. **Recreational and Athletic Fields.** Recreational and Athletic Fields and facilities at publicly owned facilities utilized for athletic competition other than at public schools must:

- a. Use cutoff and fully shielded lighting fixtures that are aimed downward and inward toward the athletic field or interior of the property;
- b. Be shielded in directions away from the athletic field to minimize glare and light trespass onto adjacent properties;
- c. **Not cause illumination in excess of 10-foot candles above background light levels measured at the lot line of any adjacent lot. The illumination levels must be documented on a photometric plan; and**
- d. Be turned off by 11:00 p.m.

2. **Use-Specific Standards.** The following exterior lighting standards apply to specific uses when expressly referenced by the Use-Specific Standards of Chapter 4.

- a. The maximum height of pole mounted exterior lighting must not exceed 15 feet.
- b. Full cutoff lighting fixtures must be used in all areas. The light element (lamp or globe) of a fixture must not extend below the cutoff shield.
- c. All exterior lighting must be turned off between 10:00 am and 6:00 pm except for the following:
 1. During the hours of operation permitted by:
 - a. Use Specific Standards of Chapter 4;
 - b. An approved Site Plan; or

c. Approved Proffer or Special Exception.

2. Exterior lighting necessary for security purposes, as determined by the Zoning Administrator.

d. Signage related to the use must not be illuminated.

D. **Method of Measurement.** Illumination levels must be measured at the specified location with a photoelectric photometer having a spectral response similar to the human eye, following the standard spectral luminous efficiency curve adopted by the International Commission on Illumination.

E. **Special Exception.** Lighting that does not meet the standards of this Section may be permitted by Special Exception, pursuant to Sections 11.11.01 and 11.11.09.

7.05.03 Noise

Purpose. The purpose of the noise standards is to protect citizens from excessive, unpleasant, or disturbing sound (noise) that is detrimental to the health and peaceful enjoyment of property.

A. **Applicability.**

1. No use is permitted to be operated in such a manner as to create a sound that exceeds the maximum A-weighted sound levels set forth in Table 7.05.03.-1. Examples of sounds regulated by this Ordinance include, but are not limited to amplified music or voice, or barking dogs at kennels.
2. The maximum A-weighted sound levels of subsection D applies unless a different decibel level applies under subsection F.
3. These standards do not apply to extraction and mining Special Exception operations uses 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.

B. **Definitions.** For the purposes of this section only, the following definitions apply:

1. **Mixed-Use Residential** is any dwelling unit located in any of the following zoning districts listed in Chapter 2: UT/UM (existing PD-TRC), SM (new), PD (new).
2. **Residential** is any dwelling unit located in a zoning district listed in Chapter 2, or the PD-H Zoning District, and any other dwelling unit that does not meet the definition of mixed-use residential.

C. **Methods of Measurement.**

1. A-weighted sound levels must 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 must be set to FAST, and a time period of 15 seconds must be used. The operator may select another time period between a minimum of 10 seconds and maximum of 1 minute if a 15-second time period cannot adequately capture the A-weighted sound level.
2. Samples must be taken only when the subject sound can be clearly heard and identified by the operator without any extraneous sounds such as passing traffic or bird songs.
3. The operator must take a minimum of 3 samples that demonstrate the repeatability and consistency of the subject sound. When possible, the operator should also take at least 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 must comply with the maximum A-weighted sound levels in Table 7.05.03-1.
5. For residential, rural economy, commercial, civic, institutional, and industrial uses, samples of the subject sound must 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 must be aimed toward the source of the subject sound, and a standard microphone height of 5 feet above grade must be used.

6. For mixed use residential, samples of the subject sound must be taken on the receiving property at the nearest dwelling unit 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 must be used. The microphone of the SLM must use a windscreen, must be located at the center, and must extend approximately 0.5 inches beyond the outer plane of said open window, door, or other aperture, and must be aimed towards the source of the subject sound.

- D. **Maximum A-Weighted Sound Levels (decibels).** The maximum A-weighted sound level is provided in Table 7.05.03.-1 and applies any time of day or night.

Table 7.05.03.-1				
Receiving Development	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

- E. **Maximum A-Weighted Sound Levels Exemptions.** The maximum A-weighted sound levels in Table 7.05.03-1 do not apply to the following:

4. All aircraft sounds.
5. Sounds produced by activities listed in Chapter 654.02(e) of the Codified Ordinances. However, sounds produced by outdoor public address systems at public schools are subject to subsection F, and sounds produced by commercial indoor firearm ranges are subject to the maximum A-weighted sound levels in Table 7.05.03-1.
6. 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.
7. 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.
8. Sounds created by air conditioner condensers for single-family attached dwellings and single-family detached dwellings.
9. Sounds created by utilities and public uses, including, but not limited to utility substations, utility transmission lines, sanitary landfills, public sewer, and public water.

- F. **Use-Specific Noise Standards.** The following noise standards apply to specific uses when expressly referenced by the standards for the Use-Specific Standards of Chapter 4.

1. **Location in Relation to Residential Use.** No loading/unloading activities or other noise-producing activities are permitted within 250 feet of an existing principal dwelling.
2. **Maximum dB(A).** The maximum allowable dB(A) level of impulsive sound emitted from the specific use, as measured at the property line of any adjacent lot that permits a single family dwelling as a principal use, is 55 dB(A).
3. **Outdoor Music.** Outdoor music is not permitted after 11:00 PM.

7.05.04 Vibration

- A. **Required Performance Level.** Any use, operation, or activity must not cause or create earthborn vibrations in excess of the peak particle velocities prescribed below.
- B. **Method of Measurement.**

1. Measurements must be made at or beyond the adjacent lot line and at the nearest zoning district boundary that permits any residential use, noted as "residential district boundaries" in Table 7.05.04-1 and Table 7.05.04-2.
2. Ground transmitted vibration must be measured with a seismograph or complement of instruments capable of recording vibration displacement and frequency, particle velocity, or acceleration simultaneously in 3 mutually perpendicular directions.
3. The maximum particle velocity must be the maximum vector sum of 3 mutually perpendicular components recorded simultaneously. Particle velocity also may be expressed as 6.28 times the displacement in inches multiplied by the frequency in cycles per second.
4. For the purpose of this Section, steady state vibrations are vibrations that are continuous or vibrations in discrete impulses more frequent than 60 per minute. Discrete impulses that do not exceed 60 per minute must be considered impact vibrations.

C. Heavy Intensity Land Uses.

1. Heavy intensity land use standards apply to the SI (existing PD-GI), SME (existing MR-HI), TI (existing PD-GI), TME (existing MR-HI), and MR-HI, PD-IP, and PD-OP in Leesburg JLMA Zoning Districts.
2. Uses subject to these standards must not cause steady state vibrations to exceed the maximum permitted particle velocities described in Table 7.05.04-1 below.
 - a. Where more than one set of vibration levels apply, the most restrictive governs.
 - b. Readings must be made at points of maximum vibration intensity.
3. Maximum Permitted Steady State Vibration Levels:

Table 7.05.04-1 Area of Measurement		
<u>Type of vibration</u>	<u>At residential district boundaries</u>	<u>At other lot lines within district</u>
<u>Continuous</u>	<u>.003</u>	<u>.015</u>
<u>Impulsive (100 per minute or fewer)</u>	<u>.006</u>	<u>.030</u>
<u>Fewer than 8 pulses per 24 hours</u>	<u>.015</u>	<u>.075</u>

D. Light Intensity Land Uses.

5. Light intensity land use standards apply to all zoning districts that permit:
 - a. Residential uses; and
 - b. Industrial uses.
 1. Except the SI (existing PD-GI), SME (existing MR-HI), TI (existing PD-GI), TME (existing MR-HI), and Leesburg JLMA PD-IP and PD-OP Zoning Districts, which are subject to Heavy Intensity Land Uses standards in subsection C.
6. Uses subject to these standards must not cause steady state vibrations to exceed the maximum permitted particle velocities described in Table 7.05.04-2 below.
 - a. Where more than one set of vibration levels apply, the most restrictive governs.
 - b. Readings must be made at points of maximum vibration intensity.
7. Maximum Permitted Steady State Vibration Levels:

Table 7.05.04-2 Area of Measurement		
<u>Type of vibration</u>	<u>At residential district boundaries</u>	<u>At other lot lines within district</u>
<u>Continuous</u>	<u>.003</u>	<u>.030</u>
<u>Impulsive (100 per minute or fewer)</u>	<u>.006</u>	<u>.060</u>

Table 7.05.04-2 Area of Measurement

Type of vibration	At residential district boundaries	At other lot lines within district
Fewer than 8 pulses per 24 hours	.005	.15

E. Evening Reduction. Between the hours of 8 p.m. and 7 a.m., all of the permissible vibration levels indicated in Table 7.05.04-1 and Table 7.05.04-2 above at residential district boundaries must be reduced to one-half the indicated values.

7.06 Parking

7.06.01 Applicability

Purpose. The purpose of these regulations is to establish parking, stacking, and loading regulations for new uses, buildings, structures, parking areas, and redeveloped sites in a manner that is consistent with the Comprehensive Plan. These regulations:

- Maximize the safety and functionality of parking areas.
- Minimize conflicts between pedestrians and vehicles within parking lots and surrounding land uses.
- Provide parking and loading facilities in a reasonable proportion to one or more use's needs.
- Reduce minimum parking requirements to coincide with common usage rather than peak demand and establishes maximum parking requirements where appropriate.
- Provide tailored parking rates responsive to different development contexts.
- Minimize the negative environmental and urban design impacts that can result from excessive parking, driveways, and drive aisles within parking areas.
- Support mass transit and alternative modes of transportation.
- Provide transportation demand management (TDM) strategies to reduce traffic congestion.

C.A. Applicability. Any new building, structure, use, redeveloped site, or enlarged or expanded existing building ~~must meet this Section's parking is subject to the~~ requirements of Section 7.06 and ~~require~~requires permanent parking and off-street loading unless specified in this Section. ~~This Section's regulations do not apply to parking, stacking, or loading spaces for uses or structures approved by the County in a valid preliminary or final site plan or a valid preliminary or final subdivision plat prior to the date of adoption of this Section, regardless of whether those spaces have been constructed or otherwise established.~~

D.B. Parking Multiple Principal Uses. Where multiple principal uses are permitted to be located on a property, the minimum required parking spaces for such uses is calculated cumulatively for each principal use. Parking spaces may be provided in a garage or properly surfaced parking area. In residential zoning districts, County and VDOT approved streets and travelways designed to accommodate on-street parking may satisfy the one parking space per dwelling requirement unless for residential uses in Villages which follow the regulations prescribed in Section 5-057.06.13.

E.C. Application to Add or Change Use. When a change in intensity of use of any building or structure would increase the required parking by 10 or more spaces or 10%, whichever is greater, cumulatively from the effective date of this Zoning Ordinance, through an addition or change in the number of dwelling units, gross floor area, or other

specified units of measurements, the increment of additional required parking must comply with ~~this~~ Section 7.06 unless an adjustment is permitted per ~~Subsection 5.05.09~~ Section 7.06.08. If fewer than ten 10 spaces or 10%, 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 waiver is not detrimental to the public welfare.

F.D. Review of Parking and Loading Facilities Plan. Each application for ~~a~~ subdivision, Site Plan, Zoning Permit, or certificate of occupancy must include information as to the location and dimensions of parking and loading spaces and the means of ingress and egress to those spaces. This information must be in sufficient detail to determine if the requirements of this Zoning Ordinance are met and must contain the information as is required by applicable provisions of the Land Subdivision and Development Ordinance (LSDO) and the Facilities Standards Manual (FSM).

G.E. Procedures for Reduction of Parking. 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. Parking reductions may be applied by following the requirements, standards, and procedures in Section ~~5.05.09~~ 7.06.08.

H.F. 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 residential zoning district, as defined in Chapter ~~2 of this Zoning 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. ~~Any vehicle not displaying current license plates and inspection validation certificates as required by Virginia law will be construed as an inoperable vehicle.~~
3. ~~Inoperable vehicles are not permitted within required rear and side yard setbacks.~~
4. No inoperable vehicle is allowed to be parked or stored outside a building for more than 1 week on a lot of less than 10 acres in any residential ~~district. Not more than 1 inoperable vehicle may be parked outdoors at a time on any lot greater than 10 acres in any residential district.~~ Any vehicle not displaying current license plates and inspection validation certificate as required by Virginia law will be construed as an inoperable vehicle. ~~zoning district.~~
- 2-5. Not more than 1 inoperable item of major recreational equipment is allowed to be parked outdoors on any lot of less than 10 acres in area in any residential zoning district.
6. ~~Not more than 1 inoperable vehicle may be parked outdoors at a time on any lot 10 acres or larger in any residential district.~~
- 3-7. Inoperable vehicles on lots ~~greater than 10 acres~~ or larger may be parked or stored in an open or enclosed space into the rear of the property. ~~Inoperable vehicles must comply with the required rear and side yard setbacks.~~

5.057.06.02 Parking Ratios

Number of Parking Spaces Required.

F.A. Metrics and Interpretations for Computation.

1. **Floor Area.** Gross Floor Area (GFA).
2. **Building Capacity.** The capacity of the building expressed in number of persons ~~must be is~~ determined by the Uniform Statewide Building 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 0.5 are disregarded, and fractions of over 0.5 must be interpreted as 1 whole parking or loading space.

4. **Commercial Vehicles.** In addition to the requirements in ~~the tables~~ Table 7.06.02-1 below, 1 off-street parking space is required for each commercial vehicle that is directly associated with permitted and Special Exception uses, and will 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.
5. **Minimum.** The number of parking spaces a site must provide.
6. **Maximum.** The number of parking spaces a site must not exceed.
7. **Parking Specific Metrics.**
 - a. Dwelling Unit
 1. Example: 1/DU
 2. Interpretation: 1 space for each dwelling unit
 - b. Bedrooms
 1. Example: 1 + (0.75) bedrooms
 2. Interpretation: 1 space plus 0.75 times all bedrooms
 - c. Guest House
 1. Example: 1/guest house
 2. Interpretation: 1 space for each guest house
 - d. Stall
 1. Example: 1/stall
 2. Interpretation: 1 space for each stall
 - e. Fuel Pump
 1. Example: 1/2 fuel pumps
 2. Interpretation: 1 space for every 2 fuel pumps
 - ~~i. Residence~~
 - ~~1. Example: 1/residence~~
 - ~~2. Interpretation: 1 space for each residence~~
 - f. Acres
 1. Example: 10/5 acres
 2. Interpretation: 10 spaces for every 5 acres
 - g. Square feet
 1. Example: 1/1000 sf
 2. Interpretation: 1 space for every 1000 gross square feet
 - h. Employee
 1. Example: 1/employee ~~on site~~
 2. Interpretation: 1 space for every employee working on site
 - i. Maximum Occupancy
 1. Example: 0.33/~~per person in~~ maximum occupancy, ~~plus one per~~ plus one per 1/employee
 2. Interpretation: 0.33 spaces per person in maximum permitted occupancy of the building ~~plus one~~ per 1 space for every employee working on site.
8. **Bicycle Specific Metrics.**
 - a. Dwelling Unit
 1. Example: 1/40 ~~units~~ DU

- 2. Interpretation: 1 space for every 40 dwelling units
- b. Gross Floor Area
 - 1. Example: 1/1000 square feet
 - 2. Interpretation: 1 space per every 1000 gross square feet
- c. Parking Space
 - 1. Example: 1/10 parking spaces
 - 2. Interpretation: 1 per 10 provided parking spaces
- 9. **Electric Vehicle Specific Metrics.**
 - a. Percentage (%)
 - 1. Example: 3% of 100 required parking spaces
 - 2. Interpretation: 3 electric vehicle spaces required for 100 required parking spaces

G.B. Use Groups. To calculate parking, bicycle, and loading requirements, uses are grouped as:

- 1. **Residential Uses.**
 - a. Household Living
 - b. Group Living
- 2. **Lodging Uses.**
- 3. **Commercial/Mixed Uses.**
 - a. Animal Services
 - b. Day Care
 - c. Financial Services
 - d. Food and Beverage Sales/Service
 - e. Office, Business and Professional
 - f. Personal/Business Services
 - g. Retail
 - h. Automotive
- 4. **Public/Civic/Institutional Uses.**
 - a. Assembly
 - b. Death Care Services
 - c. Government/Non-Profit
 - d. Education
 - e. Medical
 - f. Arts, Entertainment, and Recreation
- 5. **Industrial/Production Uses.**
 - a. Manufacturing and Employment
 - b. Warehousing, Storage, and Distribution
- 6. **Infrastructure Uses.**
 - a. Transportation/Parking
 - b. Utilities
 - c. Communications Facilities
 - d. Waste-related

7. Agriculture Uses.
8. Accessory Uses.
9. Miscellaneous Uses.

H.C. Parking Requirements by Use and Policy Area. The computation of off-street parking for each permitted use must follow the parking requirements prescribed in zoning districts located within Urban, Suburban, Transition, ~~JLMA~~, and Rural Policy Areas, ~~Joint Land Management Area (Table 7.06.02-1)~~ and Village Parking, ~~with the following tables (Table 5.05.03-1 through Area (Table 5.05.02-57.06.12-1) and Table 5.05.12-1,~~ is subject to the adjustments allowed in ~~this accordance with~~ Section. ~~Ratios identified with an asterisk (*) follow the requirements in Section 5.05.14 Specific Residential Design Type Parking. Ratios identified with a double asterisk (**) follow the requirements in Section 5.05.7.06.08-A Parking Adjustments.~~

Table 5.05.037.06.02-1 Urban Policy Area Parking Ratios <u>by Zoning District Category</u> Note: NR = Not Required									
URBAN	Urban Minimum		Maximum Suburban		Transition		Rural	JLMA	
	Min	Max	Min	Max	Min	Max	Min	Min	Max
Residential									
Household Living:									
Accessory dwelling	<u>1/DU</u>	<u>4/DU</u>	<u>1/DU</u>	NR	<u>1/DU</u>	NR	<u>1/DU</u>	<u>1/DU</u>	NR
Caretaker or guard	NR	NR	NR	NR	NR	NR	NR	NR	NR
Dwelling, single-family attached	<u>7.06.13</u>		<u>7.06.13</u>		<u>7.06.13</u>		<u>7.06.13</u>	NR	NR
Dwelling, multifamily	<u>7.06.13</u>		<u>7.06.13</u>		<u>7.06.13</u>		NR	NR	NR
Dwelling, single-family detached	<u>2/DU</u>	<u>5/DU</u>	<u>2/DU</u>	NR	<u>2/DU</u>	NR	NR	NR	NR
Live/work dwelling	<u>2/DU</u>	<u>4/DU</u>	<u>2/DU</u>	NR	<u>2/DU</u>	<u>4/DU</u>	NR	NR	NR
Manufactured home	NR	NR	<u>1/DU</u>	NR	<u>1/DU</u>	NR	NR	<u>1/DU</u>	NR
Manufactured housing land lease community	NR	NR	<u>1/DU</u>	NR	NR	NR	NR	NR	NR
Religious housing	<u>2/DU</u>	<u>4/DU</u>	<u>1/DU</u>	NR	<u>1/DU</u>	<u>4/DU</u>	NR	<u>1/DU</u>	NR
Tenant dwelling	NR	NR	NR	NR	<u>1/DU</u>	<u>2.5/DU</u>	<u>1/DU</u>	<u>1/DU</u>	NR
Group Living:									
Rooming and Boarding	<u>1+ (0.25) bedrooms</u>	<u>1+ (0.75) bedrooms</u>	<u>1+ (0.25) bedrooms</u>	NR	NR	NR	<u>1+ (0.75) bedrooms</u>	NR	NR
Congregate housing	<u>1+ (0.25) bedrooms</u>	<u>1+ (0.75) bedrooms</u>	<u>1+ (0.25) bedrooms</u>	NR	<u>1+ (0.25) bedrooms</u>	<u>1+ (1.00) bedrooms</u>	<u>1+ (0.75) bedrooms</u>	<u>1+ (0.75) bedrooms</u>	NR
Continuing care facility	<u>0.75/1000 sf</u>	<u>2/1000 sf</u>	<u>0.75/1000 sf</u>	NR	<u>0.75/1000 sf</u>	<u>2/1000 sf</u>	<u>2/1000 sf</u>	<u>2/1000 sf</u>	NR
Lodging									
Bed and breakfast homestay	NR	NR	NR	NR	<u>0.5 + (0.25) bedrooms</u>	NR	<u>1 + (0.5) bedrooms</u>	<u>1+(0.5) bedrooms</u>	NR
Bed and breakfast inn	NR	NR	NR	NR	<u>0.5 + (0.25) bedrooms</u>	NR	<u>1 + (0.5) bedrooms</u>	<u>1+(0.5) bedrooms</u>	NR
Campground	NR	NR	NR	NR	NR	NR	NR	<u>0.5/camp site</u>	NR

Table 5.05.037.06.02-1
Urban Policy Area Parking Ratios by Zoning District Category
Note: NR = Not Required

URBAN	Urban/Minimum		Maximum/Suburban		Transition		Rural	JLMA	
	Min	Max	Min	Max	Min	Max	Min	Min	Max
<u>Country Inn</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>	<u>0.5/camp site</u>	<u>NR</u>	<u>1 + (0.5) bedrooms</u>	<u>1+(0.5) bedrooms</u>	<u>NR</u>
<u>Guest farm or ranch</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>	<u>1 + (0.5) bedrooms</u>	<u>1+(0.5) bedrooms</u>	<u>NR</u>
<u>Hotel /Motel</u>	<u>0.5/guest room</u>	<u>0.75 guest room</u>	<u>0.5/guest room</u>	<u>1.25/guest room</u>	<u>1/guest room</u>	<u>1.25/guest room</u>	<u>1/guest room</u>	<u>1/guest room</u>	<u>1.25/guest</u>
<u>Rural resort</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>	<u>0.5/guest room</u>	<u>NR</u>	<u>1 + (0.5) bedrooms</u>	<u>0.5/guest room</u>	<u>1.25/guest</u>
Commercial									
Animal Services:									
<u>Animal care business</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>	<u>2/1000 sf</u>	<u>NR</u>	<u>2/1000 sf</u>	<u>2/1000 sf</u>	<u>NR</u>
<u>Animal hospital</u>	<u>1/1000 sf</u>	<u>1/1000 sf</u>	<u>2/1000 sf</u>	<u>4/1000 sf</u>	<u>2/1000 sf</u>	<u>NR</u>	<u>2/1000 sf</u>	<u>2/1000 sf</u>	<u>NR</u>
<u>Kennel</u>	<u>NR</u>	<u>NR</u>	<u>2/1000 sf</u>	<u>4/1000 sf</u>	<u>2/1000 sf</u>	<u>NR</u>	<u>2/1000 sf</u>	<u>2/1000 sf</u>	<u>NR</u>
<u>Kennel, indoor</u>	<u>NR</u>	<u>NR</u>	<u>2/1000 sf</u>	<u>4/1000 sf</u>	<u>2/1000 sf</u>	<u>NR</u>	<u>2/1000 sf</u>	<u>2/1000 sf</u>	<u>NR</u>
<u>Veterinary service</u>	<u>NR</u>	<u>NR</u>	<u>2/1000 sf</u>	<u>4/1000 sf</u>	<u>2/1000 sf</u>	<u>NR</u>	<u>2/1000 sf</u>	<u>2/1000 sf</u>	<u>NR</u>
Day Care:									
<u>Adult day care</u>	<u>1.5/1000 sf</u>	<u>2.5/1000 sf</u>	<u>2.5/1000 sf</u>	<u>4/1000 sf</u>	<u>2.5/1000 sf</u>	<u>NR</u>	<u>2.5/1000 sf</u>	<u>2.5/1000 sf</u>	<u>NR</u>
<u>Child day care</u>	<u>1.5/1000 sf</u>	<u>2.5/1000 sf</u>	<u>2.5/1000 sf</u>	<u>4/1000 sf</u>	<u>2.5/1000 sf</u>	<u>NR</u>	<u>2.5/1000 sf</u>	<u>2.5/1000 sf</u>	<u>NR</u>
<u>Child day home</u>	<u>1.5/1000 sf</u>	<u>2.5/1000 sf</u>	<u>2.5/1000 sf</u>	<u>4/1000 sf</u>	<u>2.5/1000 sf</u>	<u>NR</u>	<u>2.5/1000 sf</u>	<u>2.5/1000 sf</u>	<u>NR</u>
Financial Services:									
<u>Bank or financial institution</u>	<u>1/1000 sf</u>	<u>2/1000 sf</u>	<u>2/1000 sf</u>	<u>2.5/1000 sf</u>	<u>2/1000 sf</u>	<u>NR</u>	<u>2/1000 sf</u>	<u>2/1000 sf</u>	<u>NR</u>
<u>Alternative lending institution</u>	<u>NR</u>	<u>NR</u>	<u>2/1000 sf</u>	<u>2.5/1000 sf</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>
Food and Beverage Sales / Service:									
<u>Banquet/Event Facility</u>	<u>5/1000 sf</u>	<u>8/1000 sf</u>	<u>5/1000 sf</u>	<u>8/1000 sf</u>	<u>5/1000 sf</u>	<u>NR</u>	<u>5/1000 sf</u>	<u>NR</u>	<u>NR</u>
<u>Craft beverage manufacturing</u>	<u>1/1000 sf</u>	<u>2.5/1000 sf</u>	<u>1/1000 sf</u>	<u>4/1000 sf</u>	<u>4/1000 sf</u>	<u>NR</u>	<u>NR</u>	<u>8/1000 sf</u>	<u>NR</u>
<u>Farm market</u>	<u>NR</u>	<u>NR</u>	<u>10/5 acres</u>	<u>NR</u>	<u>10/5 acres</u>	<u>NR</u>	<u>10/5 acres</u>	<u>10/5 acres</u>	<u>NR</u>
<u>Farm market (off-site production)</u>	<u>1/5 acres</u>	<u>10/5 acres</u>	<u>10/5 acres</u>	<u>NR</u>	<u>10/5 acres</u>	<u>NR</u>	<u>10/5 acres</u>	<u>10/5 acres</u>	<u>NR</u>
<u>Food preparation</u>	<u>0.5/1000 sf</u>	<u>2/1000 sf</u>	<u>2/1000 sf</u>	<u>4/1000 sf</u>	<u>2/1000 sf</u>	<u>NR</u>	<u>2/1000 sf</u>	<u>2/1000 sf</u>	<u>NR</u>
<u>Food store</u>	<u>0.5/1000 sf</u>	<u>2/1000 sf</u>	<u>2/1000 sf</u>	<u>4/1000 sf</u>	<u>2/1000 sf</u>	<u>NR</u>	<u>2/1000 sf</u>	<u>NR</u>	<u>NR</u>
<u>Mobile vendor</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>
<u>Restaurant, carry-out only</u>	<u>2/1000 sf</u>	<u>6/1000 sf</u>	<u>3/1000 sf</u>	<u>8/1000 sf</u>	<u>8/1000 sf</u>	<u>NR</u>	<u>8/1000 sf</u>	<u>8/1000 sf</u>	<u>NR</u>
<u>Restaurant, sit-down</u>	<u>4/1000 sf</u>	<u>8/1000 sf</u>	<u>8/1000 sf</u>	<u>15/1000 sf</u>	<u>8/1000 sf</u>	<u>NR</u>	<u>8/1000 sf</u>	<u>8/1000 sf</u>	<u>NR</u>

Table 5.05.037.06.02-1
Urban Policy Area Parking Ratios by Zoning District Category
Note: NR = Not Required

URBAN	Urban/Minimum		Maximum/Suburban		Transition		Rural	JLMA	
	Min	Max	Min	Max	Min	Max	Min	Min	Max
<u>Restaurant, fast food with drive-through facility</u>	<u>NR</u>	<u>NR</u>	<u>6/1000 sf</u>	<u>20/1000 sf</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>
<u>Restaurant, fast-food, excluding drive-through facilities</u>	<u>2/1000 sf</u>	<u>6/1000 sf</u>	<u>6/1000 sf</u>	<u>20/1000 sf</u>	<u>8/1000 sf</u>	<u>NR</u>	<u>NR</u>	<u>8/1000 sf</u>	<u>NR</u>
<u>Snack or beverage bars</u>	<u>0.5/1000 sf</u>	<u>2/1000 sf</u>	<u>2/1000 sf</u>	<u>5/1000 sf</u>	<u>2/1000 sf</u>	<u>NR</u>	<u>2/1000 sf</u>	<u>2/1000 sf</u>	<u>NR</u>
Office, Business and Professional:									
<u>Office</u>	<u>0.5/1000 sf</u>	<u>2/1000 sf</u>	<u>2/1000 sf</u>	<u>4/1000 sf</u>	<u>2/1000 sf</u>	<u>NR</u>	<u>2/1000 sf</u>	<u>2/1000 sf</u>	<u>NR</u>
<u>Small business, agricultural and rural</u>	<u>NR</u>	<u>NR</u>	<u>2/1000 sf</u>	<u>4/1000 sf</u>	<u>2/1000 sf</u>	<u>NR</u>	<u>2/1000 sf</u>	<u>2/1000 sf</u>	<u>NR</u>
Personal/Business services:									
<u>Building maintenance services</u>	<u>0.5/1000 sf</u>	<u>2/1000 sf</u>	<u>2/1000 sf</u>	<u>3.5/1000 sf</u>	<u>2/1000 sf</u>	<u>NR</u>	<u>2/1000 sf</u>	<u>2/1000 sf</u>	<u>NR</u>
<u>Business support services</u>	<u>0.5/1000 sf</u>	<u>2/1000 sf</u>	<u>2/1000 sf</u>	<u>3.5/1000 sf</u>	<u>2/1000 sf</u>	<u>NR</u>	<u>2/1000 sf</u>	<u>2/1000 sf</u>	<u>NR</u>
<u>Dry cleaning plant</u>	<u>NR</u>	<u>NR</u>	<u>2/1000 sf</u>	<u>3.5/1000 sf</u>	<u>2/1000 sf</u>	<u>NR</u>	<u>NR</u>	<u>2/1000 sf</u>	<u>NR</u>
<u>Farm machinery</u>	<u>NR</u>	<u>NR</u>	<u>2/1000 sf</u>	<u>3.5/1000 sf</u>	<u>2/1000 sf</u>	<u>NR</u>	<u>2/1000 sf</u>	<u>2/1000 sf</u>	<u>NR</u>
<u>Maintenance and repair services</u>	<u>NR</u>	<u>NR</u>	<u>2/1000 sf</u>	<u>3.5/1000 sf</u>	<u>2/1000 sf</u>	<u>NR</u>	<u>2/1000 sf</u>	<u>2/1000 sf</u>	<u>NR</u>
<u>Personal services</u>	<u>0.5/1000 sf</u>	<u>2/1000 sf</u>	<u>2/1000 sf</u>	<u>3.5/1000 sf</u>	<u>2/1000 sf</u>	<u>NR</u>	<u>2/1000 sf</u>	<u>2/1000 sf</u>	<u>NR</u>
<u>Postal services</u>	<u>0.5/1000 sf</u>	<u>3/1000 sf</u>	<u>3/1000 sf</u>	<u>4/1000 sf</u>	<u>2/1000 sf</u>	<u>NR</u>	<u>3/1000 sf</u>	<u>2/1000 sf</u>	<u>NR</u>
Retail:									
<u>Auction</u>	<u>0.5/1000 sf</u>	<u>2/1000 sf</u>	<u>2/1000 sf</u>	<u>3.5/1000 sf</u>	<u>2/1000 sf</u>	<u>NR</u>	<u>2/1000 sf</u>	<u>2/1000 sf</u>	<u>NR</u>
<u>Convenience store</u>	<u>1/1000 sf</u>	<u>3/1000 sf</u>	<u>3/1000 sf</u>	<u>4/1000 sf</u>	<u>4/1000 sf</u>	<u>NR</u>	<u>4/1000 sf</u>	<u>4/1000 sf</u>	<u>NR</u>
<u>Convenience store (with gasoline sales)</u>	<u>1/1000 sf</u>	<u>3/1000 sf</u>	<u>3/1000 sf</u>	<u>4/1000 sf</u>	<u>4/1000 sf</u>	<u>NR</u>	<u>4/1000 sf</u>	<u>4/1000 sf</u>	<u>NR</u>
<u>Feed and farm supply center</u>	<u>NR</u>	<u>NR</u>	<u>2/1000 sf</u>	<u>3.5/1000 sf</u>	<u>2/1000 sf</u>	<u>NR</u>	<u>2/1000 sf</u>	<u>2/1000 sf</u>	<u>NR</u>
<u>Machinery and equipment sales and services</u>	<u>NR</u>	<u>NR</u>	<u>2/1000 sf</u>	<u>3.5/1000 sf</u>	<u>2/1000 sf</u>	<u>NR</u>	<u>NR</u>	<u>2/1000 sf</u>	<u>NR</u>
<u>Nonstore retailers</u>	<u>NR</u>	<u>NR</u>	<u>2/1000 sf</u>	<u>4/1000 sf</u>	<u>2/1000 sf</u>	<u>NR</u>	<u>NR</u>	<u>2/1000 sf</u>	<u>NR</u>
<u>Nursery, Commercial</u>	<u>NR</u>	<u>NR</u>	<u>2/1000 sf</u>	<u>3.5/1000 sf</u>	<u>2/1000 sf</u>	<u>NR</u>	<u>2/1000 sf</u>	<u>2/1000 sf</u>	<u>NR</u>
<u>Retail, general</u>	<u>0.5/1000 sf</u>	<u>2/1000 sf</u>	<u>2/1000 sf</u>	<u>4/1000 sf</u>	<u>2/1000 sf</u>	<u>4/1000 sf</u>	<u>2/1000 sf</u>	<u>2/1000 sf</u>	<u>NR</u>
Automotive:									

Table 5.05.037.06.02-1
Urban Policy Area Parking Ratios by Zoning District Category
Note: NR = Not Required

URBAN	Urban/Minimum		Maximum/Suburban		Transition		Rural	JLMA	
	Min	Max	Min	Max	Min	Max	Min	Min	Max
<u>Car Wash</u>	NR	NR	NR	1/stall	NR	1/stall	1/stall	1/stall	NR
<u>Vehicle repair, heavy</u>	NR	NR	2/1000 sf	3.5/1000 sf	2/1000 sf	NR	NR	2/1000 sf	NR
<u>Vehicle repair, light</u>	NR	NR	2/1000 sf	3.5/1000 sf	2/1000 sf	NR	2/1000 sf	2/1000 sf	NR
<u>Vehicle sales</u>	2/1000 sf	3.5/1000 sf	2/1000 sf	3.5/1000 sf	2/1000 sf	NR	2/1000 sf	2/1000 sf	NR
<u>Vehicle service station</u>	1/2 fuel pumps	NR	1/2 fuel pumps	1.5/2 fuel pumps	1/2 fuel pumps	NR	1/2 fuel pumps	1/2 fuel pumps	NR
<u>Vehicle wholesale auction</u>	NR	NR	2/1000 sf	4/1000 sf	2/1000 sf	NR	NR	2/1000 sf	NR
Public/Civic/Institutional									
Assembly:									
<u>Civic, social, and fraternal meeting place</u>	0.5/1000 sf	2/1000 sf	2/1000 sf	8/1000 sf	2/1000 sf	NR	2/1000 sf	2/1000 sf	NR
<u>Community center</u>	2/1000 sf	6/1000 sf	6/1000 sf	8/1000 sf	6/1000 sf	NR	6/1000 sf	8/1000 sf	NR
<u>Convention or exhibition facility</u>	2/1000 sf	4/1000 sf	4/1000 sf	8/1000 sf	NR	NR	NR	4/1000 sf	NR
<u>Religious land use</u>	2/1000 sf	4/1000 sf	4/1000 sf	8/1000 sf	NR	NR	4/1000 sf	4/1000 sf	NR
Death Care Services:									
<u>Cemetery</u>	NR	NR	5/cemetery	NR	5/cemetery	NR	5/cemetery	5/cemetery	NR
<u>Crematorium</u>	0.5/1000 sf	2/1000 sf	2/1000 sf	3.5/1000 sf	2/1000 sf	NR	2/1000 sf	2/1000 sf	NR
<u>Funeral services</u>	0.5/1000 sf	2/1000 sf	2/1000 sf	3.5/1000 sf	2/1000 sf	NR	2/1000 sf	2/1000 sf	NR
<u>Mausoleum</u>	0.5/1000 sf	2/1000 sf	2/1000 sf	3.5/1000 sf	2/1000 sf	NR	2/1000 sf	2/1000 sf	NR
Government/Non-Profit:									
<u>Government (general)</u>	0.5/1000 sf	2/1000 sf	2/1000 sf	4/1000 sf	2/1000 sf	NR	2/1000 sf	2/1000 sf	NR
<u>Public utility service center</u>	NR	NR	2/1000 sf	3.5/1000 sf	2/1000 sf	NR	2/1000 sf	2/1000 sf	NR
<u>Public safety</u>	1/1000 sf	2/1000 sf	2/1000 sf	3.5/1000 sf	2/1000 sf	NR	2/1000 sf	2/1000 sf	NR
Education:									
<u>Agricultural education or research</u>	NR	NR	3/1000 sf	4/1000 sf	3/1000 sf	NR	3/1000 sf	3/1000 sf	NR
<u>Business / technical school</u>	1/1000 sf	3/1000 sf	3/1000 sf	4/1000 sf	3/1000 sf	NR	NR	3/1000 sf	NR
<u>Colleges or universities</u>	1/1000 sf	3/1000 sf	3/1000 sf	4/1000 sf	3/1000 sf	NR	NR	3/1000 sf	NR
<u>Conference and training facility</u>	1/1000 sf	3/1000 sf	4/1000 sf	5/1000 sf	4/1000 sf	NR	4/1000 sf	4/1000 sf	NR
<u>Educational institution</u>	1/1000 sf	3/1000 sf	3/1000 sf	4/1000 sf	3/1000 sf	NR	NR	3/1000 sf	NR

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Note: NR = Not Required

URBAN	Urban/Minimum		Maximum/Suburban		Transition		Rural	JLMA	
	Min	Max	Min	Max	Min	Max	Min	Min	Max
<u>Library</u>	<u>1/1000 sf</u>	<u>2.5/1000 sf</u>	<u>2.5/1000 sf</u>	<u>4/1000 sf</u>	<u>2.5/1000 sf</u>	<u>NR</u>	<u>2.5/1000 sf</u>	<u>2.5/1000 sf</u>	<u>NR</u>
<u>Personal instructional services</u>	<u>1/1000 sf</u>	<u>3/1000 sf</u>	<u>3/1000 sf</u>	<u>4/1000 sf</u>	<u>3/1000 sf</u>	<u>NR</u>	<u>3/1000 sf</u>	<u>3/1000 sf</u>	<u>NR</u>
<u>Rural retreat</u>	<u>NR</u>	<u>NR</u>	<u>2.5/1000 sf</u>	<u>4/1000 sf</u>	<u>2.5/1000 sf</u>	<u>NR</u>	<u>2.5/1000 sf</u>	<u>2.5/1000 sf</u>	<u>NR</u>
<u>School</u>	<u>1/1000 sf</u>	<u>3/1000 sf</u>	<u>3/1000 sf</u>	<u>4/1000 sf</u>	<u>3/1000 sf</u>	<u>NR</u>	<u>3/1000 sf</u>	<u>3/1000 sf</u>	<u>NR</u>
Medical:									
<u>Hospital</u>	<u>7.06.08.A</u>		<u>7.06.08.A</u>		<u>7.06.08.A</u>		<u>7.06.08.A</u>	<u>7.06.08.A</u>	
<u>Medical care facility</u>	<u>1.5/1000 sf</u>	<u>3/1000 sf</u>	<u>2/1000 sf</u>	<u>4/1000 sf</u>	<u>3/1000 sf</u>	<u>NR</u>	<u>3/1000 sf</u>	<u>3/1000 sf</u>	<u>NR</u>
<u>Medical office</u>	<u>1.5/1000 sf</u>	<u>3/1000 sf</u>	<u>2/1000 sf</u>	<u>4/1000 sf</u>	<u>2/1000 sf</u>	<u>NR</u>	<u>2/1000 sf</u>	<u>2/1000 sf</u>	<u>NR</u>
Arts, Entertainment, and Recreation:									
<u>Adult entertainment</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>	<u>4/1000 sf</u>	<u>NR</u>	<u>NR</u>	<u>4/1000 sf</u>	<u>NR</u>
<u>Agricultural cultural center</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>	<u>3/1000 sf</u>	<u>NR</u>	<u>3/1000 sf</u>	<u>8/1000 sf</u>	<u>NR</u>
<u>Agritainment</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>	<u>3/1000 sf</u>	<u>NR</u>	<u>3/1000 sf</u>	<u>8/1000 sf</u>	<u>NR</u>
<u>Amphitheater</u>	<u>4/1000 sf</u>	<u>8/1000 sf</u>	<u>4/1000 sf</u>	<u>8/1000 sf</u>	<u>8/1000 sf</u>	<u>10/1000 sf</u>	<u>8/1000 sf</u>	<u>8/1000 sf</u>	<u>NR</u>
<u>Art Studio</u>	<u>0.5/1000 sf</u>	<u>1/1000 sf</u>	<u>1/1000 sf</u>	<u>2.5/1000 sf</u>	<u>2.5/1000 sf</u>	<u>NR</u>	<u>2.5/1000 sf</u>	<u>2.5/1000 sf</u>	<u>NR</u>
<u>Civic Space</u> <u>Ballfield</u> <u>Trailhead</u>	<u>7.06.08.A</u>		<u>7.06.08.A</u>		<u>7.06.08.A</u> <u>2.5/1000 sf</u> <u>2.5/1000 sf</u>	<u>NR</u>	<u>7.06.08.A</u>	<u>7.06.08.A</u>	
<u>Cultural facility</u>	<u>1/1000 sf</u>	<u>2.5/1000 sf</u>	<u>2.5/1000 sf</u>	<u>4/1000 sf</u>	<u>5/1000 sf</u>	<u>NR</u>	<u>2.5/1000 sf</u>	<u>2.5/1000 sf</u>	<u>NR</u>
<u>Cultural tourism</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>	<u>2.5/1000 sf</u>	<u>2.5/1000 sf</u>	<u>NR</u>
<u>Dinner theater</u>	<u>2.5/1000 sf</u>	<u>5/1000 sf</u>	<u>5/1000 sf</u>	<u>8/1000 sf</u>	<u>5/1000 sf</u>	<u>NR</u>	<u>NR</u>	<u>5/1000 sf</u>	<u>NR</u>
<u>Entertainment facility</u>	<u>3/1000 sf</u>	<u>5/1000 sf</u>	<u>5/1000 sf</u>	<u>8/1000 sf</u>	<u>5/1000 sf</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>
<u>Equestrian event facility</u>	<u>NR</u>	<u>NR</u>	<u>0.33 maximum occupancy + 1/employee</u>	<u>NR</u>	<u>0.33 maximum occupancy + 1/employee</u>	<u>NR</u>	<u>0.33 maximum occupancy + 1/employee</u>	<u>0.33 maximum occupancy + 1/employee</u>	<u>NR</u>
<u>Health and fitness center</u>	<u>1.5/1000 sf</u>	<u>4/1000 sf</u>	<u>4/1000 sf</u>	<u>5.5/1000 sf</u>	<u>4/1000 sf</u>	<u>NR</u>	<u>NR</u>	<u>4/1000 sf</u>	<u>NR</u>
<u>Pet farm</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>	<u>1/1000 sf visitor area</u>	<u>NR</u>	<u>1/1000 sf visitor area</u>	<u>1/1000 sf visitor area</u>	<u>NR</u>
<u>Recreation, indoor</u>	<u>3/1000 sf</u>	<u>5/1000 sf</u>	<u>5/1000 sf</u>	<u>8/1000 sf</u>	<u>5/1000 sf</u>	<u>NR</u>	<u>5/1000 sf</u>	<u>5/1000 sf</u>	<u>NR</u>
<u>Recreation, outdoor or major</u>	<u>4/1000 sf</u>	<u>8/1000 sf</u>	<u>8/1000 sf</u>	<u>10/1000 sf</u>	<u>8/1000 sf</u>	<u>NR</u>	<u>8/1000 sf</u>	<u>8/1000 sf</u>	<u>NR</u>

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Urban Policy Area Parking Ratios by Zoning District Category
Note: NR = Not Required

URBAN	Urban/Minimum		Maximum/Suburban		Transition		Rural	JLMA	
	Min	Max	Min	Max	Min	Max	Min	Min	Max
<u>Shooting range, indoor</u>	<u>NR</u>	<u>NR</u>	<u>2/1000 sf</u>	<u>4/1000 sf</u>	<u>2/1000 sf</u>	<u>NR</u>	<u>NR</u>	<u>2/1000 sf</u>	<u>NR</u>
<u>Theater</u>	<u>3/1000 sf</u>	<u>5/1000 sf</u>	<u>5/1000 sf</u>	<u>8/1000 sf</u>	<u>5/1000 sf</u>	<u>NR</u>	<u>5/1000 sf</u>	<u>5/1000 sf</u>	<u>NR</u>
Industrial/Production									
Manufacturing and Employment:									
<u>Agricultural processing</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>	<u>1/1000 sf</u>	<u>NR</u>	<u>1/1000 sf</u>	<u>1/1000 sf</u>	<u>NR</u>
<u>Contractor</u>	<u>NR</u>	<u>NR</u>	<u>1/1000 sf</u>	<u>2/1000 sf</u>	<u>1/1000 sf</u>	<u>NR</u>	<u>1/1000 sf</u>	<u>1/1000 sf</u>	<u>NR</u>
<u>Data center</u>	<u>NR</u>	<u>2.5/1000 sf</u>	<u>NR</u>	<u>2.5/1000 sf</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>
<u>Parking facility</u>					<u>**</u>		<u>**</u>		
<u>Transit facilities</u>					<u>NR</u>		<u>NR</u>		
Utilities:									
<u>Solar facility, site-specific</u>					<u>NR</u>			<u>NR</u>	
<u>Utility, Minor/Extractive industries</u>	<u>NR</u>	<u>NR</u>	<u>1/1000 sf</u>	<u>2/1000 sf</u>	<u>1/1000 sf</u>	<u>NR</u>	<u>1/1000 sf</u>	<u>1/1000 sf</u>	<u>NR</u>
<u>Flex building</u>	<u>0.5/1000 sf</u>	<u>1/1000 sf</u>	<u>1/1000 sf</u>	<u>2.5/1000 sf</u>	<u>1/1000 sf</u>	<u>NR</u>	<u>NR</u>	<u>1/1000 sf</u>	<u>NR</u>
<u>Manufacturing, General</u>	<u>NR</u>	<u>NR</u>	<u>1/1000 sf</u>	<u>2/1000 sf</u>	<u>1/1000 sf</u>	<u>NR</u>	<u>NR</u>	<u>1/1000 sf</u>	<u>NR</u>
<u>Manufacturing, Intensive</u>	<u>NR</u>	<u>NR</u>	<u>1/1000 sf</u>	<u>2/1000 sf</u>	<u>1/1000 sf</u>	<u>NR</u>	<u>NR</u>	<u>1/1000 sf</u>	<u>NR</u>
<u>Manufacturing, Light</u>	<u>NR</u>	<u>NR</u>	<u>1/1000 sf</u>	<u>2/1000 sf</u>	<u>1/1000 sf</u>	<u>NR</u>	<u>NR</u>	<u>1/1000 sf</u>	<u>NR</u>
<u>Media Production</u>	<u>0.5/1000 sf</u>	<u>1/1000 sf</u>	<u>1/1000 sf</u>	<u>2/1000 sf</u>	<u>1/1000 sf</u>	<u>NR</u>	<u>NR</u>	<u>1/1000 sf</u>	<u>NR</u>
<u>Research and Development</u>	<u>1/1000 sf</u>	<u>2.5/1000 sf</u>	<u>2/1000 sf</u>	<u>3.5/1000 sf</u>	<u>2/1000 sf</u>	<u>NR</u>	<u>NR</u>	<u>1/1000 sf</u>	<u>NR</u>
<u>Sawmill</u>	<u>NA</u>	<u>NA</u>	<u>1/1000 sf</u>	<u>2/1000 sf</u>	<u>1/1000 sf</u>	<u>NR</u>	<u>1/1000 sf</u>	<u>1/1000 sf</u>	<u>NR</u>
<u>Wood, metal and stone crafts</u>	<u>NA</u>	<u>NA</u>	<u>1/1000 sf</u>	<u>2/1000 sf</u>	<u>1/1000 sf</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>
Warehousing, Storage and Distribution:									
<u>Building and landscaping materials supplier</u>	<u>NR</u>	<u>NR</u>	<u>0.5/1000 sf</u>	<u>2/1000 sf</u>	<u>1/1000 sf</u>	<u>NR</u>	<u>NR</u>	<u>1/1000 sf</u>	<u>NR</u>
<u>Energy Storage</u>	<u>NR</u>	<u>NR</u>	<u>0.5/1000 sf</u>	<u>2/1000 sf</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>
<u>Freight</u>	<u>NR</u>	<u>NR</u>	<u>0.5/1000 sf</u>	<u>2/1000 sf</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>
<u>Industrial storage</u>	<u>NR</u>	<u>NR</u>	<u>0.5/1000 sf</u>	<u>2/1000 sf</u>	<u>0.5/1000 sf</u>	<u>NR</u>	<u>NR</u>	<u>0.5/1000 sf</u>	<u>NR</u>
<u>Mini-warehouse</u>	<u>0.25/1000 sf</u>	<u>1/1000 sf</u>	<u>0.5/1000 sf</u>	<u>2/1000 sf</u>	<u>0.5/1000 sf</u>	<u>NR</u>	<u>NR</u>	<u>0.5/1000 sf</u>	<u>NR</u>
<u>Outdoor storage</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>

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	Min	Max	Min	Max	Min	Max	Min	Min	Max
<u>Outdoor storage, vehicles</u>	NR	NR	0.5/1000 sf	2/1000 sf	0.5/1000 sf	NR	NR	0.5/1000 sf	NR
<u>Vehicle storage and impoundment</u>	NR	NR	NR	NR	NR	NR	NR	NR	NR
<u>Wholesale distribution, warehousing and storage</u>	NR	NR	0.5/1000 sf	2/1000 sf	0.5/1000 sf	NR	NR	0.5/1000 sf	NR
Infrastructure									
Transportation/Parking:									
<u>Airport</u>	NR	NR	7.06.08.A		7.06.08.A		7.06.08.A	7.06.08.A	
<u>Ground passenger transportation (e.g., taxi, charter bus)</u>	1/1000 sf	4/1000 sf	1/1000 sf	4/1000 sf	1/1000 sf	NR	NR	1/1000 sf	NR
<u>Heliport or helistop</u>	7.06.08.A		7.06.08.A		7.06.08.A		7.06.08.A	7.06.08.A	
<u>Parking facility</u>	7.06.08.A		7.06.08.A		7.06.08.A		7.06.08.A	7.06.08.A	
<u>Transit facilities</u>	NR	NR	NR	NR	NR	NR	NR	NR	NR
Utilities:									
<u>Electric generating plant</u>	NR		7.06.08.A		7.06.08.A		NR	7.06.08.A	
<u>Solar facility, site-specific</u>	NR	NR	NR	NR	NR	NR	NR	NR	NR
<u>Solar facility, commercial</u>	NR	NR	NR	NR	NR	NR	NR	NR	NR
<u>Utility, Minor</u>	NR	1/1000 sf	1/1000 sf	NR	1/1000 sf	NR	1/1000 sf	1/1000 sf	NR
<u>Utility, Major</u>	NR	NR	1/1000 sf	NR	1/1000 sf	NR	1/1000 sf	1/1000 sf	NR
Communications facilities:									
<u>Communications facility</u>	1/employee	NR	1/employee	NR	1/employee	NR	1/employee	1/employee	NR
<u>Telecommunications facility</u>	1/employee	NR	1/employee	NR	1/employee	NR	1/employee	1/employee	NR
<u>Testing station</u>	NR	NR	NR	NR	NR	NR	NR	NR	NR
Waste-related:									
<u>Composting facility</u>	NR	NR	NR	NR	0.5/1000 sf	NR	0.5/1000 sf	0.5/1000 sf	NR
<u>Junkyard</u>	NR	NR	0.5/1000 sf	NR	0.5/1000 sf	NR	NR	0.5/1000 sf	NR
<u>Recycling collection center</u>	1/1000 sf	NR	1/1000 sf	NR	1/1000 sf	NR	1/1000 sf	0.5/1000 sf	NR
<u>Remediation Services</u>	NR	NR	0.5/1000 sf	NR	0.5/1000 sf	NR	NR	0.5/1000 sf	NR
<u>Solid waste facility</u>	NR	NR	0.5/1000 sf	NR	0.5/1000 sf	NR	NR	0.5/1000 sf	NR
<u>Stockpiling</u>	NR	NR	NR	NR	0.5/1000 sf	NR	NR	0.5/1000 sf	NR
<u>Vegetative waste management facility</u>	NR	NR	0.5/1000 sf	NR	0.5/1000 sf	NR	0.5/1000 sf	0.5/1000 sf	NR
Agriculture									
<u>Agriculture</u>	NR	NR	NR	NR	NR	NR	NR	NR	NR
<u>Animal husbandry</u>	NR	NR	NR	NR	NR	NR	NR	NR	NR

Table 5.05.037.06.02-1
Urban Policy Area Parking Ratios by Zoning District Category
Note: NR = Not Required

URBAN	Urban Minimum		Maximum Suburban		Transition		Rural	JLMA	
	Min	Max	Min	Max	Min	Max	Min	Min	Max
<u>Auction facility, livestock</u>	NR	NR	NR	NR	NR	NR	2/1000 sf	2/1000 sf	NR
<u>Brewery, limited</u>	NR	NR	NR	NR	NR	NR	8/1000 sf	NR	NR
<u>Community garden</u>	2/garden	NR	2/garden	NR	2/garden	NR	2/garden	2/garden	NR
<u>Custom operators</u>	NR	NR	NR	NR	1/operator	NR	1/operator	1/operator	NR
<u>Farm co-ops</u>	2/co-op	NR	2/co-op	NR	2/co-op	NR	2/co-op	2/co-op	NR
<u>Farm distribution hub</u>	2/hub	NR	2/hub	NR	NR	NR	2/hub	NR	NR
<u>Horticulture</u>	NR	NR	NR	NR	NR	NR	NR	NR	NR
<u>Nursery, Production</u>	NR	NR	NR	NR	1/employee	NR	1/employee	1/employee	NR
<u>Stable or Livery</u>	NR	NR	NR	NR	1/8 stalls	NR	1/8 stalls	1/8 stalls	NR
<u>Stable, private</u>	NR	NR	NR	NR	1/8 stalls	NR	1/8 stalls	1/8 stalls	NR
<u>Wayside stand</u>	NR	NR	NR	NR	5/stand	NR	5/stand	5/stand	NR
<u>Winery, commercial</u>	NR	NR	NR	NR	NR	NR	8/1000 sf	NR	NR
<u>Winery, Virginia farm</u>	NR	NR	NR	NR	8/1000 sf	NR	8/1000 sf	8/1000 sf	NR
Miscellaneous									
<u>Temporary Uses</u>	7.06.08.A		7.06.08.A		7.06.08.A		7.06.08.A	7.06.08.A	

7.D. Additional Rules for Computing Parking Requirements.

- Uses Not Listed.** The Zoning Administrator must determine in writing the required parking and loading facilities for uses not specifically listed in Table 7.06.02-1 above. Such determination by the Zoning Administrator must be in writing and is appealable to the Board of Zoning Appeals.
- Accessory Uses.** Storage, stock, kitchen, office and other areas accessory to the principal 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.
- Expansions and Changes in Use.** For ~~alterations~~, expansions, or changes in use, prior to the issuance of a Zoning Permit or occupancy permit, the Zoning Administrator ~~shall~~must 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.

7.E. New Construction or Expansion. ~~This Section 5.05.02~~ applies only to new construction or expansion of an existing use. In the case of an expansion of an existing use, only the expansion is required to meet these regulations. Existing use and parking areas are exempt from this Section.

5.057.06.03 Bicycle Parking

Bicycle. Bicycle parking is required for use categories in zoning districts within Urban and Suburban Policy Areas to encourage the use of bicycles by providing secure and convenient places to park bicycles. These regulations ensure adequate short and long-term bicycle parking by different uses.

7.A. Measurements. Bicycle spaces are measured as the ability for a facility to store ~~one~~1 bicycle. One bicycle space equals ~~one~~1 stored bicycle.

B. Required minimums.

1. Urban Policy Area and Suburban Policy Area Zoning Districts. The required minimum number of bicycle parking spaces for each use category is shown in Table 5.05.047.06.03-1 and Table 5.05.04-2. No bicycle parking is required for uses not listed.

1. Urban-

Table <u>5.05.047.06.03-1</u> <u>Urban Policy Area</u> Bicycle Parking Ratios Note: NR = Not Required				
	<u>Urban Policy Area</u>		<u>Suburban Policy Area</u>	
<u>URBAN</u>	Long-Term	Short-Term	Long-Term	Short-Term
<u>Residential</u>				
<u>Household Living:</u>				
<u>Dwelling, single-family attached</u>	<u>NR</u>	<u>NR</u>	<u>1/40 DU</u>	<u>1/20 DU</u>
<u>Dwelling, multifamily</u>	<u>1/35 DU</u>	<u>1/15 DU</u>	<u>1/40 DU</u>	<u>1/20 DU</u>
<u>Lodging</u>				
<u>Hotel/Motel</u>	<u>1/50 guest rooms</u>	<u>1/25 guest rooms</u>	<u>NR</u>	<u>NR</u>
<u>Commercial</u>				
<u>Animal Services:</u>				
<u>Animal hospital</u>	<u>NR</u>	<u>1/1000 sf</u>	<u>NR</u>	<u>1/1000 sf</u>
<u>Kennel, outdoor</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>	<u>1/1000 sf</u>
<u>Day Care:</u>				
<u>Adult day care</u>	<u>NR</u>	<u>2/1000 sf</u>	<u>NR</u>	<u>1/1000 sf</u>
<u>Child day care</u>	<u>NR</u>	<u>2/1000 sf</u>	<u>NR</u>	<u>1/1000 sf</u>
<u>Financial Services:</u>				
<u>Alternate lending institution</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>	<u>1/1000 sf</u>
<u>Bank or financial institution</u>	<u>NR</u>	<u>2/1000 sf</u>	<u>NR</u>	<u>1/1000 sf</u>
<u>Food and Beverage Sales / Service:</u>				
<u>Banquet/Event Facility</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>	<u>2/1000 sf</u>
<u>Craft beverage manufacturing</u>	<u>NR</u>	<u>2/1000 sf</u>	<u>NR</u>	<u>1/1000 sf</u>
<u>Food store</u>	<u>NR</u>	<u>1/1000 sf</u>	<u>NR</u>	<u>1/1000 sf</u>
<u>Restaurant, carry-out only</u>	<u>NR</u>	<u>2/1000 sf</u>	<u>NR</u>	<u>1/1000 sf</u>
<u>Restaurant, sit-down</u>	<u>NR</u>	<u>2/1000 sf</u>	<u>NR</u>	<u>1/1000 sf</u>
<u>Restaurant, fast-food with drive-through facility</u>	<u>NR</u>	<u>NR</u>	<u>NR</u>	<u>1/1000 sf</u>
<u>Restaurant, fast-food, excluding drive-through facilities</u>	<u>NR</u>	<u>2/1000 sf</u>	<u>NR</u>	<u>1/1000 sf</u>
<u>Snack or beverage bars</u>	<u>NR</u>	<u>1/1000 sf</u>	<u>NR</u>	<u>1/1000 sf</u>
<u>Office, Business and Professional:</u>				
<u>Office</u>	<u>0.25/1000 sf</u>	<u>2/1000 sf</u>	<u>NR</u>	<u>1/1000 sf</u>
<u>Personal / Business services:</u>				
<u>Building maintenance services</u>	<u>NR</u>	<u>1/1000 sf</u>	<u>NR</u>	<u>NR</u>
<u>Business support services</u>	<u>NR</u>	<u>1/1000 sf</u>	<u>NR</u>	<u>NR</u>
<u>Personal services</u>	<u>NR</u>	<u>2/1000 sf</u>	<u>NR</u>	<u>1/1000 sf</u>
<u>Postal services</u>	<u>NR</u>	<u>2/1000 sf</u>	<u>NR</u>	<u>1/1000 sf</u>
<u>Retail:</u>				
<u>Convenience store</u>	<u>0.25/1000 sf</u>	<u>2/1000 sf</u>	<u>0.25/1000 sf</u>	<u>1/1000 sf</u>
<u>Convenience store (with gasoline sales)</u>	<u>0.25/1000 sf</u>	<u>2/1000 sf</u>	<u>0.25/1000 sf</u>	<u>1/1000 sf</u>

Table 5.05.047.06.03-1
Urban Policy Area Bicycle Parking Ratios
Note: NR = Not Required

	<u>Urban Policy Area</u>		<u>Suburban Policy Area</u>	
<u>URBAN</u>	Long-Term	Short-Term	Long-Term	Short-Term
<u>Retail, general</u>	<u>0.25/1000 sf</u>	<u>2/1000 sf</u>	<u>NR</u>	<u>1/1000 sf</u>
<u>Public/Civic/Institutional</u>				
<u>Assembly:</u>				
<u>Civic, social, and fraternal meeting place</u>	<u>0.25/1000 sf</u>	<u>2/1000 sf</u>	<u>0.5/1000 sf</u>	<u>1/1000 sf</u>
<u>Community center</u>	<u>0.5/1000 sf</u>	<u>4/1000 sf</u>	<u>0.5/1000 sf</u>	<u>2/1000 sf</u>
<u>Convention or exhibition facility</u>	<u>0.25/1000 sf</u>	<u>2/1000 sf</u>	<u>NR</u>	<u>2/1000 sf</u>
<u>Religious land use</u>	<u>0.25/1000 sf</u>	<u>2/1000 sf</u>	<u>NR</u>	<u>2/1000 sf</u>
<u>Government / Non-Profit:</u>				
<u>Government (general)</u>	<u>0.5/1000 sf</u>	<u>NR</u>	<u>0.5/1000 sf</u>	<u>NR</u>
<u>Education:</u>				
<u>Colleges or universities</u>	<u>0.5/1000 sf</u>	<u>4/1000 sf</u>	<u>NR</u>	<u>2/1000 sf</u>
<u>Educational institution</u>	<u>0.5/1000 sf</u>	<u>4/1000 sf</u>	<u>NR</u>	<u>2/1000 sf</u>
<u>Library</u>	<u>0.5/1000 sf</u>	<u>4/1000 sf</u>	<u>NR</u>	<u>2/1000 sf</u>
<u>Personal instructional services</u>	<u>NR</u>	<u>2/1000 sf</u>	<u>NR</u>	<u>2/1000 sf</u>
<u>School</u>	<u>0.5/1000 sf</u>	<u>4/1000 sf</u>	<u>0.5/1000 sf</u>	<u>2/1000 sf</u>
<u>Medical:</u>				
<u>Clinic, dental or medical</u>	<u>NR</u>	<u>1/1000 sf</u>	<u>NR</u>	<u>1/1000 sf</u>
<u>Medical care facility</u>	<u>0.5/1000 sf</u>	<u>4/1000 sf</u>	<u>0.5/1000 sf</u>	<u>1/1000 sf</u>
<u>Arts, Entertainment, and Recreation:</u>				
<u>Amphitheater</u>	<u>NR</u>	<u>4/1000 sf</u>	<u>NR</u>	<u>1/1000 sf</u>
<u>Art Studio</u>	<u>NR</u>	<u>1/1000 sf</u>	<u>NR</u>	<u>1/1000 sf</u>
<u>Civic Space</u>	<u>0.5/1000 sf</u>	<u>2/1000 sf</u>	<u>NR</u>	<u>1/1000 sf</u>
<u>Cultural facility</u>	<u>NR</u>	<u>4/1000 sf</u>	<u>NR</u>	<u>1/1000 sf</u>
<u>Dinner theater</u>	<u>NR</u>	<u>2/1000 sf</u>	<u>NR</u>	<u>1/1000 sf</u>
<u>Entertainment facility</u>	<u>0.25/1000 sf</u>	<u>4/1000 sf</u>	<u>NR</u>	<u>1/1000 sf</u>
<u>Health and fitness center</u>	<u>0.25/1000 sf</u>	<u>4/1000 sf</u>	<u>NR</u>	<u>1/1000 sf</u>
<u>Recreation, indoor</u>	<u>0.25/1000 sf</u>	<u>4/1000 sf</u>	<u>NR</u>	<u>1/1000 sf</u>
<u>Recreation, outdoor or major</u>	<u>0.25/1000 sf</u>	<u>4/1000 sf</u>	<u>NR</u>	<u>1/1000 sf</u>
<u>Theater</u>	<u>NR</u>	<u>2/1000 sf</u>	<u>NR</u>	<u>1/1000 sf</u>
<u>Infrastructure</u>				
<u>Transportation / Parking:</u>				
<u>Parking facility</u>	<u>1/10 spaces</u>	<u>1/20 spaces</u>	<u>NR</u>	<u>NR</u>
<u>Transit facilities</u>	<u>1/10 spaces</u>	<u>1/20 spaces</u>	<u>NR</u>	<u>NR</u>

2. Rural Policy Area and Transition Policy Area Zoning Districts. There is no bicycle parking requirement for these zoning districts.

3. Joint Land Management Area Zoning Districts. There is no bicycle parking requirement for these zoning districts.

7-4. Bicycle Parking Standards. These standards ensure that required bicycle parking is designed so people of all ages and abilities can access the bicycle parking and securely lock their bicycle without inconvenience.

F.C. Bicycle Parking Facility types.

- ~~8.1.~~ **U-Rack.** A “U-shaped” type of bicycle facilityrack affixed to pavement that stores up to two bicycles which are locked from the outside.
- ~~9.2.~~ **Bollard Rack.** A type of bicycle facilityrack affixed to pavement that stores up to two bicycles which are locked from the outside.
- ~~10.3.~~ **Grid Rack.** A dual sided type of bicycle facilityrack affixed to pavement that stores multiple (1 to 20) bicycles which are locked from the outside.
- ~~11.4.~~ **Low Profile Rack.** A low-lying type of bicycle facilityrack affixed to pavement that stores multiple (1 to 20) bicycles which are locked from the outside.
- ~~12.5.~~ **Bicycle Locker.** A locker or box in which up to two bicycles can be placed and locked.
- ~~13.6.~~ **Bicycle Cage.** A caged bicycle storage facility inside a parking garage that stores multiple bicycles.
- ~~14.7.~~ **Secure Parking Area.** A weather-protected, standalone bicycle parking structure or building extension with shared bicycle racks and access control.

D. Bicycle Racks.

- ~~8.1.~~ A bicycle rack must:
 - a. allow a bicycle frame and one wheel to be locked to the rack with a high-security lock;
 - b. allow a bicycle to be securely held with its frame supported in at least one place;
 - c. be durable and securely anchored;
 - d. have a locking surface thin enough to allow standard u-locks to be used, but thick enough so the rack cannot be cut with bolt cutters; and
 - e. not include any elements within the interior space.

E. Long-Term Bicycle Parking.

Long-term bicycle parking is located within secure, weather protected facilities and is intended for building and site occupants and others who need bicycle parking for several hours or longer.

~~1. Location, Access, and Security.~~

- ~~1. If the bicycle storage area requires the use of doors, doors must be fully automatic or automatically open with the push of a button.~~
- ~~2. Each facility must be well-maintained and well lit.~~
- ~~3. If a long-term bicycle parking space is in an enclosed area, the facility must not be accessible to anyone without authorized access.~~

~~3.1. Each long-term bicycle parking space must be provided within a building, covered parking garage, or secure parking area located near the building or structure and the street or other bicycle right-of-way.~~

~~4.1. Facilities for long-term bicycle parking include: bicycle rooms on the ground floor of a residential/commercial building, bicycle rooms in a parking garage, bicycle cages in a parking garage, and secure parking areas.~~

~~5.1. When a development project includes multiple buildings, the total number of bicycle parking spaces required will be calculated for the entire project and distributed proportionally to each building based on its share of the total parking space requirement. When the long-term bicycle parking for multiple buildings is co-located, it must be within 200 feet of an entrance to each of the participating buildings.~~

~~6.1. Each space must be available and accessible for all building tenants during the building's hours of operations. For residential tenants, each space must be accessible 24 hours a day, 7 days a week.~~

~~7.4.~~ A long-term bicycle parking space in a garage:

- a. must be clearly marked as a long-term bicycle parking space;
- b. must be located no lower than the first complete parking level below grade, and no higher than the first complete parking level above grade;
- c. must be in a well-lit, visible location near the main entrance or elevators;

- d. should be separated from vehicle parking by a barrier that minimizes the possibility of a parked bicycle being hit by a car; and
 - e. must be outfitted with a rack to lock the bicycle.
5. Each space must be available and accessible for all building tenants during the building's hours of operations. For residential tenants, each space must be accessible 24 hours a day, 7 days a week.
6. When a development project includes multiple buildings, the total number of bicycle parking spaces required will be calculated for the entire project and distributed proportionally to each building based on its share of the total parking space requirement. When the long-term bicycle parking for multiple buildings is co-located, it must be within 200 feet of an entrance to each of the participating buildings.
7. Facilities for long-term bicycle parking include: bicycle rooms on the ground floor of a residential/commercial building, bicycle rooms in a parking garage, bicycle cages in a parking garage, and secure parking areas.
8. Each long-term bicycle parking space must be provided within a building, covered parking garage, or secure parking area located near the building or structure and the street or other bicycle right-of-way.
- ~~8.1. If a long term bicycle parking space is in an enclosed area, the facility must not be accessible to anyone without authorized access.~~
- ~~9.1. Each facility must be well-maintained and well-lit.~~
- ~~10.1. If the bicycle storage area requires the use of doors, doors must be fully automatic or automatically open with the push of a button.~~
- F. **Short-Term Bicycle Parking.** Short-term bicycle parking must be in publicly accessible, highly visible locations that serve the main entrance of a building. Short-term bicycle parking must be visible to pedestrians and bicyclists on the street and is intended for building and site visitors.
- 1. **Location, Access, and Security.**
 - a. Each short-term bicycle parking space must be:
 - 1. Available to the public;
 - 2. Located in a convenient, well-lit area that is clearly visible to both a visitor to the building and a person who is on the sidewalk that accesses the building's main entrance; and
 - 3. Within 100 feet of:
 - a. The main entrance of each building within the development, and closer than the nearest non-accessible vehicle parking space; or
 - b. At least one main entrance of a building with more than one main entrance; unless the applicable deciding body approves an alternative location during the site plan process; and
 - 4. Outfitted with a rack to which a bicycle can be locked.
 - b. Each parking facility is prohibited from obstructing pedestrian traffic or interfering with the use of the pedestrian area.

5.057.06.04 Electric Vehicle Parking

A. **Applicability.**

- 1. ~~**Electric Vehicle Infrastructure and Parking.**~~ New or expanded development in Urban Policy Area Zoning Districts and Suburban Policy Area Zoning Districts must provide electric vehicle infrastructure and parking.
- 2. Development in districts in other Policy Area Zoning Districts are not required to provide electric vehicle infrastructure.

B. **General Station Requirements.**

1. **Size.** An electric vehicle charging station parking space must meet the size of a parking space as required by the Facilities Standards Manual: (FSM).
2. **Installation and Equipment.** Electric vehicle charging station installation and equipment must comply with the rules and regulations under the County's building and fire codes, and ~~Facilities Standards Manual~~: FSM.
- C. **Accessible Facilities.** Accessible electric vehicle charging stations must be located within 75 feet of the building or facility entrance and connect to a barrier-free accessible route of travel.
- D. **Required Facilities.** Each of the land uses identified in Table ~~5.05.05-1~~ and ~~Table 5.05.05-27.06.04-1~~ require electric vehicle infrastructure.
 1. ~~Minimum percentages of electric vehicle parking are calculated based on the minimum number of required parking spaces for a use.~~ ~~Minimum percentages of electric vehicle parking are calculated based on the minimum number of required parking spaces for a use.~~
 2. For purposes of ~~these tables~~ Table 7.06.04-1, electric vehicle requirements apply when the development is 10,000 square feet or more and one of the following occurs:
 - a. A new building or a new off-street parking facility is developed; and
 - b. The parking capacity of an existing building, site, or parking facility is increased by more than 50%.

~~1. Urban Policy Area Zoning Districts—Electric Vehicle Parking~~

Table 5.05.05-1 Urban Policy Area Zoning Districts—Electric Vehicle Parking Percentages Note: NR = Not Required		
URBAN		Required Percentage (%)
Table 7.06.04-1 Electric Vehicle Parking Percentages by Zoning District Note: NR = Not Required		
	Urban Policy Area Zoning Districts	Suburban Policy Area Zoning Districts
	Required Percentage (%)	Required Percentage (%)
Residential		
Household Living:		
Accessory dwelling		NR
Dwelling, single-family attached		NR
Dwelling, multifamily		8%
Dwelling, single-family detached		NR
Live/work dwelling		NR
Religious housing		NR
Group Living:		
Rooming and Boarding		NR
Congregate housing		NR
Continuing care facility		NR
Dwelling, multifamily	8%	8%
Lodging		

Table 5.05.05-1 Urban Policy Area Zoning Districts—Electric Vehicle Parking Percentages Note: NR = Not Required		
URBAN		Required Percentage (%)
Table 7.06.04-1 Electric Vehicle Parking Percentages by Zoning District Note: NR = Not Required		
	Urban Policy Area Zoning Districts	Suburban Policy Area Zoning Districts
	Required Percentage (%)	Required Percentage (%)
Hotel/Motel		3%
<u>Hotel/Motel</u>	<u>3%</u>	<u>2%</u>
Commercial		
Animal Services:		
Animal hospital		NR
Day Care:		
Adult day care		NR
Child day care		NR
Child day home		NR
Financial Services:		
Bank or financial institution		NR
Food and Beverage Sales / Service:		
Banquet/Event Facility		NR
Craft beverage manufacturing		NR
Farm market (off-site production)		NR
Food preparation		NR
Food store		1%
Mobile vendor		NR
Restaurant, carry-out only		NR
Restaurant, sit-down		1%
Restaurant, fast food, excluding drive-through facilities		NR
Snack or beverage bars		NR
<u>Food store</u>	<u>1%</u>	<u>1%</u>
<u>Restaurant, sit-down</u>	<u>1%</u>	<u>1%</u>
Office, Business and Professional:		
Office		3%
<u>Office</u>	<u>3%</u>	<u>3%</u>
Personal / Business services:		
Building maintenance services		NR
Business support services		NR
Personal services		1%
Postal services		NR
<u>Personal services</u>	<u>1%</u>	<u>NR</u>
Retail:		

Table 5.05.05-1 Urban Policy Area Zoning Districts—Electric Vehicle Parking Percentages Note: NR = Not Required		
URBAN		Required Percentage (%)
Table 7.06.04-1 Electric Vehicle Parking Percentages by Zoning District Note: NR = Not Required		
	Urban Policy Area Zoning Districts	Suburban Policy Area Zoning Districts
	Required Percentage (%)	Required Percentage (%)
Auction		NR
Convenience store		1%
Convenience store (with gasoline sales)		1%
Retail, general		1%
<u>Convenience store</u>	<u>1%</u>	<u>1%</u>
<u>Convenience store (with gasoline sales)</u>	<u>1%</u>	<u>1%</u>
<u>Retail, general</u>	<u>1%</u>	<u>1%</u>
Automotive:		
Vehicle service station		2%
<u>Vehicle service station</u>	<u>2%</u>	<u>2%</u>
Public/Civic/Institutional		
Assembly:		
Civic, social, and fraternal meeting place		1%
Community center		2%
Convention or exhibition facility		3%
Religious land use		NR
Death Care Services:		
Crematorium		NR
Funeral services		NR
Mausoleum		NR
Government/Non-Profit:		
Government (general)		NR
Public safety		NR
<u>Civic, social, and fraternal meeting place</u>	<u>1%</u>	<u>NR</u>
<u>Community center</u>	<u>2%</u>	<u>2%</u>
<u>Convention or exhibition facility</u>	<u>3%</u>	<u>2%</u>
Education:		
Business/technical school		NR
Colleges or universities		2%
Educational institution		2%
Library		2%
Personal instructional services		2%
School		2%
Training facility		NR

Table 5.05.05-1 Urban Policy Area Zoning Districts—Electric Vehicle Parking Percentages Note: NR = Not Required		
URBAN		Required Percentage (%)
Table 7.06.04-1 Electric Vehicle Parking Percentages by Zoning District Note: NR = Not Required		
	Urban Policy Area Zoning Districts	Suburban Policy Area Zoning Districts
	Required Percentage (%)	Required Percentage (%)
Vocational school		
<u>Colleges or universities</u>	<u>2%</u>	<u>2%</u>
<u>Educational institution</u>	<u>2%</u>	<u>2%</u>
<u>Library</u>	<u>2%</u>	<u>2%</u>
<u>Personal instructional services</u>	<u>2%</u>	<u>NR</u>
<u>School</u>	<u>2%</u>	<u>2%</u>
Medical:		
<u>Clinic, dental or medical</u>		<u>NR</u>
<u>Medical care facility</u>		<u>3%</u>
<u>Medical care facility</u>	<u>3%</u>	<u>1%</u>
Arts, Entertainment, and Recreation:		
<u>Amphitheater</u>		<u>2%</u>
<u>Art Studio</u>		<u>NR</u>
<u>Civic Space</u>		<u>NR</u>
<u>Cultural facility</u>		<u>NR</u>
<u>Dinner theater</u>		<u>NR</u>
<u>Entertainment facility</u>		<u>1%</u>
<u>Health and fitness center</u>		<u>NR</u>
<u>Recreation, indoor</u>		<u>NR</u>
<u>Recreation, outdoor or major</u>		<u>1%</u>
<u>Theater</u>		<u>NR</u>
Industrial / Production		
Manufacturing and Employment:		
<u>Data center</u>		<u>NR</u>
<u>Flex building</u>		<u>NR</u>
<u>Media Production</u>		<u>NR</u>
<u>Research and Development</u>		<u>NR</u>
Warehousing, Storage and Distribution:		
<u>Mini-warehouse</u>		<u>NR</u>
Infrastructure		
Transportation / Parking:		
<u>Ground passenger transportation (e.g. taxi, charter bus)</u>		<u>NR</u>
<u>Heliport or helistop</u>		<u>NR</u>
<u>Parking facility</u>		<u>NR</u>

Table 5.05.05-1
Urban Policy Area Zoning Districts—Electric Vehicle Parking Percentages
Note: NR = Not Required

URBAN	Required Percentage (%)
Table 7.06.04-1 Electric Vehicle Parking Percentages by Zoning District Note: NR = Not Required	
Urban Policy Area Zoning Districts	Suburban Policy Area Zoning Districts
Required Percentage (%)	Required Percentage (%)
Transit facilities	NR
Utilities:	
Solar facility, site-specific	NR
Utility, Minor	NR
Communications facilities:	
Communications facility	NR
Telecommunications facility	NR
Waste-related:	
Recycling collection center	NR
Agriculture	
Farm distribution hub	NR
Community garden	NR
Farm co-ops	NR
Miscellaneous	
Temporary Uses	NR

Suburban Policy Area

Amphitheater	2%	1%
Entertainment facility	1%	1%
Recreation, outdoor or major	1%	1%
Theater	NR	1%

- E. **Other Zoning Districts—Electric Vehicle Parking.** There is no electric vehicle parking requirement for the other zoning districts.

Table 5.05.05-2
Suburban Policy Area Zoning Districts—Electric Vehicle Parking Percentages
Note: NR = Not Required

SUBURBAN	Required Percentage (%)
Residential	
Household Living:	
Accessory dwelling	NR
Caretaker or guard	NR
Dwelling, single-family attached	NR
Dwelling, multifamily	8%
Dwelling, single-family detached	NR

Table 5.05.05-2
Suburban Policy Area Zoning Districts—Electric Vehicle Parking Percentages
Note: NR = Not Required

SUBURBAN	Required Percentage (%)
Live/work dwelling	NR
Manufactured home	NR
Manufactured housing land lease community	NR
Religious housing	NR
Tenant dwelling	NR
Group Living:	
Rooming and Boarding	NR
Congregate housing	NR
Continuing care facility	NR
Lodging	
Bed and breakfast homestay	NR
Bed and breakfast inn	NR
Campground	NR
Country Inn	NR
Guest farm or ranch	NR
Hotel/Motel	2%
Rural resort	NR
Commercial	
Animal Services:	
Animal hospital	NR
Kennel	NR
Kennel, indoor	NR
Veterinary service	NR
Day Care:	
Adult day care	NR
Child day care	NR
Child day home	NR
Financial Services:	
Bank or financial institution	NR
Alternative lending institution	NR
Food and Beverage Sales / Service:	
Banquet/Event Facility	NR
Craft beverage manufacturing	NR
Farm market	NR
Farm market (off-site production)	NR
Food preparation	NR
Food store	1%

Table 5.05.05-2
Suburban Policy Area Zoning Districts—Electric Vehicle Parking Percentages
Note: NR = Not Required

SUBURBAN	Required Percentage (%)
Mobile vendor	NR
Restaurant, carry-out only	NR
Restaurant, sit-down	1%
Restaurant, fast food with drive-through facility	NR
Restaurant, fast food, excluding drive-through facilities	NR
Snack or beverage bars	NR
Office, Business and Professional:	
Office	3%
Small business, agricultural and rural	NR
Personal/Business services:	
Building maintenance services	NR
Business support services	NR
Dry cleaning plant	NR
Farm machinery	NR
Maintenance and repair services	NR
Personal services	NR
Postal services	NR
Retail:	
Auction	NR
Convenience store	1%
Convenience store (with gasoline sales)	1%
Feed and farm supply center	NR
Machinery and equipment sales and services	NR
Nonstore retailers	NR
Nursery, Commercial	NR
Retail, general	1%
Automotive:	
Car Wash	NR
Vehicle repair, heavy	NR
Vehicle repair, light	NR
Vehicle sales	NR
Vehicle service station	2%
Vehicle wholesale auction	NR
Public/Civic/Institutional	
Assembly:	
Civic, social, and fraternal meeting place	NR
Community center	2%

Table 5.05.05-2
Suburban Policy Area Zoning Districts—Electric Vehicle Parking Percentages
Note: NR = Not Required

SUBURBAN	Required Percentage (%)
Convention or exhibition facility	2%
Religious land use	NR
Death Care Services:	
Cemetery	NR
Crematorium	NR
Funeral services	NR
Mausoleum	NR
Government/Non-Profit:	
Government (general)	NR
Public utility service center	NR
Public safety	NR
Education:	
Agricultural education or research	NR
Business/technical school	NR
Colleges or universities	2%
Educational institution	2%
Library	2%
Personal instructional services	NR
Rural retreat	NR
School	2%
Training facility	NR
Vocational school	NR
Medical:	
Clinic, dental or medical	NR
Medical care facility	1%
Arts, Entertainment, and Recreation:	
Amphitheater	1%
Art Studio	NR
Civic Space	NR
Cultural facility	NR
Dinner theater	NR
Entertainment facility	1%
Equestrian event facility	NR
Health and fitness center	NR
Recreation, indoor	NR
Recreation, outdoor or major	1%
Shooting range, indoor	NR

Table 5.05.05-2
Suburban Policy Area Zoning Districts—Electric Vehicle Parking Percentages
Note: NR = Not Required

SUBURBAN	Required Percentage (%)
Theater	1%
Industrial/Production	
Manufacturing and Employment:	
Agricultural processing	NR
Contractor	NR
Data center	NR
Extractive industries	NR
Flex building	NR
Manufacturing, General	NR
Manufacturing, Intensive	NR
Manufacturing, Light	NR
Media Production	NR
Research and Development	NR
Sawmill	NR
Wood, metal and stone crafts	NR
Warehousing, Storage and Distribution:	
Building and landscaping materials supplier	NR
Energy Storage	NR
Freight	NR
Industrial storage	NR
Mini-warehouse	NR
Oil and gas storage	NR
Outdoor storage	NR
Outdoor storage, vehicles	NR
Vehicle storage and impoundment	NR
Wholesale distribution, warehousing and storage	NR
Infrastructure	
Transportation/Parking:	
Airport	NR
Ground passenger transportation (e.g. taxi, charter bus)	NR
Heliport or helistop	NR
Parking facility	NR
Transit facilities	NR
Utilities:	
Solar facility, site-specific	NR
Solar facility, commercial	NR
Utility, Minor	NR

Table 5.05.05-2
Suburban Policy Area Zoning Districts—Electric Vehicle Parking Percentages
Note: NR = Not Required

SUBURBAN	Required Percentage (%)
Utility, Major	NR
Communications facilities:	
Communications facility	NR
Telecommunications facility	NR
Testing station	NR
Waste-related:	
Composting facility	NR
Junkyard	NR
Recycling collection center	NR
Remediation Services	NR
Solid waste facility	NR
Vegetative waste management facility	NR
Agriculture	
Agriculture	NR
Farm distribution hub	NR
Community garden	NR
Horticulture	NR
Nursery, Production	NR
Farm co-ops	NR
Pet farm	NR
Stable or Livery	NR
Stable, private	NR
Wayside stand	NR
Winery, Virginia farm	NR
Miscellaneous	
Temporary Uses	NR

5.05

7.06.05 Motorcycle/Scooter Parking

- B.A. Applicability.** Any development with more than 50 parking spaces within Urban Policy Area Zoning Districts or Suburban Policy Area Zoning Districts requires motorcycle/scooter parking.
- C.B. Minimum.** Parking facilities must provide at least 2% of the number of required vehicle spaces for motorcycles/scooters.
- D.C. Maximum.** Parking facilities must not provide any more than 8% of the number of vehicle spaces for motorcycles/scooters.

5.057.06.06 Car-Share Parking

- B.A. Car-Share Parking.** Any development with more than 50 parking spaces in Urban Policy Area Zoning Districts or Suburban Policy Area Zoning Districts require car-share parking spaces.
- C.B. Minimum.**
1. A parking facility with 51 to 149 parking spaces must have a minimum of 1 car-share parking spaces.
 2. One additional car-share parking space is required for each 100 parking spaces more than 149, up to a maximum requirement of 5.
- D.C. Locational Relief.** One car-share space located within 100 feet of an entrance is equal to 2 required parking spaces for residential uses or 3 required parking spaces for non-residential uses.

5.057.06.07 Oversized Vehicle Parking

***Purpose:** Oversized vehicles can create congestion issues if they are not parked effectively. The purpose of this Section is to park oversized vehicles without adversely impacting residential neighborhoods.*

- A. **Applicability.** This ~~subsection~~Section applies to oversized vehicles in Urban Policy Area Zoning Districts and Suburban Policy Area Zoning Districts.
- B. **Generally.** Oversized vehicles can create congestion issues if they are not parked effectively. This ~~subsection~~Section identifies oversized vehicle types and the ways to park those vehicles without adversely impacting residential neighborhoods.
- C. **Definitions/Abbreviations.**
1. **Business Vehicle:** A vehicle associated with a business. Business vehicles do not exceed a rated capacity of 1.5 tons do not have more than 2 axles.
 2. **Commercial Vehicle:**
 - a. Any solid waste collection vehicle, tractor truck or tractor truck/semitrailer or tractor truck/trailer combination, dump truck, concrete mixer truck, towing and recovery vehicle with a registered gross weight of 12,000 pounds or more, and any heavy construction equipment, even if any of the foregoing are parked on a truck, trailer, or semitrailer;
 - b. Any trailer, semitrailer, or other vehicle in which food or beverages are stored or sold;
 - c. Any trailer or semitrailer used for transporting landscaping or lawn-care equipment whether or not such trailer or semitrailer is attached to another vehicle;
 - d. Any container constructed for the transportation of cargo;
 - e. Any vehicle licensed for use as a contract carrier or limousine;
 - f. Any vehicle more than 25 feet in length or more than 8 feet in height including appurtenances attached to the vehicle or with a width of 102 inches or more, or with a gross weight of 12,000 or more pounds;

- g. Any trailer, semitrailer, or double ~~axle~~axle utility trailer, regardless of whether a state safety inspection is required, except those designed to be used as a camper trailer or boat trailer or a single axle utility trailer, regardless of whether such trailer or semitrailer is attached to another vehicle; or
 - h. Any vehicle of any size that is being used in the transportation of hazardous materials as defined in § 46.2-314.4 of the Code of Virginia;
 - i. Any vehicle with 3 or more axles.
3. **Major Recreational Equipment:** Travel trailers, pick-up campers, motorized dwellings, tent trailers, boats and boat trailers, houseboats and the like and containers or boxes used for transporting such recreational equipment, whether occupied by such equipment or not.
4. **Oversized Vehicle:** Any vehicle type mentioned in this ~~subsection~~Section, excluding inoperable motor vehicles.

D. Requirements.

- 1. ~~Generally~~General. Oversized vehicle parking in residential districts is prohibited except where specified.
- 2. **Business Vehicles.** Business vehicles may be parked anywhere on any paved surface on site. Business vehicles may also be parked on-street.
- 3. **Commercial Vehicles.** One commercial vehicle with a manufacturer's rating of less than 1-1/2 tons may be parked or stored on any residential lot with 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~~must not prohibit commercial vehicles or containers from loading and unloading in any residential district.
- 4. **Major Recreational Equipment.** No major recreational equipment ~~shall~~must 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. However, that equipment may be parked anywhere on residential premises for a period not exceeding 48 hours. No major recreational equipment can be used for living, sleeping, or housekeeping purposes.

5.057.06.08 Parking Adjustments

A. Procedure. ~~Adjustments to Parking Requirements. The~~

- 1. ~~As provided in this Section and pursuant to Section 11.17, the~~ Zoning Administrator may ~~approve a reduction in~~ grant the following parking adjustments:
 - a. ~~Reduce the~~ minimum required parking spaces, ~~an increase in~~ up to a total of 35%;
 - ~~a.b.~~ Increase the maximum amount of parking spaces allowed; ~~or~~
 - c. Determine the required parking ~~spaces~~ratios ~~for a use~~uses that ~~does do~~ not have a specified parking ~~ratio~~ratios listed in ~~Section 5.05.03. Applications for a~~ Table 7.06.02-1.
- 2. ~~Regardless of subsection A.1 above, any~~ parking adjustment ~~shall include the following information, and in the case of special exception, shall also meet the requirements of Section 7.09 requested as part of an application subject to Section 11.10, Section 11.11, or Section 11.12 will require Special Exception approval.~~
 - 1. ~~Special Exception. A parking scoping meeting held between the Applicant and Staff to specify the parking information required in the Applicant's parking study.~~
 - 2. ~~Parking adjustments completed pursuant to Sections 5.05.09 A-M, require a parking study (completed by a qualified professional with demonstrated experience in transportation planning, traffic engineering, or comparable field), signed and dated as agreed upon with Zoning Administration) which substantiates the~~

~~need for an adjusted number of parking spaces. Parking adjustment requests for 10 spaces or less do not require a parking study and must be submitted via zoning determination to the Zoning Administrator.~~

~~3. A plan showing how the parking spaces shall be provided on the site.~~

~~4. Any pertinent information applicable to the specific parking adjustment request. This includes, but is not limited to the following information below:~~

~~a. Parking location.~~

~~b. Type of parking (on-street, structured parking, off-street, etc.).~~

~~c. Percentage of parking to be provided in a parking structure, on-street, off-street, by shared parking, or by any other means.~~

~~d. Any applicable supplemental data, graphics, or best practices as agreed upon in the signed parking scoping document.~~

3.

a. The following parking adjustments may only be approved by Special Exception:

1. Parking reductions exceeding 35%; or

2. Any parking adjustment as provided in subsection A.2 above.

b. The Board of Zoning Appeals (BZA) will review such requests as provided in Section 11.11.05.

c. Regardless of subsection A.3.b above, for any reduction requested as part of an application subject to Section 11.10, Section 11.11, or Section 11.12 that is subject to Board of Supervisors approval, the request will be processed in accordance with Section 11.11.01.

B. Shared Parking and Loading Facilities. ~~Shared parking allows~~ The total minimum number of required parking spaces ~~to may be~~ reduced when:

1. Parking is shared among two or more uses that typically experience peak parking demands at different times; ~~and is~~

2. The uses are located on either:

a. The same lot; or on

b. Separate lots within:

1. 500 feet in non-Urban Policy Areas; or

2. 1/4 mile in the Urban Policy Area. ~~Because parking spaces are shared, the total number of parking spaces that would otherwise be required may be reduced. In addition to all other applicable requirements of this section, the following requirements apply to shared parking:~~

~~5. **Authority to reduce parking.** The Zoning Administrator may reduce the total minimum number of required parking spaces, provided that each use participating in the shared parking experiences peak parking demands at different times. The zoning administrator shall base this decision on the criteria established for each parking reduction.~~

~~6. **Parking Study.** As agreed upon in the signed parking scoping document, the Zoning Administrator may require the applicant to submit a parking study to determine the peak parking demand periods or other information needed to determine the viability of shared parking.~~

B.C. 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. ~~A parking study may be required to demonstrate the captive market.~~

1. **On-Street Parking.** On-street A parking ~~consists of~~ study may be required to demonstrate the captive market.

C.D. Credit for On-Street Parking. Parking spaces located in a public or private right-of-way ~~may be used for required off-street parking requirements under the following circumstances:~~

1. Generally. Each Abutting Road.

- a. The parking space ~~that is in a paved~~ public or private right-of-way abutting and providing access to the lot ~~may count as required; and~~
- a.b. On-street parking space for the purpose of meeting the requirements in Section 5.05.03. Each parking space must be on a paved area abutting the travelway, and if the parking space is in a public right-of-way it must not be prohibited by either the Virginia Department of Transportation or Loudoun County Fire Marshal.

2. Credit for On-Street Parking. Within 400 feet.

- a. In coordination with the Department of Transportation and Capital Infrastructure and the Virginia Department of Transportation, the Zoning Administrator may allow credit for on-street parking spaces, located within 400 feet of the subject principal use, ~~to be credited to meet the off-street parking spaces for a particular development required by Section 5.05.03.~~
- b. This credit for on-street parking must be included on the Site Plan for the development to identify the particular development receiving credit.

D.E. 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 off-street public parking lots, and where the applicant adequately demonstrates that such availability will continue in the future.

E.F. Structured Parking Reductions. Parking ~~reductions requirements~~ may be reduced for providing parking in an above-grade or below-grade parking structure ~~in addition to any reduction in this Section.~~

1. **Above-grade parking structure reduction.** For every 100 spaces placed in an above-grade parking structure, a 5% reduction in required parking spaces may be applied.
2. **Below-grade parking structure reduction.** For every 100 spaces placed in a below-grade parking structure a 10% reduction in required parking spaces may be applied.

F.G. Transportation Demand Management Plan (TDM) Reduction. Any non-residential, mixed-use, or multifamily development ~~(including multi-family dwellings)~~ exceeding 10,000 square feet may use a transportation demand management (TDM) plan to reduce parking rates. ~~A TDM plan is (a parking study that shows parking demand to reduce single-vehicle occupancy transportation by incorporating alternative transportation modes, flex peak times, and pedestrian activity) to reduce parking rates.~~

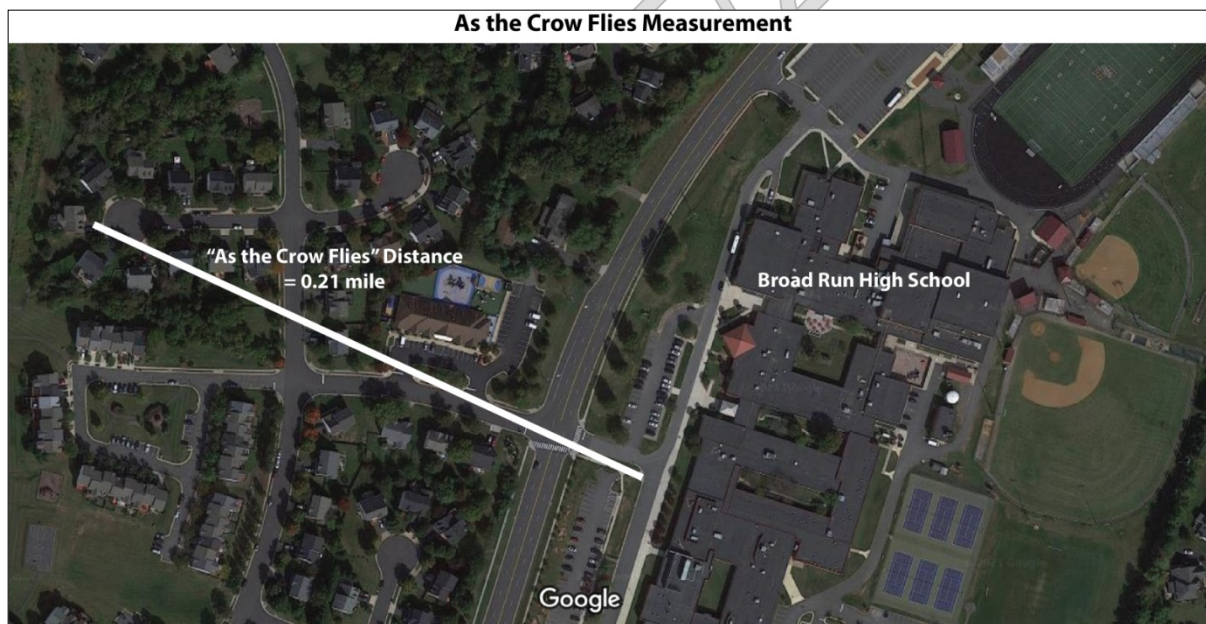
1. **Requirements.** A TDM plan complies with the principles of the Loudoun County 2019 General Countywide Transportation Plan (CTP).
 - a. A qualified professional with demonstrated experience in transportation planning, traffic engineering, or comparable field must prepare the TDM plan.
 - b. A TDM plan must determine:
 1. The anticipated travel demand for the development.
 2. How the anticipated travel demand for the development will be met on-site or off-site, including:
 - a. Number of on-street parking spaces, off-street parking spaces, or shared parking arrangements.
 - b. Number of short-term and long-term bicycle parking spaces.
 - c. Accommodations for pedestrians, cyclists, motorists, transit riders, and the mobility-impaired.

3. The strategies that will be used to reduce single-occupancy vehicle trips, reduce vehicle miles traveled by site users, and promote transportation alternatives such as walking, bicycling, ridesharing, and transit.
 4. The transportation objectives sought from TDM implementation.
2. **TDM Strategies.** TDM strategies may include, but are not limited to the following:
- a. Walking, cycling, ridesharing, and transit promotion and education.
 - b. Shared parking arrangements.
 - c. Enhanced bicycle parking and services.
 - d. Carpooling benefits.
 - e. Free or subsidized transit passes, shuttles, or enhanced transit facilities.
 - f. Provisions for alternative work schedules.
 - g. Roadway improvements adjacent to the site that will help encourage transportation alternatives.
3. **TDM Decision.** In making a final decision, the Zoning Administrator must find the following:
- a. The project includes performance objectives to minimize single-occupancy vehicle trips and maximize the utilization of transportation alternatives to the extent practicable, considering the opportunities and constraints of the site and the nature of the development.
 - b. The project meets the anticipated transportation demand without adversely impacting public infrastructure, such as transit and on-street parking facilities, and the surrounding neighborhood.
- G.H. Proximity Reductions.** Any non-residential, mixed-use, or multifamily development ~~(including multi-family dwellings)~~ may apply for reduced parking rates for proximity to transit, usable public open space, and affordable housing (as designated by the County's affordable housing types and definitions).
1. **Requirements.** Parking may be reduced at 5%, 10%, or 15% intervals depending on the criteria established in Table ~~5.05.097.06.08~~-1. Development must satisfy all three conditions to receive a parking reduction, and must illustrate proximity on a site plan.

Table 5.05.097.06.08 -1 Proximity Reduction			
Proximity ↓	Reduction		
	5%	10%	15%
To Transit	1/2 mile	1/4 mile	1/8 mile
To Usable Public Open Space	1/2 mile	1/4 mile	1/8 mile
To Affordable Housing	1 mile	1/2 mile	1/4 mile

2. **Proximity Measurement.** Proximity is determined by a true walking distance – where there are sidewalks and walking paths that create a walking route – and not by an “as the crow flies” buffer. The site plan must show

the true walking distance to proximity to transit, opens space, and affordable housing.



Affordable Housing

H.I. Attainable Dwelling Reductions. Any development providing affordable housing units pursuant to Chapter 9 may apply for reduced parking rates. These reductions apply to all of the County's designated affordable housing unit types and definitions.

1. Requirements. Reductions are determined by units at varying Area Median Income (AMI) levels.

1.2. Parking may be reduced at 5%, 10%, or 15% depending on housing dwelling unit income restrictions.

- a. 5% Reduction: Dwelling Units affordable at or below 60% AMI.
- b. 10% Reduction: Dwelling Units affordable at or below 50% AMI.
- c. 15% Reduction: Dwelling Units affordable at or below 30% AMI.

~~2.3.~~ **Measurement.** ~~Reductions are determined by units at varying Area Media Income (AMI) levels.~~ The site plan must show the number of ~~affordable housingattainable dwelling~~ units with AMI levels.

~~4.~~ **Note:** Reductions are only applied to the number of ~~affordable housingattainable~~ units within a development. For example,

~~3.5.~~ **Example.** If a 100 dwelling unit development provides 75 ~~affordable housingattainable~~ units and 25 market rate dwelling units, then ~~reductionsthe reduction~~ only ~~applyapplies~~ to the 75 ~~affordable housingattainable~~ units. The 25 market rate dwelling units are not eligible for this specific reduction and use the parking ratios prescribed in Sections ~~5.05.03, 5.05.137.06.02, 7.06.12, and 5.05.147.06.13.~~

~~H.J.~~ **Elderly Housing Reduction.** Any development providing elderly housing units may apply a 5% parking reduction for each 50 required parking spaces.

~~J.K.~~ **Alternative Transportation Reductions.**

1. Transit.

a. **Bus Stop.** 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.

b. **Metrorail Station.** A reduction of up to 25% of the required parking may be granted for any use or building within 1,000 feet of any regularly scheduled Metrorail station.

2. **Carpooling/Vanpooling.** A reduction of up to 20% of required parking may be granted for any building or complex exceeding 50,000 square feet GFA that institutes and maintains a ~~carpooling/vanpooling carpool or vanpool~~ program, including use of ride-sharing programs such as Uber and ~~Lyft.Ly'~~

3. **Shuttle Service.** A reduction of up to 10% of required parking may be granted for any building or complex that provides and maintains a regular shuttle service.

~~B.~~ **Maximum Reduction.** A combination of the reductions allowed pursuant to this Section may be granted provided that the total reduction of required parking does not exceed 35%.

~~C.~~ **Special 7.06 Exceptions.** Any person who can present circumstances to justify a total parking reduction exceeding 35% may apply for a special exception to the Board of Supervisors. Applications for such a reduction shall include the information required by this Section and shall also meet the requirements of Section 7.09.

5.05.09 Loading

A. **Applicability.** The required number of off-street loading spaces is determined by gross floor area (GFA). Outdoor storage, sales, or display areas must be added to GFA if these areas contain materials that are received or distributed by trucks. If a development has 2 or more uses, the off-street loading space requirement is the highest number of spaces required of any one use.

B. **Required Loading.** Required loading spaces will follow the standards prescribed in Table ~~5.05.107.06.09-1~~.

Table 5.05.107.06.09-1 Loading Ratios	
Gross Floor Area Square Footage	Minimum Number of Spaces
0-10,000 sf	0
10,001 - 75,000 sf	1
75,001 - 150,000 sf	2
150,001 - 300,000 sf	3
> 300,000 sf	1 for each 100,000 sf

C. **LoadingLocation Standards.**

~~1.~~ **Location**

~~1. A loading space must be located within the same site as the building or use served.~~

1. A loading space is prohibited in required buffer yards.
2. A loading space is prohibited from being located between the front building line and the lot line.
- ~~2.3.~~ A loading space is prohibited from projecting into a sidewalk, street, or public right-of-way.
4. A loading space must be located within the same site as the building or use served.
- ~~3.1.~~ ~~7.06~~ ~~A loading space is prohibited from being located between the front building line and the lot line.~~
- ~~4.1.~~ ~~A loading space is prohibited in required buffer yards.~~

5.05.10 Parking Location and Design

- A. **All Parking Facilities.** All parking facilities must:
 1. Conform to the Facilities Standards Manual; (FSM); and
 2. Be provided on the same lot or parcel of land being served, or on a separate lot or parcel of land within (500 feet of the principal entrance of the building being served.
- B. **Requirements For Multiple Property Ownership.** Wherever required off-street parking facilities are proposed to be provided elsewhere other 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 must 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 must 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 must:
 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.
- C. **All Off-Street Parking Design Requirements.** All off-street parking facilities must have access from alleys or from streets at locations which accommodate safe pedestrian circulation.
- D. **Compact/Walkable/Urban (CWU) Nonresidential Off-Street Parking Design Requirements.** ~~To encourage a pedestrian-friendly environment and reduce vehicle trips within Compact/Walkable/Urban (CWU) development contexts, nonresidential off street parking requires unique design. Compact/Walkable/Urban (CWU) development contexts include, but are not limited These requirements apply to the following Zoning Districts: Urban Transit Center/Mixed Use, (UT/UM (existing PD-TRC)), Urban Employment, (UE (existing PD-TREC)), Suburban Mixed Use, (SM) (new), and Transition Community Center -Districts- (TCC (new)).~~
 1. **Generally.**
 - a. All off-street parking must be located on the lot being served, or on a separate lot or parcel 500 feet from the primary pedestrian entrance of the building that it serves.
 - b. Access for off-street parking shall must generally be achieved by means of alleys, off-street vehicular connections between adjacent parking lots, and side streets.
 - c. All off-street parking areas and parking lots are designed to have low visibility as much as feasible. Consequently, parking is prohibited at the visual termination of roads and streets and must not be the principal use of corner lots.
 - d. Structured parking is required to meet 70% of the parking requirements for the construction of new buildings in the UT (existing PD-TRC) Inner Core and UT (existing PD-TRC) Outer Core Subareas of the Urban Transit Center/Mixed Use/UT/MC Zoning District.

- e. Off-street surface parking lots are prohibited in the ~~Urban Transit Center~~ UT/MC Zoning District within 1/4 mile of the transit station to encourage parking structures.
 - f. All off-street surface parking lots in the ~~Suburban Mixed Use, Urban Transit Center District~~ SM (new), UT/MC outside 1/4 mile of the transit station and ~~Transition Community Center District~~ TCC (new) Zoning Districts other than short-term drop-off/delivery parking, require landscaping per 5.07.06, and must not interfere with pedestrian activity.
 - g. An off-street parking facility may be shared by 2 or more uses following the requirements prescribed in Section ~~5.05.09~~ 7.06.08.
2. **Front yard parking.** Off-street parking in the front of a non-residential lot is not permitted.
 3. **Side yard parking.** Off-street parking in the side of a non-residential lot is not permitted.
 - a. Off-street parking in the side of a nonresidential lot in the ~~Transition Community Center~~ TCC (new) Zoning District is permitted provided it has a maximum width of x (or something else to limit).
 4. **Rear yard parking.** Off-street parking is required in the rear of a non-residential lot.
 5. **On-street parking.** On-street parking must be provided generally throughout CWU development contexts. Where streets and travelways within the district have been designed pursuant to County and Virginia Department of Transportation (VDOT) standards to accommodate on-street parking, this on-street parking may be considered as part of meeting parking requirements for non-residential uses pursuant to Section ~~5.05~~ 7.06.08. Additionally, on-street parking must adhere to the following requirements:
 - a. Parallel and angled on-street parking is allowed.
 - b. On-street parking must not encompass more than 70% of the block frontage.
 - c. On-street parking must be inset into the block with street trees or plantings incorporated between groups of parking spaces.
 - d. On street parking is not permitted for lots fronting on collector or arterial roads.
- E. **Parking Structure Design Requirements.** A parking structure may be constructed as an above-grade or below-grade garage and may be used to meet parking requirements for any use or combination of uses. Parking structures must comply with the design standards of this Section.
1. **Above-grade parking structures.** If the above-grade off-street parking structure is freestanding and not effectively shielded from the street by a building, then the facility must follow the requirements prescribed in this subsection.
 - a. All above-grade parking structures must be designed in a manner that is compatible with nearby building architecture to minimize visual impact.
 - b. All above-grade parking structures must provide ground-floor windows along the street frontages to prohibit long expanses of blank walls. Any wall facing the street must contain windows, doors, or display areas equal to at least 50% of the ground floor wall area facing the street. This excludes portions of wall faces devoted to driveway entrances and exits, stairwells, elevators, escalators, and booths.
 - c. Required windows must have a sill no more than 4-feet above grade. Where the interior floor level prohibits the required sill placement, the sill may be raised 2-feet above the finished floor wall to provide a maximum sill height of 6-feet above grade.
- F. **Use-Specific Parking Design Requirements.** Certain uses require specific parking design requirements to provide adequate parking facilities.
1. **Recreational and Child Care.** Recreational and child care uses must include a designated pickup and delivery zone and must follow ~~the~~ FSM stacking requirements ~~in the Facilities Standards Manual~~. This designated pickup and delivery zone must be located within 50 feet of the recreational use's primary building entrance in a way that provides safe and clearly designated access to enter or exit the facility.

2. **Multifamily.** No off-street parking facility for multifamily dwellings is permitted in areas between buildings and streets, unless those parking areas are sufficiently bermed and screened at a minimum height of 6 feet so that the parking areas are not visible from the street.
3. **Home Occupation.** A home occupation permitting an employee to work on-site requires 1 off-street parking space in addition to the minimum off-street parking requirements for the dwelling unit prescribed in Section ~~5.05-037.06.02~~. Any other need for parking generated by the conduct of a home occupation must be solely by off-street parking. Off-street parking required by this subsection must not be located in a required front yard, unless located within an existing driveway.
4. **Recycling Drop-Off Center.**
 - a. The recycling drop-off center must be in a location so vehicular ingress and egress does not pose traffic hazards. This use requires on-site parking and follows the requirements in Section ~~5.05-037.06.02~~, or the anticipated peak customer load as determined by the Zoning Administrator. Stacking and parking spaces must not be located within the road right-of-way or setbacks.
 - b. 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:
 1. 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
 2. Hours of normal operation of the principal use do not overlap those of the recycling drop-off center.

~~5.057.06.11~~ Residential Parking Limitations

~~B.A.~~ Limitations on Parking and Paved Parking Surfaces Within Residential Yards. The following requirements apply to single family detached dwellings in Suburban Policy Area Zoning Districts.

1. All parking for vehicles in any yard must be on a paved parking surface, provided, however, that this ~~shall~~must 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 must not exceed:
 - a. 30% of the front yard area ~~in the Suburban Policy Area Zoning District.~~
 - b. Limitations may be exceeded for a paved surface that is:
 1. Directly contiguous with, and providing primary access to, 2 side-by-side parking spaces as long as the dimensions of the paved surface access area are not more than 25 feet long and 18 feet wide; or
 2. Located on a lot ~~which that~~ has its primary access from a collector or arterial road, and comprises 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 25 feet long and 18 feet wide, and the area of the turn-around does not exceed 162 square feet; or
 3. A driveway on a pipestem lot.
3. The maximum amount of paved parking surface in a rear yard must not exceed 25% of the rear yard ~~area in Suburban Policy Areas.~~
- ~~1. The maximum amount of paved parking surface in a side yard must not exceed:~~
 - ~~a. 25% of the side yard area in a zoning district located in the Suburban Policy Area.~~
4. For the purposes of this Section, "paved parking surface" ~~shall~~must mean the area of a lot that is used for the parking of vehicles, inclusive of the driveway for accessing that parking, which 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 is not considered a paved parking surface.

5. The Zoning Administrator may modify the requirements of this Section 5.05.12.2 if an applicant can demonstrate that ~~the requirements of this Section cannot be met~~, while meeting the amount of parking required by Section ~~5.057.06.02~~, 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.
6. The Zoning Administrator may attach conditions to any modification to ensure that the results of the modification comply with the purpose and intent of ~~this Section 7.06~~.

5.057.06.12 Village Parking

Purpose: Villages are unique small, pedestrian-scale, rural communities and require context-sensitive parking and loading regulations that preserve village character. This ~~subsection~~ Section prescribes Village parking and loading regulations.

- A. **Applicability.** ~~Note: For the purposes~~ The requirements of this Section, apply to Villages ~~are those~~ listed in the Village Conservation Overlay District or designated as a Legacy Village Cores by the General Plan.
- B. **Village Parking Ratios.** Village parking follows the standards prescribed in Table ~~5.05.137.06.12-1~~. Uses with ratios that are subject to specific requirements in Section ~~5.05.147.06.13~~ Specific Residential Design Type Parking and Section ~~5.057.06.08~~. A Parking Adjustments reference those sections.

Table 5.05.137.06.12-1 Village Parking Ratios Note: NR = Not Required		
VILLAGE	Minimum	Maximum
Residential		
Household Living:		
Accessory dwelling	1/DU	2/DU
Caretaker or guard	NR	NR
Dwelling, multifamily	5.05.147.06.13	5.05.147.06.13
Dwelling, single-family detached	1/DU	3/DU
Live/work dwelling	1/DU	2/DU
Manufactured home	1/DU	2/DU
Religious housing	1/DU	2/DU
Tenant dwelling	1/DU	2.5/DU
Group Living:		
Congregate housing	1 + (0.75) bedrooms	NR
Continuing care facility	2/1000 sf	4/1000 sf
Lodging		
Bed and breakfast homestay	1 + (0.75) bedrooms	NR
Bed and breakfast inn	1 + (0.75) bedrooms	NR
Campground	5/campground	NR
Country inn	1 + (0.75) bedrooms	NR
Guest farm or ranch	1 + (0.5) bedrooms	NR
Hotel + Motel	1/guest room	1.5/guest room

Table 5.05.137.06.12-1
Village Parking Ratios
Note: NR = Not Required

VILLAGE	Minimum	Maximum
Rural resort	1.25/guest room	1.75/guest room
Commercial		
Animal Services:		
Animal care business	2/1000 sf	4/1000 sf
Animal hospital	2/1000 sf	4/1000 sf
Kennel	2/1000 sf	4/1000 sf
Veterinary service	2/1000 sf	4/1000 sf
Day Care:		
Adult day care	2.5/1000 sf	4/1000 sf
Child day care	2.5/1000 sf	4/1000 sf
Child day home	2.5/1000 sf	4/1000 sf
Financial Services:		
Bank or financial institution	2/1000 sf	4/1000 sf
Food and Beverage Sales +/Service:		
Banquet/Event Facility	5/1000 sf	8/1000 sf
Farm market	10/5 acres	NR
Farm market (off-site production)	10/5 acres	NR
Food preparation	2/1000 sf	3.5/1000 sf
Food store	2/1000 sf	4/1000 sf
Restaurant, carry-out only	3/1000 sf	8/1000 sf
Restaurant, sit-down	8/1000 sf	15/1000 sf
Snack or beverage bars	2/1000 sf	5/1000 sf
Office, Business and Professional:		
Office	2/1000 sf	4/1000 sf
Small business, agricultural and rural	2/1000 sf	4/1000 sf
Personal +/Business services:		
Building maintenance services	2/1000 sf	3.5/1000 sf
Business support services	2/1000 sf	3.5/1000 sf
Farm machinery	2/1000 sf	3.5/1000 sf
Maintenance and repair services	2/1000 sf	3.5/1000 sf
Personal services	2/1000 sf	4/1000 sf
Postal services	3/1000 sf	4/1000 sf
Retail:		
Auction	2/1000 sf	3.5/1000 sf
Convenience store	2/1000 sf	4/1000 sf
Convenience store (with gasoline sales)	2/1000 sf	4/1000 sf
Feed and farm supply center	2/1000 sf	4/1000 sf
Nursery, Commercial	2/1000 sf	3.5/1000 sf
Retail, general	2/1000 sf	4/1000 sf
Automotive:		
Car Wash	1/stall	NR
Vehicle repair, light	2/1000 sf	3.5/1000 sf
Vehicle service station	1/2 fuel pumps	NR

Table 5.05.137.06.12-1
Village Parking Ratios
Note: NR = Not Required

VILLAGE	Minimum	Maximum
Public/Civic/Institutional		
Assembly:		
Civic, social, and fraternal meeting place	2/1000 sf	8/1000 sf
Community center	6/1000 sf	8/1000 sf
Religious land use	6/1000 sf	8/1000 sf
Death Care Services:		
Cemetery	5/cemetery	NR
Crematorium	2/1000 sf	3.5/1000 sf
Funeral services	2/1000 sf	3.5/1000 sf
Mausoleum	2/1000 sf	3.5/1000 sf
Government / Non-Profit:		
Government (general)	2/1000 sf	NR
Public safety	2/1000 sf	NR
Education:		
Agricultural education or research	3/1000 sf	4/1000 sf
Library	2.5/1000 sf	4/1000 sf
Personal instructional services	3/1000 sf	4/1000 sf
Rural retreat	2.5/1000 sf	4/1000 sf
School	2.5/1000 sf	4/1000 sf
Training facility	2.5/1000 sf	4/1000 sf
Vocational school	2.5/1000 sf	4/1000 sf
Medical:		
Clinic, dental or medical	2/1000 sf	4/1000 sf
Arts, Entertainment, and Recreation:		
Agricultural cultural center	3/1000 sf	NR
Agritainment	3/1000 sf	NR
Amphitheater	4/1000 sf	8/1000 sf
Art Studio	1/1000 sf	2.5/1000 sf
Civic space	TBD 7.06.08.A	NR
Cultural facility	2.5/1000 sf	4/1000 sf
Cultural tourism	2.5/1000 sf	4/1000 sf
Equestrian event facility	5/1000 sf	NR
Recreation, indoor	5/1000 sf	8/1000 sf
Recreation, outdoor or major	8/1000 sf	10/1000 sf
Theater	5/1000 sf	8/1000 sf
Industrial +/ Production		
Manufacturing and Employment:		
Agricultural processing	1/1000 sf	2/1000 sf
Extractive industries	1/1000 sf	2/1000 sf
Sawmill	1/1000 sf	2/1000 sf
Infrastructure		
Transportation / Parking:		
Airport	5.05.09 7.06.08.A	5.05.09 7.06.08.A

Table 5.05.137.06.12-1
Village Parking Ratios
Note: NR = Not Required

VILLAGE	Minimum	Maximum
Marina	5.05.097.06.08.A	5.05.097.06.08.A
Parking facility	5.05.097.06.08.A	5.05.097.06.08.A
Transit facilities	NR	NR
Utilities:		
Solar facility, site-specific	NR	NR
Utility, Minor	1/1000 sf	NR
Utility, Major	1/1000 sf	NR
Communications facilities:		
Communications facility	1/employee on site	NR
Telecommunications facility	1/employee on site	NR
Waste-related:		
Composting facility	0.5/1000 sf	NR
Recycling collection center	1/1000 sf	NR
Vegetative waste management facility	0.5/1000 sf	NR
Agriculture		
Agriculture	NR	NR
Farm distribution hub	2/hub	NR
Auction facility, livestock	2/1000 sf	NR
Brewery, limited	2/1000 sf	NR
Community garden	2/garden	NR
Custom operators	1/operator	NR
Horticulture	NR	NR
Nursery, Production	1/employee on site	NR
Farm co-ops	2/co-op	NR
Pet farm	1/1000 sf of visitor area	NR
Stable or Livery	1/4 stalls	NR
Stable, private	1/4 stalls	NR
Wayside stand	10/stand	NR
Winery, commercial	2/winery	NR
Winery, Virginia farm	2/winery	NR
Miscellaneous		
Temporary Uses	5.05.097.06.08.A	5.05.097.06.08.A

C. Available Public Parking Counted towards Minimum Parking.

- Any non-residential development may use available public parking within ¼ mile true walking distance, pursuant to Section 7.06.08.H.2, of the site.
- Public parking may count towards 50% of the minimum off-street parking requirements for that development.

~~Note: A true walking distance—where there are sidewalks and walking paths that create a walking route—and not by an “as the crow flies” buffer.~~

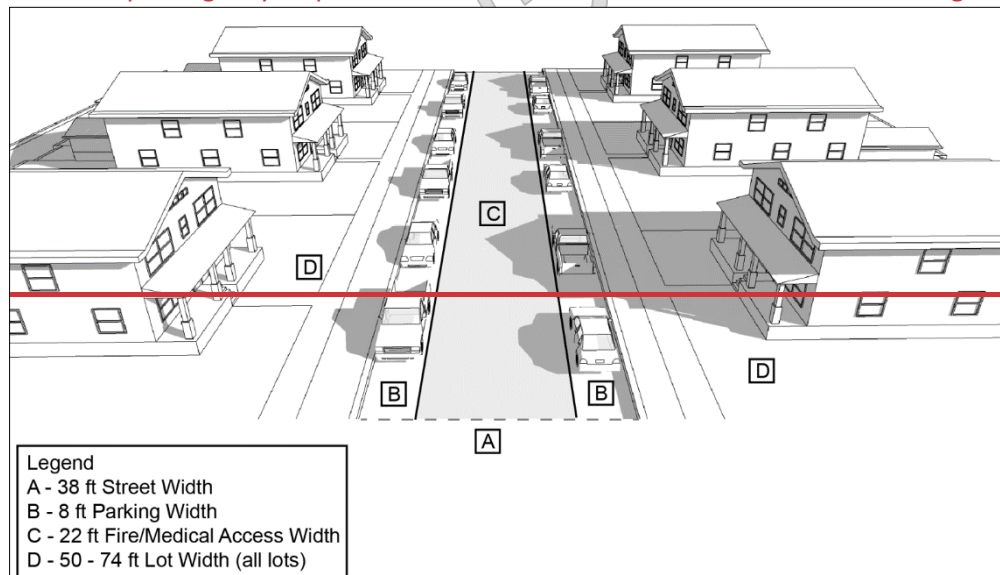
D. Shared Parking. Any non-residential development may share parking with another non-residential development anywhere in a Village. ~~Shared parking shall comply with-~~ pursuant to Section 5.05.097.06.08.B.

E. On-Street Parking Counted towards Minimum Parking.

3. **Non-residential Use.** If approved by VDOT, on-street parallel or angled parking may count towards the minimum off-street parking requirements. On-street parking ~~shall~~must comply with Section ~~5.05.097.06.08.D.~~
4. **Residential Use.** On-street parking may count towards the minimum off-street parking requirements.
 - a. **On-street Parking Matrix.** On-street parking follows the requirements prescribed in Table ~~5.05.137.06.12-2.~~

Table 5.05.137.06.12-2 Residential On-Street Parking					
Street Width	Parking ↓	Lot Width →	Spaces towards Minimum		
			< 50 ft	50 - 74 ft	> 75 ft
< 28 ft	Not allowed		-	-	-
≥ 28 ft and ≤ 36 ft	One Sided Parking		1	2	3
> 36 ft	Double Sided Parking				

- ~~• Requirements. On-street parking requirements are determined by lot and street widths. The graphics below demonstrate the requirements and are for illustrative purposes.~~
 - ~~• No on-street parking is allowed on street widths less than 28 ft.~~
 - ~~• On-street parking is limited to one side of the street for street widths between 28 and 36 ft.~~
 - ~~• On-street parking may be provided on both sides of the street for street widths greater than 36 ft.~~



- ~~• Tracking and Permitting. To ensure all residential properties limit on-street overparking, provide adequate fire and safety access, and comply with the standards prescribed in Table 5.05.13-2, the County may track on-street parking through a residential parking permitting system.~~

F. Additional Regulations.

1. Residential, Civic, Commercial, Workplace, and Recreation Uses.

- ~~○ Parking for residential, civic, commercial, workplace and recreational uses.~~
 - a. ~~Parking shall~~must be located at the rear of lots.
 - b. No off-street parking is allowed in front yards.

c. Adjacent off-street parking lots ~~shall~~must have off-street vehicular and pedestrian ways.

~~1-2.~~ Access. Off-street parking access ~~shall generally~~must be achieved by means of alleys, off-street vehicular connections between adjacent parking lots, and side streets.

~~*-Driveway curb cuts on neighborhood streets serving residential lots may be allowed if spaced to allow parallel parking for at least 2 cars (a minimum of 36 feet) between successive driveways.~~

~~2-3.~~ Visibility.

a. Off-street parking areas, carports, and garages ~~shall~~must be designed to have low visibility and ~~shall~~must not be located at the visual termination of roads and streets. These structures ~~shall~~must not be the principal use of corner lots.

b. Front load garages and carports ~~shall~~must offset from direct view and be located a minimum of 6 feet behind the principal building façade.

c. Any parking lot which abuts a street ~~shall~~must be buffered by a landscaped strip no less than 10 feet wide and planted with a continuous row of shrubs no less than 3 1/2 feet high, and/or shielded by a wall no less than 3 1/2 feet and no more than 6 feet high.

~~•-Compact/Walkable Regulation Option. Any development may use parking regulations prescribed in Section 5.05.11.E. to provide a walkable, pedestrian-friendly environment within Villages.~~

~~3-4.~~ Loading.

a. ~~Generally.~~ Required loading follows the standards prescribed in Section ~~5.05.107.06.09.~~

~~b.-Exception.~~ Any non-residential use may not require dedicated loading space on site if the site designates a 9PM to 7AM loading time. Loading in an unoccupied on-street parking space is allowed.

5.05.147.06.13 Specific Residential Design Type Parking

A. **Generally.** Different single family attached and multifamily design types, like front loaded single-family attached, alley loaded single-family attached, front loaded stacked multifamily, and alley loaded stacked multifamily design types, require tailored parking regulations to protect character and achieve appropriate neighborhood scale. This ~~subsection~~Section addresses parking ratios, arrangements, and regulations for these specific residential design types. These regulations only apply to these specific residential design types.

B. **Requirements.**

1. **Generally.** Specific residential design types must meet the parking requirements of this ~~Subsection~~Section.

2. **Tandem Parking.** Tandem parking, i.e., ~~one~~1 parking space behind another, is permissible and both parking spaces count towards the site's required parking minimums.

3. Garage and Driveway Spaces. Garage and driveway parking spaces ~~may~~ count toward required spaces for residential dwelling units, ~~except that for~~ .

a. Single-family attached and stacked multifamily ~~stacked~~-dwelling units must provide at least 0.5 spaces/~~unit will be accommodated by DU as~~ off lot parking spaces.

3-4. On-street Parking. Available on-street parking spaces within the site's property lines (property width) and adjacent to the site's front property line count towards the site's required minimums.

a. On-street parking is not permitted for lots fronting on collector or arterial roads.

b. On-street parking may account for up to 1 required parking spot if located within 500 feet of the principal entrance of the building being served.

~~B.-Specific Residential Design Type Parking Matrix.~~ Specific residential design types in all Policy Area Zoning Districts must follow the requirements in Table 5.05.13-1. The required number of parking spaces shown in Table 5.05.14-1 is per dwelling unit.

~~C. Specific Residential Design Type Parking Arrangement Matrix.~~ Specific residential design types in all Zoning Districts must follow layout arrangements similar to the illustrations in Section 5.05.14.D. requirements in Table 7.06.13-1-2. While not shown, layout arrangements may include garages.

~~1. Single Family Attached Dwelling.~~

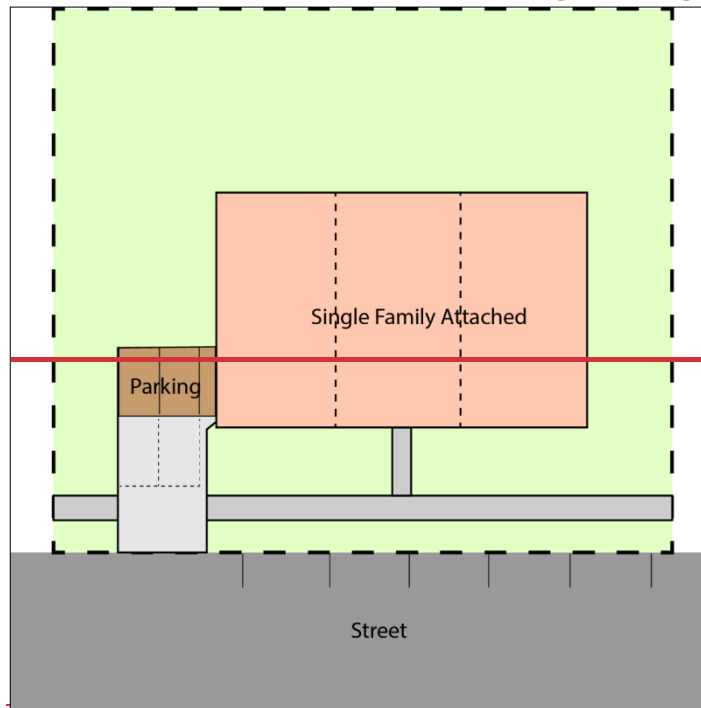
Table ~~5.05.13~~ 7.06.13-1 Specific Residential Design Types Parking Ratios

Policy Area →		Urban		Suburban		Rural		Transition		JLMA		Village	
Use ↓		Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.
Dwelling, single family attached ¹		2	3	2.5	3	2	5	2	4	N/A	N/A	2	3
Dwelling, multifamily ²	1 Bedroom/ Studio	1.5	2	1.5	2	1.5	2.5	1.5	2	N/A	N/A	1.5	2
	2 Bedrooms	2	2.25	2	3	2	2.5	2	2.5	N/A	N/A	2	2.5
	3+ Bedrooms	2.5	3	2.5	4	2.5	3	2.5	3	N/A	N/A	2.5	3
Dwelling, stacked multifamily ²		2	3	2.5	3	2	5	2	4	N/A	N/A	2	3

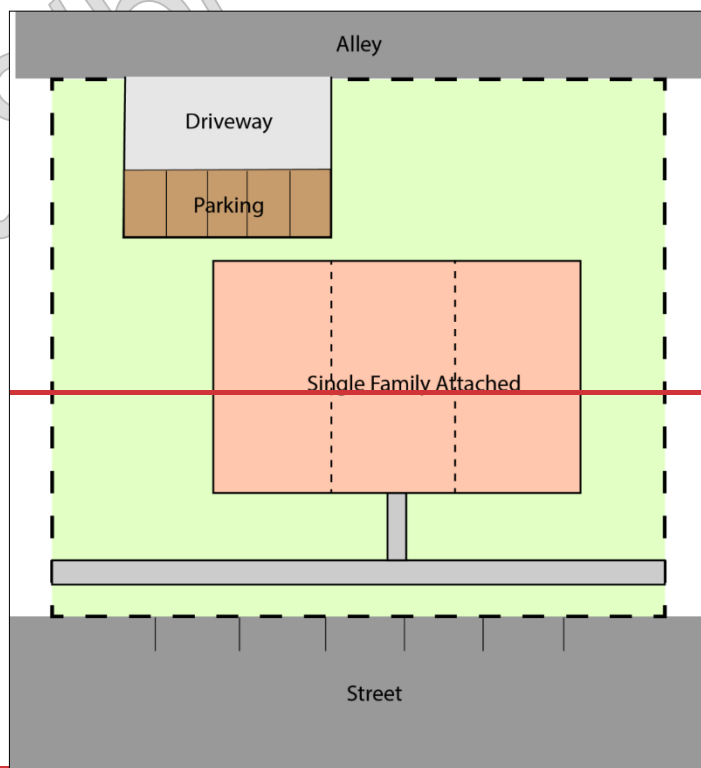
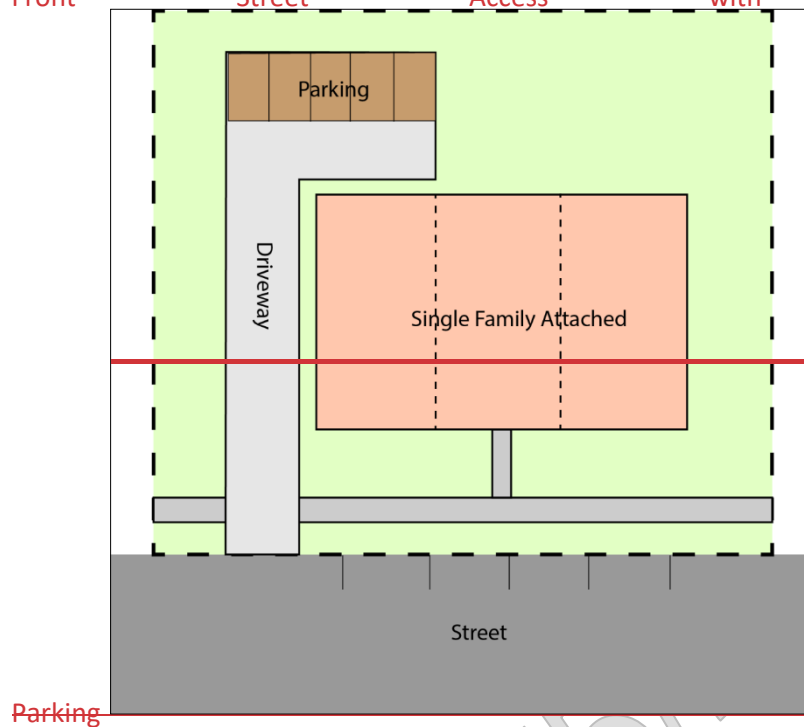
1. By-Right use in UM, SN~~7~~ (existing R-4), SCN~~7~~ (existing R-8, R-16, and R-24), SM~~7~~ (new), SR-8, TCN~~7~~ (new), RC and VC. Special exception use in RV.

2. By-Right use in UT~~7~~ (existing PD-TRC), UM, SN~~7~~ (existing R-4), SCN~~7~~ (existing R-8, R-16, and R-24), SM~~7~~ (new), TCC~~7~~ (new), RC and VC

~~a. Front Street Access with Front Loaded Parking (including tandem). The required number of parking~~



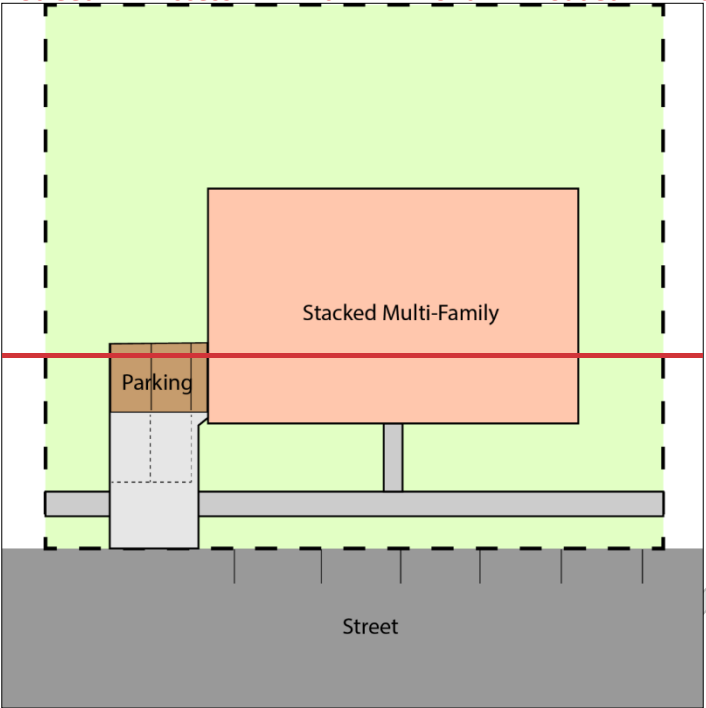
b. Front Street Access with Rear Loaded



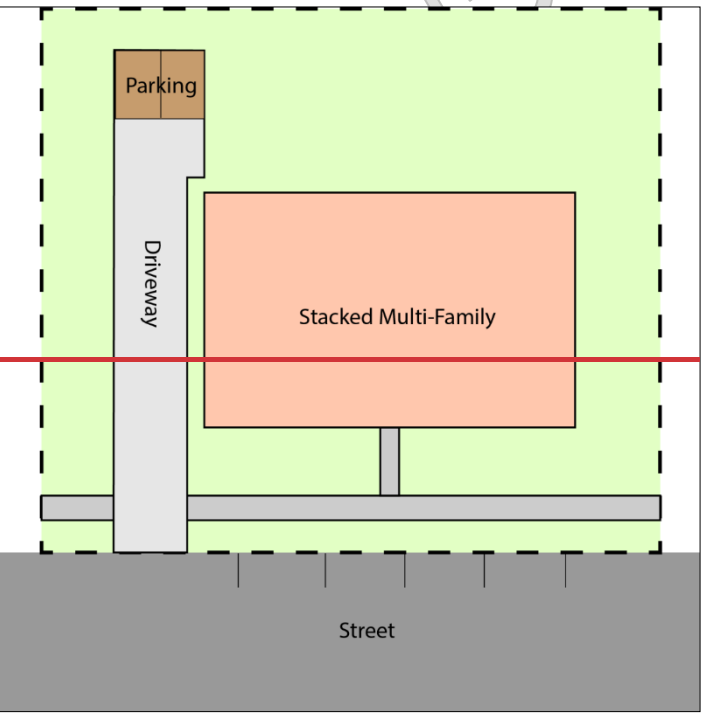
c. Alley Access with Rear Loaded Parking

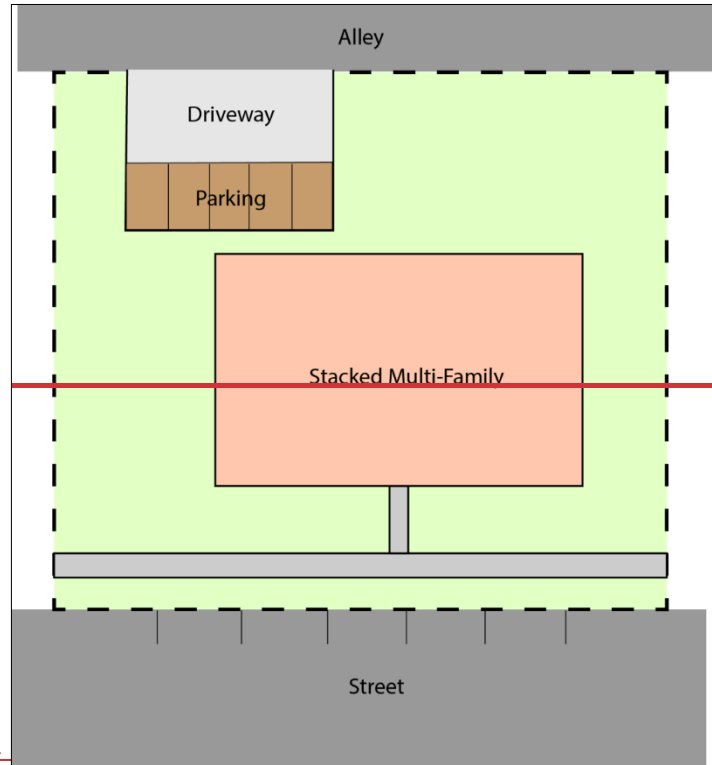
2. Stacked Multifamily Dwelling:

a. ~~Front~~ ~~Street~~ ~~Access~~ ~~with~~ ~~Front~~ ~~Loaded~~ ~~Parking~~ ~~(including~~ ~~tandem~~



~~parking)~~
b. ~~Front~~ ~~Street~~ ~~Access~~ ~~with~~ ~~Rear~~ ~~Loaded~~





c. Alley Access with Rear Loaded Parking

5.06 Tree Planting, Replacement, and Preservation

Purpose. The purpose of the Tree Planting, Replacement, and Preservation section is to:

- Provide regulations for the planting and replacement of trees destroyed or damaged during the development or redevelopment process, pursuant to § 15.2-961 of the Code of Virginia.
- Encourage the preservation of existing trees to meet canopy requirements.
- Promote tree planting and preservation to reduce the heat island effect, manage stormwater run-off, and improve and protect water quality, air quality, and wildlife habitat.
- Prioritize the planting of native vegetation, specifically along those wildlife corridors that provide connections to other natural, environmental, and heritage resources, and
- Ensure that new development, redevelopment, and infill development incorporates existing native vegetation and plantings of native vegetation into the landscape design to the extent feasible.

C.A. General Standards. The following general standards apply to the Tree Planting, Replacement, and Preservation requirement:

1. All trees to be planted must meet the specifications of AmericanHort.
- 2.1. The planting of trees must be done in accordance with either the standardized landscape specifications jointly adopted by the Virginia Nursery and Landscape 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.
1. Minimum plant sizes must be provided in accordance with Section 5.07.07.D.
- 3.1. All existing and new vegetative material required to meet the tree canopy requirements must meet the standards of the Facilities Standards Manual (FSM).

D.A. Canopy Requirements. Tree canopy requirements apply as follows:

- ~~2. A Site Plan, or Construction Plans and Profiles for single-family attached (SFA) units in those districts where applicable, required under Section 7.05, must include the planting and replacement of trees on-site to the extent that, at maturity of 20 years, minimum tree canopy must be provided in accordance with Table 5 spaces shown in Table 7.06.13-1.~~

TABLE 5.06-1, CANOPY REQUIREMENTS

Reference	Development Type	Percentage
1	Sites zoned business, commercial, or industrial in the UT/UM, UE, SE, SM, SC, SI, SME, TCC, TI, TLI, JLMA-LE, JLMA-LME, RC, VC, PD-TC, PD-MUB, PD-CC(SC), and PD-CC(RC) districts Business or commercial sites in the SN and SCN districts	10%
2	Residential sites zoned SCN with densities of 20 or more units per acre	10%
3	Residential sites zoned SCN for multifamily and SFA units with densities of 11 to 19 units per acre	15%
4	Residential sites zoned SCN, SN, and R-3 for multifamily and SFA units with densities of 3 to 10 units per acre	20%
is per 5	Cemetery as defined in Virginia Code § 54.1-2310, regardless of the zoning district in which it is located	10%

- ~~C. All plats and plans for single-family detached and/or duplex dwelling units for property that is zoned for densities of less than 10 dwelling units per acre must include a landscape plan that provides for the planting or replacement of trees on the site to the extent that, at maturity of 20 years, minimum tree canopies will be provided as follows:unit.~~
- ~~a. If the site has a tree canopy coverage of 20% or more prior to development, the landscape plan must provide for the preservation, or planting and replacement of trees on-site resulting in a tree canopy of at least 20%, calculated at 20 years maturity.~~
 - ~~b.a. If the site has a tree canopy coverage of less than 20% prior to development, the landscape plan must 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.~~
 - ~~c.a. Every platted lot must have a minimum tree canopy coverage of 2.5%, or 3,000 square feet, whichever is less, calculated at 20 years maturity.~~
 - ~~1. Such trees are counted toward the minimum tree canopy requirements in (a) and (b) above.~~
 - ~~2.1. Lots for which no permits for new structures will be sought and the residual parcel are exempt from this requirement.~~
- ~~E.A. To determine tree canopy coverage requirements, the following areas are excluded from calculating the area of a site:~~
- ~~1. Properties reserved or dedicated for future street construction or other public improvements and utilities;~~
 - ~~2.1. Water bodies and unwooded wetlands;~~
 - ~~3.1. Properties reserved or dedicated for school sites, playing fields, and other non-wooded recreation areas; and~~
 - ~~3. Portions of a site which contain existing structures that are not the subject of a pending application.~~
- ~~F.A. Tree cover credit in consideration of the preservation of existing tree cover or for preservation of trees of outstanding age, size, or physical characteristics may be permitted in conformance with FSM process for determining existing cover or trees for preservation and tree cover credit.~~
- ~~G.A. Modifications. Modifications of requirements in this Section to allow for the reasonable development of farmland or other areas devoid of healthy or suitable woody materials, for the preservation of wetlands, or otherwise when the strict application of the requirements would result in unnecessary or otherwise unreasonable hardship to the developer, may be approved by the Zoning Administrator upon application by the owner.~~

5.07 Landscaping, Buffer Yards, Screening

5.07.01 Purpose, Applicability, and Exceptions

Purpose. The purpose of the Landscaping, Buffer Yards, Screening, and Landscape Plans section is to:

- Foster attractive and harmonious development through the use of landscaping.
- Minimize the harmful impacts of noise, dust, and other debris.
- Minimize motor vehicle headlight glare and other artificial light intrusion.
- Protect property values by reducing visual impacts and land use conflicts.
- Provide shade and reduce the heat island effects.
- Enhance natural drainage systems and manage stormwater runoff.
- Contribute to ecosystem benefits and improve water quality, air quality, and wildlife habitat.
- Ensure that new development, redevelopment, and infill development incorporates existing native vegetation, plantings of native vegetation, and removal of invasive species into the landscape design.
- Preserve and promote the health, safety, and general welfare of the public.
- Establish a minimum setback for certain roads within Loudoun County due to their function, location, and capacity.

A. **Applicability.** The provisions of this Section apply to all land development requiring a site plan, construction plans and profiles, subdivision, and/or a zoning permit application.

B. **Exceptions.** The following exceptions apply to Section 5.07.01.A.:

1. Road Corridor Buffers required by Section 5.07.02 and Buffer Yards required by Section 5.07.04 are not required as follows:

- a. For zoning permit applications for single-family detached dwellings and residential accessory uses and structures;
- a. At the time of subdivision application in the ARN, ARS, A-3, A-10, JLMA-20, and JLMA-3 Zoning Districts;
- b.a. At the time of boundary line adjustment, family subdivision, single lot subdivision waiver, low density development waiver, or dedication plat application; and
- c.a. To any use subject to Section 5.07.03.A.6.

2. Road Corridor Buffers required by Section 5.07.02 will:

- a. Apply along roads adjacent to the boundary of the UT/UM, UE, SM, SC, TCC, PD-MUB, PD-TC, and PD-RV Zoning Districts. All other roads within these Zoning Districts are subject to the street tree requirement in Section 5.07.02.E.
- 1. 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 (FSM).

3. Buffer Yards required by Section 5.07.04 do not apply within the UT/UM, UE, SM, SC, TCC, PD-CC, PD-MUB, and PD-TC Zoning Districts. Buffer Yards within these Zoning Districts must be provided in accordance with the regulations for such Zoning Districts.

4. These exceptions under Sections 5.07.01.B do not apply to the structure and parking setbacks of Section 5.07.02 or the Cemetery, Burial Ground, and Grave Buffer of Section 5.07.05.

~~C. This Section is intended to complement Section 5.06 of this Ordinance. Trees planted to fulfill the canopy requirements of Section 5.06 also may fulfill the requirements of this Section.~~

~~D. All vegetative material required to be planted to meet the requirements of Section 5.07 must meet the specifications included in the FSM.~~

~~B.A. 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.~~

~~1. Such existing vegetation must be shown on a Tree Conservation Plan prepared in accordance with the FSM.~~

~~2.1. Invasive species are not suitable for use in compliance with the requirements and must be removed from an area of existing vegetation proposed to meet the requirements of this section. Removal of invasive species from such an area must be maintained for a minimum of 4 years after establishment of the buffer.~~

~~E. Where any provision of this Section imposes restrictions or standards different from those of Section 5.06 or any other County ordinance or regulation or other provision of law, whichever provisions are more restrictive or impose higher standards will control, unless the intent is clearly otherwise.~~

5.07.02 Road Corridor Buffers and Setbacks

~~A. General Provisions. The following general provisions apply to the Road Corridor Buffers and Setbacks:~~

~~1. Road Corridor Buffers and Setbacks must be provided in accordance with:~~

~~a. Table 5.07.02-1, Road Corridor Buffer and Setbacks Matrix;~~

~~b. Section 5.01, and extend across the length of the proposed development site; and~~

~~a. Exception: When street trees are required per Section 5.06.B.2.d, the street tree requirement applies to roads in or adjacent to a development that are not arterial roads, collector roads, or ramps at grade separated interchanges. The Road Corridor Buffer and Setbacks of Table 5.07.02-1 apply to arterial roads, collector roads, and ramps at grade separated interchanges in the development.~~

~~2.1. 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, provided:~~

~~a. The width is not reduced to less than 10 feet; and~~

~~b.a. The total area of the length of Road Corridor Buffer with varied width is not reduced below the minimum area that would have been required.~~

~~3.1. Road Corridor Buffers may be set back from the right of way line or private road easement line where easements, covenants, or natural features would prevent the required Road Corridor Buffer from abutting the public road or private road, in which case the required Road Corridor Buffer must be provided in addition to such easements, covenants, or natural features.~~

~~4.1. For subdivisions that require open space, Road Corridor Buffers are not permitted to be located on individual residential lots of 20,000 square feet or less.~~

~~5.1. When a Road Corridor Buffer is located on an individual residential lot the Road Corridor Buffer must be located within an easement dedicated to the County of Loudoun.~~

~~a. Street trees required pursuant to Section 5.07.02-E are not permitted on individual residential lots.~~

~~6.1. The Road Corridor Setback applies to certain roads within Loudoun County because their function, location and capacity require that uses be set back a certain minimum distance from them.~~

Exemptions. The following are exempt from the Road Corridor Setbacks in Table 5.07.02-1:
Transportation

1. All agricultural structures along all roads;
2. All structures along all roads, except arterial roads, located within the Village Conservation Overlay District (Section 4.07) and Joint Land Management Area Districts (Section 2.05);
3. All structures and parking along all roads, except arterial roads, in the the Urban Districts (Section 2.01 and 2.02); and
4. Dwellings, and their accessory structures and accessory uses, built before June 16, 1993, pursuant to Section 9.C.4.

~~7.1. For lots as they existed on June 16, 1993, the structure setback from a road in Table 5.07.02-1 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 addition,~~

- ~~a. In no case will the modified structure setback from the road be less than the yard or setback required by the underlying zoning district,~~
- ~~b.a. Parking setbacks must be coterminous with structure setbacks, and~~
- ~~c.a. No lot may be altered or reconfigured to increase the degree of its shallowness.~~

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Table 5.07.02-1, Road Corridor Buffer and Setbacks Matrix			
Route Number or Road Type ^a	Structure Setback ^b	Parking Setback ^b	Buffer Type
Arterial Roads			
Route 7: Fairfax County line west to Broad Run	50 ft.	50 ft.	3
Route 7: Broad Run west to east corporate limit of Leesburg	200 ft.	125 ft.	Gateway
Route 7: Bypass from the west corporate limit of Leesburg west to Clarke County line	200 ft.	100 ft.	3
Route 267	150 ft.	100 ft.	3
Route 50: Fairfax County line east to Northstar Boulevard	100 ft. ^c	100 ft. ^c	Gateway
Route 50: Northstar Boulevard west to Fauquier County line	100 ft. for all districts, except TCC TCC: 50 ft.	75 ft. for all districts, except TCC TCC: 50 ft.	3
Route 15	100 ft.	75 ft.	3
Route 28	100 ft.	75 ft.	3
Route 9	100 ft.	75 ft.	3
Route 606	100 ft.	75 ft.	3

Table 5.07.02.-1- Road Corridor Buffer and Setbacks Matrix*

Route Number or Road Type ^a	Structure Setback ^b	Parking Setback ^c	Buffer Type
Other Arterial Roads	100 ft. for all districts, except SM, SCN, SC, TCC SM, SCN, SC, SE, TCC: 50 ft.	75 ft. for all districts, except SM, SCN, SC, SE, TCC SM, SCN, SC, SE, TCC: 50 ft.	3
Collector Roads			
Route 287	100 ft.	75 ft.	3
Other Major Collector Roads	75 ft., except SM, SCN, SC, SE, TCC SM, SCN, SC, SE, TCC: 35 ft.	35 ft.	2
Minor Collector Roads	See applicable district regulations	See applicable district regulations	2
Other:			
All other roads in Nonresidential Districts	See applicable district regulations	25 ft. ^e	1
All roads in A-3, A-10, ARN, ARS, VAR, Transition, JLMA, Districts	See applicable district regulations	See applicable district regulations	1
All roads in SN, SCN, SM, UT/UM, UE, PD-AAAR, R (including PD-H administered as R) Districts	See applicable district regulations	See applicable district regulations	Street Trees pursuant to 5.07.02.E
Private road serving as an alley^f or serving commercial loading area	N/A	N/A	N/A
Ramps at grade separated interchanges associated with the roads listed above	75 ft.	35 ft.	3
W&OD Trail	25 ft.	See applicable district regulations	2

(ft. = foot)

*Unless exempt pursuant to Section 5.07.02.A.7.a.

^aThe road type is determined by the Countywide Transportation Plan.

^bThe setback must be provided in accordance with the Structure Setback or Parking Setback or the setback provided in an approved corridor study whichever setback is greater.

^cMay be reduced in accordance with Section 5.07.02.D.4.C.

^dUnless otherwise specified in applicable district regulations.

^eAs defined in the Zoning Ordinance.

B. Road Corridor Buffer Types. The intent of the Road Corridor Buffer Types referenced in Table 5.07.02.B are described below.

~~8.1. Road Corridor Buffer Type 1. This buffer is intended to function as an intermittent visual obstruction.~~

~~9.1. Road Corridor Buffer Type 2. This buffer is intended to function as a semi-opaque screen.~~

~~10.1. Road Corridor Buffer Type 3. This buffer is intended to provide a strong impression of total separation between the road and the parcel.~~

~~11.1. Gateway Corridor Buffer. This buffer is intended to provide a boulevard environment creating a sense of enclosure and transition to mark County gateways.~~

~~C. Road Corridor Buffer Width and Plant Requirements. Road Corridor Buffer widths and plant units must be provided in accordance with Table 5.07.02-2.~~

Table 5.07.02-2, Road Corridor Buffer Width and Plant Requirements

Road Corridor Buffer Type	Width (feet)	Number of Plant Units* Per 100 feet of Right-of-Way or Easement†
1	10	20
2	15	60
3	20	95
Gateway	100	*

*See Table 5.07.07-1 for Plant Unit equivalents.

†Vehicle entrances, bridges, and/or pedestrian tunnels may be excluded from length of public road or private road frontage calculation. The buffer length is measured from where the buffer yard intersects the entrance travelway.

*The Gateway Corridor Buffer is subject to the requirements specified in Section 5.07.02.5.

~~D. Specific Requirements for Gateway Corridor Buffer. The Gateway Corridor Buffer must be provided in accordance with Table 5.07.02-3 and as follows:~~

Table 5.07.02-3, 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. The Route 50 Gateway Corridor Buffer must provide the following Design Elements:~~

~~a. Plant Location: The plants required in Table 5.07.02-3 must be installed on the parcel as follows:~~

~~1. The plants must be located within the first 50 feet of the required 100 foot Buffer Yard immediately adjacent to the right-of-way of Route 50.~~

~~2.1. Each 100 foot segment of frontage must contain the plants required per 100 linear feet.~~

~~3.1. The plants must be located in front of the linear element required in Section 5.07.02.D.1.b.~~

~~4.1. The plants and the linear element must be configured to align with the plants and the linear element on adjacent parcels, where feasible, to create a uniformly landscaped frontage along the right-of-way.~~

~~b.a. Linear Element: A linear element must 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. The linear element may also include a fence and/or hedgerow.~~

~~1. The stone faced feature (i.e. wall, pillar, sign, and the like) must be:~~

~~a. Faced with materials having characteristics similar to native stone.~~

- ~~a. A minimum of 3 feet in height notwithstanding the Section 5.01 height limitation for fences in front yards, and~~
 - ~~b.a. Have a minimum length equal to 10% of a parcel's frontage if combined with a fence or hedgerow.~~
- ~~2.1. If a fence is provided, it must be:~~
 - ~~a. A maximum height of 4.5 feet notwithstanding the height limitation of Section 5.01 for fences in front yards, as measured from the ground to its highest point, to include posts or other supporting structures.~~
 - ~~b.a. Constructed of wood or a wood-like polymer in a rail, paddock, or horizontal board design, and~~
 - ~~c.a. Have a minimum opacity of 50%.~~
- ~~3.1. If a hedgerow is provided, it must consist of a minimum of 10 shrubs planted in a continuous row that must:~~
 - ~~a. Be planted at 36 inches on center.~~
 - ~~b.a. Have a minimum height of 24 inches, and~~
 - ~~b. Not count towards fulfilling the required plants in Table 5.07.02-3.~~
- ~~4.1. 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.~~
- ~~5.1. Areas of existing vegetation used to meet the Gateway Corridor Buffer plant requirements are excluded for the purposes of calculating the frontage length for determining the required minimum length of the linear element.~~
- ~~6.1. The linear element does not have to be located parallel to the road.~~
 - ~~2. The linear element can be used towards fulfilling the Peripheral Parking Lot Landscaping requirements under Section 5.07.06.B.~~
- ~~2.1. The Route 7 Gateway Corridor Buffer must provide the following Design Elements:~~
 - ~~a. Plant Location: The plants required in Table 5.07.02-3 must be installed on the parcel as follows:~~
 - ~~1. 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.~~
 - ~~3. The total plants required for each 100-foot segment of frontage must 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.~~
 - ~~2. Use of Gateway Corridor Buffer: In addition to the uses specified in Section 5.07.07, the following uses are permitted in the Gateway Corridor Buffer:~~
 - ~~b.a. Storm water management and best management practice (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 follows:~~
 - ~~1. As a water feature in accordance with Section 5.07.02.D.3.b. below; or~~
 - ~~1. A bio-retention facility that includes plantings required in the corridor buffer.~~
 - ~~c.a. 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:~~

~~2. The number of shrubs required by Table 5.07.02-3 may be reduced by 50% for the total amount of linear feet of frontage that is occupied by the water feature; and~~

~~3. Notwithstanding Section 5.07.02.D.1.a. and 5.07.02.D.2.a., 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.~~

~~b. *Reduction:* The required width of the Gateway Corridor Buffer may be reduced to 50 feet subject to the Modification and Waiver provisions of Section 5.07.08.~~

~~d.a. *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 must be in addition to the Gateway Corridor Buffer plantings and must be provided within the Gateway Corridor Buffer, but outside of the first 50 feet of the required 100-foot width as measured from the right-of-way.~~

~~E. **Specific Requirements for Street Trees** When street trees are required, they must be provided as follows:~~

~~3.1. Planted at a rate of 20 plant units per 100 linear feet along each side of all public roads or private roads. The planting rate applies individually to each side of the road.~~

~~a. Only small deciduous trees and large deciduous trees are permitted to meet the plant unit requirement for street trees.~~

~~b.a. Trees are not permitted to be planted closer than 3 feet to any curb, sidewalk, or paved area unless planted within an approved manufactured stormwater treatment device.~~

~~4.1. Street trees must be regularly spaced.~~

5.07.03 Buffer Yards

~~A. **General Provisions.** Buffer Yards must be provided in accordance with the following:~~

~~1. Side and Rear Buffer Yards must be provided on the developing parcel in accordance with Table 5.07.03-1, the Use Buffer Yard Matrix, and in accordance with the provisions of Section 5.07.~~

~~2. Side and Rear Buffer Yard Types must 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 5.07.03.~~

~~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 5.07.03-1, the Zoning Administrator, using Table 5.07.03-1 as a guide, will 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 5.07.03-1 the more stringent requirements of Table 5.07.03-1 will apply.~~

~~5. Where a developing parcel and/or an adjacent parcel or parcels contain multiple use groups, the Buffer Yard Type required by Table 5.07.03-1 may vary on the developing parcel to correspond to the location of each use group on the adjacent parcel.~~

~~a. When the adjacent parcel is used for a wayside stand or temporary use, the adjacent parcel will be considered vacant when determining the Buffer Yard Type.~~

~~2.1. **Specific Uses** in Section 3.06 that reference this section for Landscaping, Buffering, and Screening requirements must 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. A Road Corridor Buffer Type 2 for front yards;~~

~~c.a. 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.~~

~~1. The required fence, wall, or berm for side or rear yards may be configured to surround the Specific Use.~~

~~1. The Buffer Yard Type B for side or rear yards may be configured to surround the Specific Use provided the intent of the Buffer Yard Type B is met as described in Section 5.07.03.B.~~

~~6. Existing vegetation, and trees may be used to meet the requirements of this section in accordance with Section 5.07.01.D.~~

~~7. When a required Buffer Yard is a different width than a required yard setback, both the required Buffer Yard width and the required yard setback width must be accommodated.~~

~~8. All vegetative material within the Buffer Yard Types A, B, and C must meet the specifications of the Facilities Standards Manual.~~

Table 5.07.02-1. Use Buffer Yard Matrix^a

Proposed Use	Use Group	Adjacent Use												
		Single Family Detached	Single Family Attached	Multi-Family	Group Living	Agriculture/Horticulture/Animal Husbandry and Passive Uses	Community and Active Recreation Uses ^b	Institutional/Civic	Office and Conference/Training Centers	Commercial/Retail	Flex-Industrial Uses and Utilities	Heavy Industrial and Aviation	Vacant Land in a Residential District or Land Bay Approved for Residential Use	Vacant Land in all Other Districts or Land Bays
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
Multifamily	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 ^b	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
Light Industrial and 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 ^c in a Residential 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 ^c 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

^aBuffer yards A, B, and C are described in greater detail in Section 5.07.03.B.

^bBuffer yards are not be required between playgrounds or passive recreational uses when located internal to a residential neighborhood.

^cIncludes land designated as Open Space, but no use is specified.

B. Buffer Yard Types. The intent of Buffer Yard Types A, B, and C listed in Table 5.07.03-2 are as follows:

3.1. 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.

~~4.1. Buffer Yard Type B: Semi-opaque. This Buffer Yard Type is intended to function as a semi-opaque screen between uses.~~

~~5.1. 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.~~

~~C. Buffer Yard Widths and Plant Requirements. Buffer Yard Types A, B, and C must be provided in accordance with Table 5.07.03-2.~~

Table 5.07.03-2. Buffer Yard Width and Plant Requirements

Buffer Yard Type	Width (feet)	Number of Plant Units* per 100 Linear Feet of Required Buffer Yard
A	10	30
B	20	80
C	25	120*

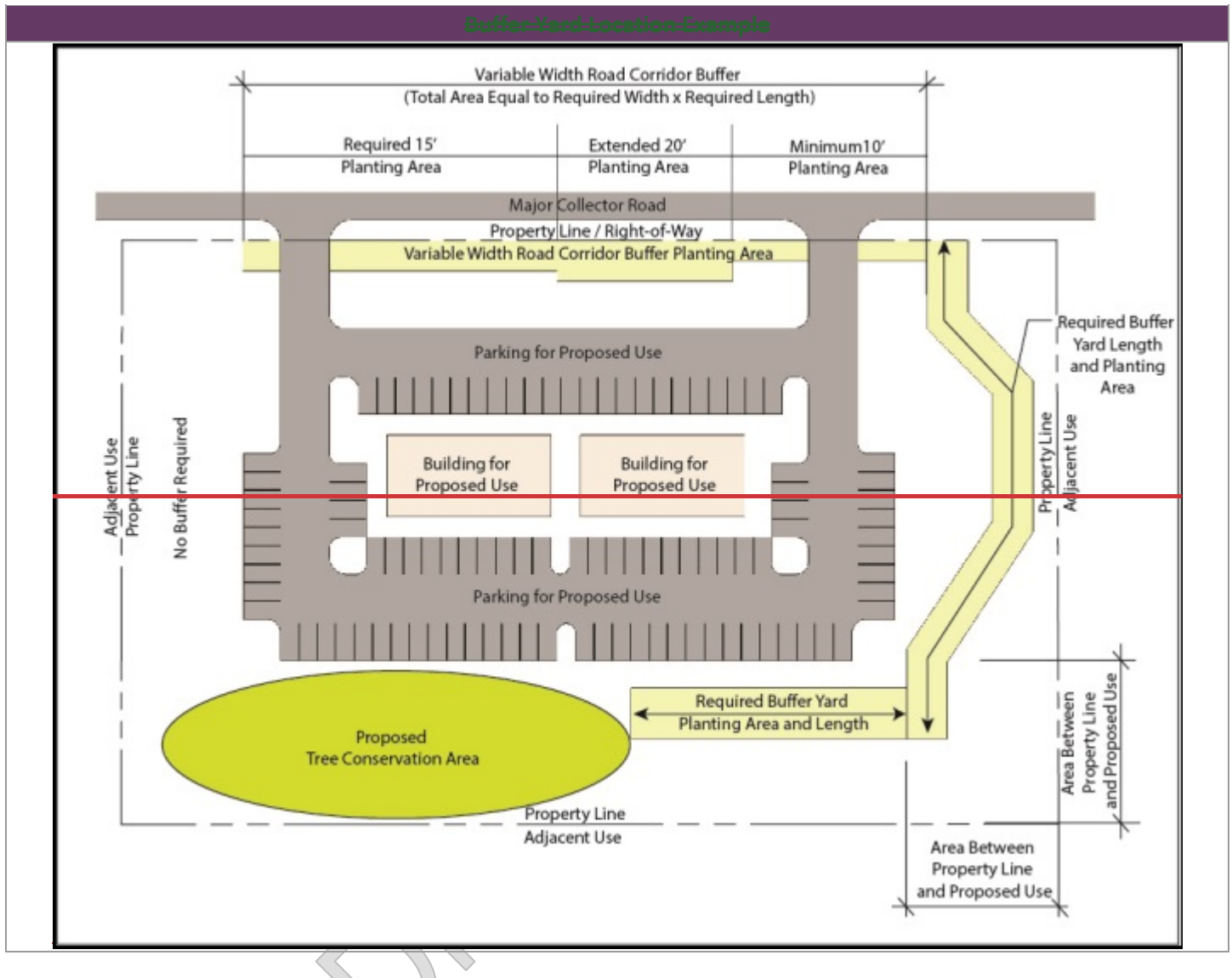
*See Table 5.07.07-1 for Plant Unit equivalents.

*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.

~~F.A. Buffer Yard Location. Buffer yards must be located as follows:~~

~~1. Required buffer yards must be provided between the lot line and the proposed use, and may be configured to surround the proposed use provided the intent of the required Buffer Yard Type under Section 5.07.03.B is met.~~

~~1. The location of required buffer yards may vary between the lot line and the proposed use provided the required plant units are planted within the required width throughout the full length of the buffer yard.~~



5.07.04 Cemetery, Burial Ground, and Grave Buffer

B.A. General Provisions. The following general provisions apply to all cemeteries, burial grounds, and graves:

1. A Cemetery, Burial Ground, or Grave Buffer must be provided for all existing cemeteries, burial grounds, and graves except for the following:
 - a. A cemetery, or an existing cemetery's expansion, legally established after January 7, 2003.
 - b. A cemetery, burial ground, or grave for animal remains.
 - a. A cemetery, burial ground, or grave accessory to a religious assembly use.
 1. The Cemetery, Burial Ground, or Grave Buffer is required on a lot adjoining the religious assembly use if the location of any of the components in Section 5.07.04.A.2 is on such lot.
 - c. A cemetery, burial ground, or grave from which all human remains have been removed in accordance with the Code of Virginia.
- 2.1. The Cemetery, Burial Ground, and Grave Buffer comprises 3 components: a perimeter boundary, a protection buffer, and a preservation buffer.

- ~~a. The intent of the perimeter boundary is to demarcate the delineated perimeter of the existing burials.~~
- ~~b.a. The intent of the protection buffer is to protect the physical integrity of existing burials and to preserve the natural and cultural features associated with the cultural landscape.~~
- ~~b. The intent of the preservation buffer is to create separation from adjacent land uses to preserve the historic context of the existing cemetery, burial ground, or grave~~

B. ~~Perimeter Boundary.~~ ~~The following requirements apply to the perimeter boundary of each cemetery, burial ground, or grave:~~

- ~~3.1. the delineated perimeter boundary must 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.~~
- ~~4.1. No land disturbing activity is permitted within the delineated perimeter boundary of the cemetery, burial ground, or grave except for the following:~~
 - ~~a. Construction of the perimeter demarcation.~~
 - ~~b.a. Clearing of invasive vegetation on the surface, excluding any species that were planted in association with burials.~~
 - ~~c.a. Land disturbing activity associated with the excavation and filling of grave shafts for new burials.~~
 - ~~d.a. Removal and reinternment of burials in accordance with the Code of Virginia.~~

C. ~~Protection Buffer.~~ ~~The following requirements apply to the protection buffer of each cemetery, burial ground, or grave:~~

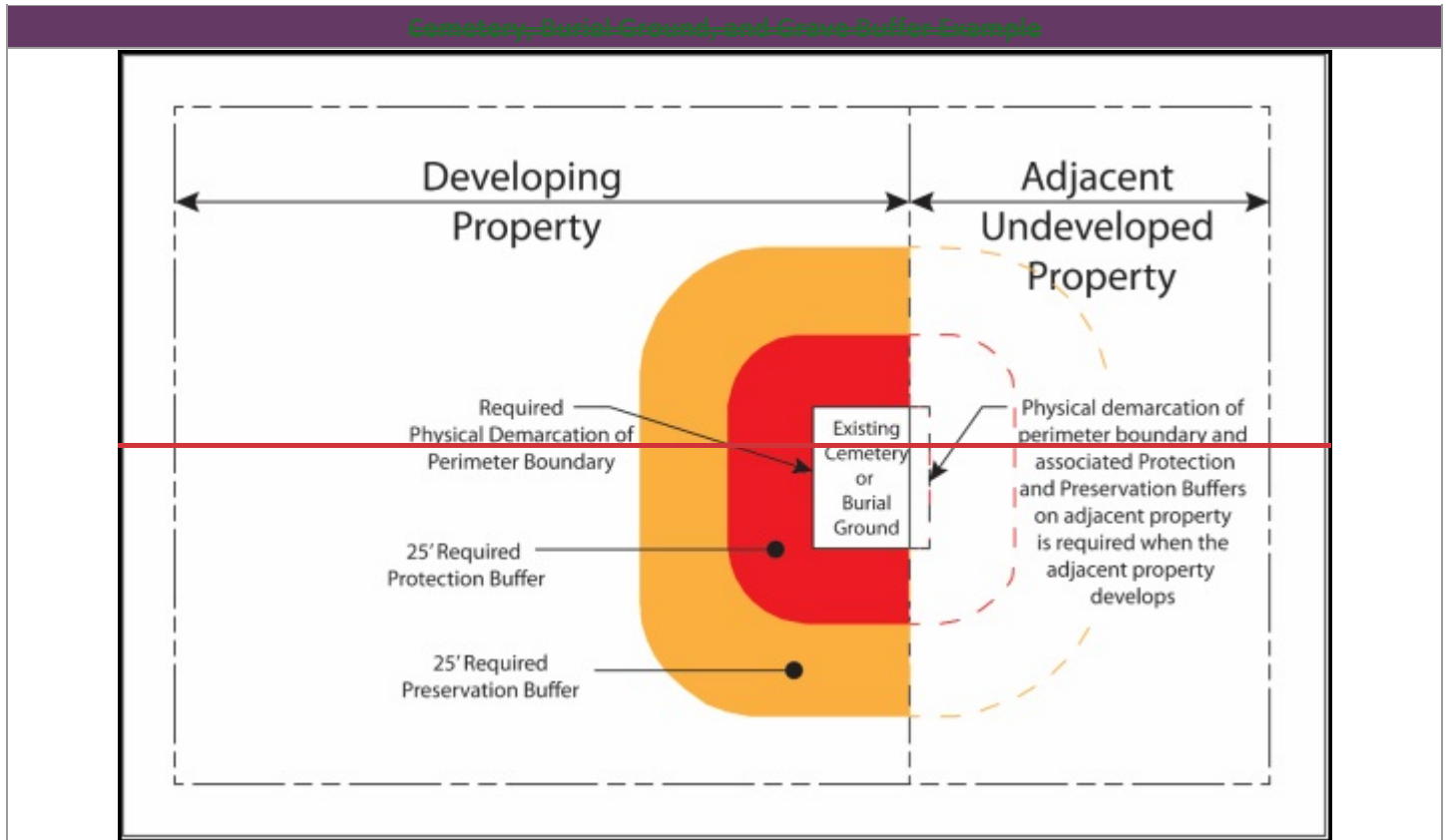
- ~~5.1. For a cemetery, burial ground, or grave on the developing property, a 25-foot protection buffer must be established outside of and abutting the delineated perimeter boundary.~~
- ~~1. For developing property adjoining an off-site cemetery, burial ground, or grave, the protection buffer must be provided in accordance with Section 5.07.04.E.~~
- ~~2. No land disturbing activity is permitted within the protection buffer except for the following:~~
 - ~~a. Land disturbing activity associated with construction of the perimeter demarcation required by Section 5.07.04.B.~~
 - ~~a. Construction associated with pedestrian access.~~
 - ~~b.a. Clearing of invasive vegetation on the surface, excluding any species that were planted in association with burials.~~
- ~~3. The protection buffer may be modified only by Minor Special Exception in accordance with the provisions of Section 7.10.02.~~

D. ~~Preservation Buffer.~~ ~~The following requirements apply to the preservation buffer of each cemetery, burial ground, or grave:~~

- ~~1. For a cemetery, burial ground, or grave on the developing property, a 25-foot preservation buffer must be established outside of and abutting the protection buffer required under Section 5.07.04.C.~~
- ~~2. For developing property adjoining an off-site cemetery, burial ground, or grave, the preservation buffer must be provided in accordance with Section 5.07.04.E.~~
- ~~3. Historic context includes physical characteristics such as, without limitation, vegetation, topography, water courses, monuments, enclosures, and other cultural features associated with the cemetery, burial ground, or grave.~~
- ~~4. No land disturbing activity is permitted within the preservation buffer except for the following:~~
 - ~~a. Land disturbing activity associated with construction of the perimeter demarcation required by Section 5.07.04.B.~~
 - ~~c.a. Construction associated with pedestrian access.~~

~~d.a. Clearing of invasive vegetation on the surface.~~

- ~~5. The Zoning Administrator may approve a request to waive or modify the preservation buffer in accordance with the requirements of Section 5.07.08 or in conjunction with a Minor Special Exception request pursuant to Section 5.07.04.C.4.~~



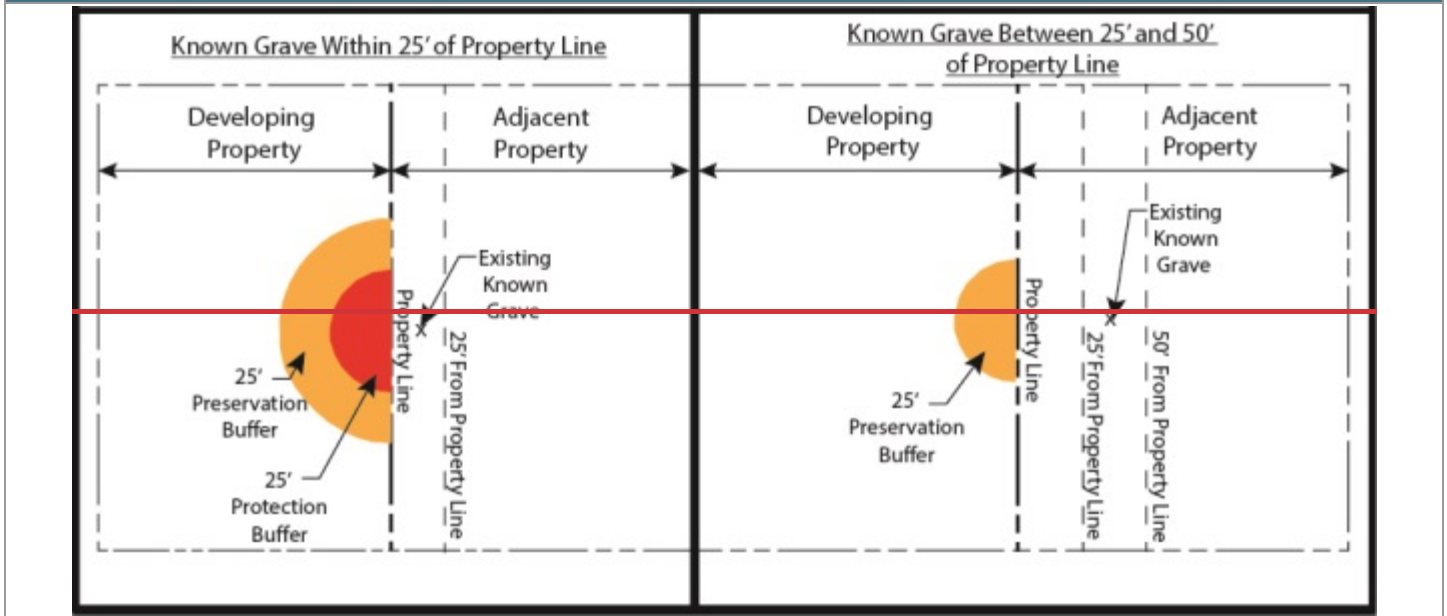
~~E. Off-site Cemetery, Burial Ground, or Grave Buffer—When a developing parcel is located adjacent to a parcel containing an existing cemetery, burial ground, or grave for which the perimeter boundary has not been delineated, the location of the protection buffer and preservation buffer must be determined 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 must provide a Preservation Buffer measured from the parcel line that is equal in length to the extent of any known graves.~~

- ~~1. 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 must 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. 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 is required on the developing parcel.~~

- ~~2.1. The protection buffer and preservation buffer are not permitted to be located on an individual residential or nonresidential lot.~~

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



5.07.05 Screening of Certain On-site Components

~~B.A. On-site components, to include loading areas, dumpsters and areas for collection of refuse, outdoor storage areas, maintenance areas, ground- or building-mounted mechanical equipment, and utility equipment, must 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 is not permitted to be lower than the component/items being screened. Gates must be aesthetically compatible if provided.
- 2.1. 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.
- 3.1. For mechanical and similar equipment, any architectural element compatible with the building that screens the view of the equipment.
 ~~- a. All building-mounted mechanical equipment must incorporate this Subsection 3 into the required screening.
 - b.a. In cases where parapets are used to screen rooftop equipment, the maximum height of the parapet must be equal to the top of the highest mechanical unit but must not exceed the maximum height allowed in the district by more than 3 feet.~~
- 4.1. This requirement does not apply to Residential uses, except multifamily attached structures, or Agricultural uses.~~

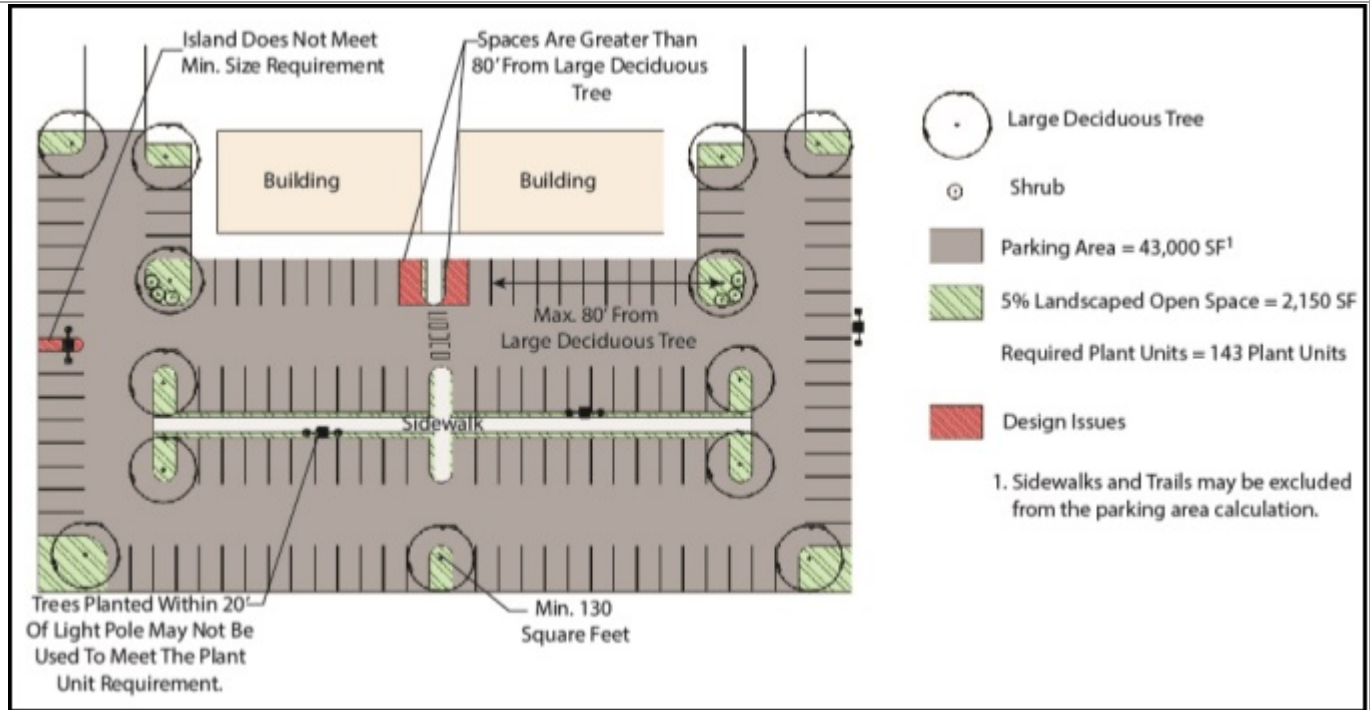
5.07.06 Parking Area Landscaping and Screening Requirements

~~B.A. Interior Parking Area Landscaping: Any property, use, or parking area that contains 20 or more parking spaces, except areas used for accessory storage of vehicles, must include interior parking area landscaping provided as landscaped open space, as follows:~~

~~- 1. At least 5% of the gross area of the parking area must be landscaped open space.
 ~~- a. The gross area of the parking area:~~~~

- ~~1. Includes all parking spaces, vehicular travelways, and designated crosswalks within the parking area.~~
- ~~2.1. Does not include pedestrian facilities other than designated crosswalks within the parking area.~~
- ~~b.a. Landscaped open space must be:~~
 - ~~1. No less than 130 square feet in size for any individual area.~~
 - ~~2.1. Located at each end of every row of parking spaces, and equal in length to the adjoining parking space.~~
 - ~~a. Where fewer than 8 parking spaces are proposed in a single row, landscaped open space is required at only 1 end of the row.~~
 - ~~3.1. Planted with a minimum of 10 plant units per 150 square feet; and~~
 - ~~4.1. Designed in such a way that no parking space is more than 80 feet from a large deciduous tree.~~
- ~~c.a. Plant units in landscaped open space must be provided as follows:~~
 - ~~1. A minimum of 75% of the total plant units required for landscaped open space must consist of large deciduous trees.~~
 - ~~2.1. A minimum of 15% of the total plant units required for landscaped open space must consist of small deciduous trees.~~
 - ~~3.1. Perennials are allowed only where taller vegetation would conflict with County and VDOT sight distance standards.~~
 - ~~4.1. Evergreen trees are not permitted to be used to meet the minimum interior parking area landscaping plant unit requirement.~~
- ~~2.1. Trees or shrubs are not permitted to be planted closer than 3 feet to any curb or paved area unless planted within an approved manufactured stormwater treatment device.~~
- ~~3.1. Light poles may be placed within landscape islands.~~
 - ~~a. Large or small deciduous trees planted within 20 feet of a light pole are not permitted to be used to meet the minimum interior parking area landscaping plant unit requirement.~~

Interior Parking Area Landscaping Example



~~C.A. **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 property, use, or parking area that contains 20 or more parking spaces must include peripheral parking area landscaping as follows:~~

~~1. Parking areas and parking area travelways that are not screened by buildings or other structures must be screened with either berms or landscaping, or a combination of both.~~

~~2.1. Such berms and/or landscaping must:~~

~~a. Have a minimum height of 30 inches.~~

~~b.a. Be located between the parking area and the lot line or right-of-way.~~

~~1. Where the boundary between abutting lots is located within a parking area travelway, no screening is required.~~

~~c.a. Where a berm is proposed, the grade is not permitted to be steeper than 2:1.~~

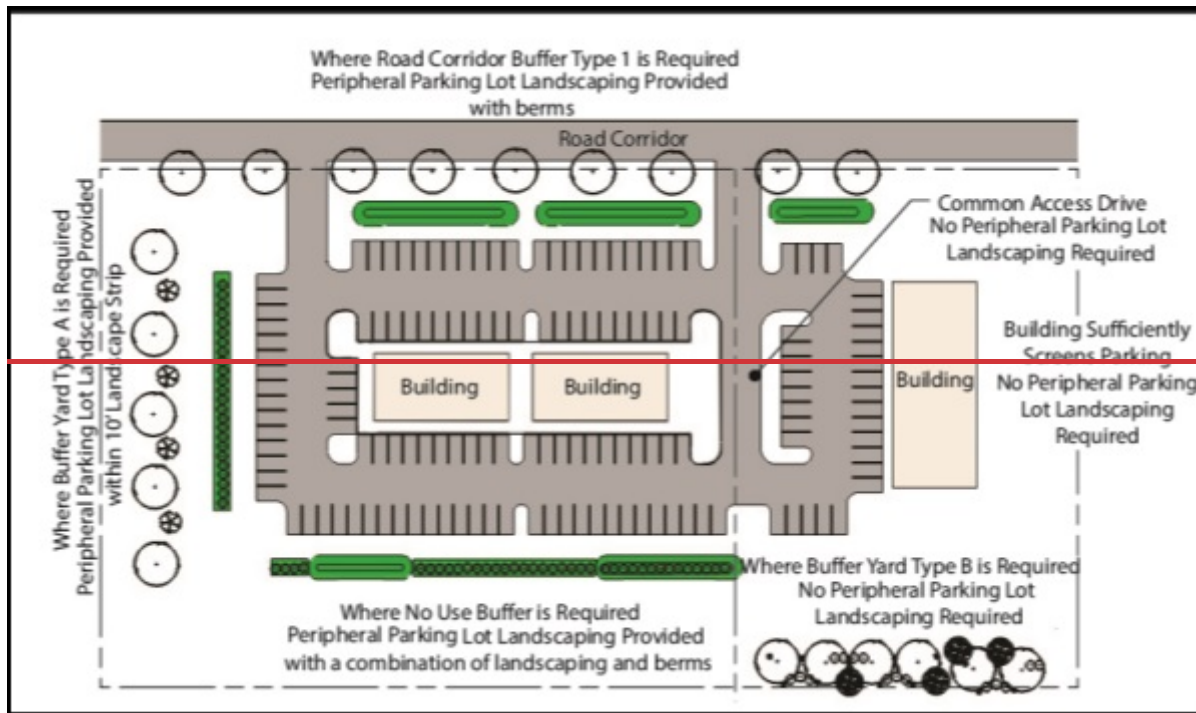
~~d.a. Where landscaping is proposed, it must consist of:~~

~~1. A minimum of 50 plant units per 100 linear feet within a continuous 10-foot wide landscape strip, and;~~

~~1. A minimum of 75% of the total plant units required must be evergreen shrubs.~~

~~2.1. Trees or shrubs are not permitted to be planted closer than 3 feet to any curb or paved area, unless planted within an approved manufactured stormwater treatment device.~~

Peripheral Parking Area Landscaping Example



5.07.07 General Landscape Provisions

B.A. Landscape Plan. A landscape plan in accordance with the Facilities Standards Manual (FSM) must be submitted as part of every site plan and construction plans and profiles.

1. All landscaping and screening required by this Section must be depicted on such landscape plan, which must be designed by a licensed landscape architect or other licensed or certified professional in accordance with the FSM.
- 2.1. All landscaping and screening depicted on such landscape plan must be installed or bonded in accordance with current County requirements prior to issuance of any Certificate of Occupancy.

A. Plant Unit Requirements. The following requirements apply to the plant types used to meet the Plant Unit requirements for each Buffer Yard or Road Corridor Buffer:

1. The number of Plant Units that a plant type is considered to be equivalent to is determined in accordance with Table 5.07.07-1, Plant Unit Equivalents.

Table 5.07.07-1. Plant Unit Equivalents

Plant Type	Plant Units per 1 Plant Type
Large Deciduous Tree	10
Evergreen Tree	6
Small Deciduous Tree	5
Shrub	2
Ornamental Grass	1
Perennial	0.25

2. Plant Units must be provided so they meet the following percentages:

~~a. No more than 50% of the required plant units are permitted to be large deciduous trees.~~

~~1. Exception. The Road Corridor Buffer Type 1 may be planted with 100% large deciduous trees.~~

~~b.a. No more than 50% of the required plant units are permitted to be evergreen trees.~~

~~1. A minimum of 10% of the required plant units for a Type C Buffer must be evergreen trees.~~

~~c.a. No more than 60% of the required plant units are permitted to be small deciduous trees.~~

~~d.a. No more than 30% of the required plant units are permitted to be shrubs.~~

~~1. When shrubs are used, a minimum of 30% must be evergreen.~~

~~e.a. The use of ornamental grasses and/or perennials is encouraged and may constitute a maximum of 25% of the required plant units.~~

~~f.a. To support a pollinator habitat, plant units must be provided as follows:~~

~~1. A minimum of 50% must consist of native species as specified in the FSM, and;~~

~~2.1. A minimum of 75% of the small deciduous trees and shrubs provided must produce conspicuous flowers at some point during their growing season.~~

~~a. Maximum percentages apply solely in determining the quantity of a given plant type that can be counted towards meeting a Plant Unit requirement, and do not preclude the installation of additional plant material from that plant type.~~

~~4.2. Walls, fences, and/or berms are not counted toward required plant units.~~

~~D.C. Use of Buffers. The following uses are permitted in Buffer Yards and Road Corridor Buffers:~~

~~1. Passive recreation and pedestrian, bicycle, or equestrian trails provided that Plant Unit requirements are met.~~

~~2.1. Utility easements provided that Plant Unit requirements are met with plant types that are compatible with the utility easement.~~

~~3.1. Driveway entrances and entrances connecting adjacent parking lots or developments traversing the buffer generally perpendicular to the direction the length of the Buffer Yard or Road Corridor Buffer is measured.~~

~~1. Signs, pursuant to Chapter 6.~~

~~2. Vegetative stormwater management facilities such as bioretention, dry swales, or sheet flow vegetated buffer provided that Plant Unit requirements are met.~~

~~E.C. Landscape Installation. The installation of all required plant material must be in accordance with the FSM.~~

~~1. At the time of planting, all trees and shrubs must meet the requirements of the American National Standards Institute, American Standard for Nursery Stock, ANSI Z60.1-2014.~~

~~3. The minimum sizes required for each plant type are provided in Table 5.07.07-2.~~

Table 5.05.07-2. Required Minimum Sizes for Plant Types

Plant Type	Minimum Size
Large Deciduous Tree	Minimum caliper of 1 inch
Small Deciduous Tree	Minimum caliper of 1 inch
Evergreen Tree	Minimum of 6 feet in height
Shrub	Minimum height of 18 inches
Ornamental Grass	Minimum 1 gallon container
Perennial	Minimum 1 gallon container

~~F.C. Maintenance. The owner, or his agent, is responsible for the maintenance, repair and replacement of all plant material required by this Section.~~

- ~~1. All plant material must be tended and maintained in a healthy growing condition, replaced when necessary, and kept free of refuse and debris.~~
- ~~2.1. Fences and walls must be maintained in good repair.~~
- ~~3.1. Openings within fences and walls may be required by the Zoning Administrator for accessibility to an area for necessary maintenance.~~

~~5.07.08 Waivers and Modifications~~

~~B.A. Zoning Administrator Road Corridor Buffer and Buffer Yard Waivers and Modifications. Unless otherwise specified, the Zoning Administrator may approve requests for waivers or modifications to the road corridor buffer and buffer yard 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 the approval of a buffer yard 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.a. Improved environmental quality would result from implementation of modified requirements.~~
 - ~~c.a. Space limitations, unusually shaped lots, and/or existing utility easements.~~
 - ~~d.a. Change of use on a developed site increases the required Buffer Yard to more than what is feasible to provide.~~
 - ~~e.a. Safety or security conditions make modified requirements necessary.~~
 - ~~f.a. A modified buffer would be consistent with the applicable Place Type of the General Plan based on the surrounding property's existing development pattern and design characteristics.~~
 - ~~g.a. The site is developing consistent with the applicable nonresidential Place Type of the General Plan and the adjoining vacant lot or land bay is designated as the same Place Type, or in the same zoning district if located in the Suburban Mixed Use Place Type.~~
- ~~2.1. **Conditions.** Zoning Administrator approval of any buffer yard waiver or modification may be subject to conditions that ensure the purpose and intent of this Section continue to be met.~~
- ~~3.1. **Application.** Each request for a buffer yard waiver or modification must include the following components:~~
 - ~~a. **Written Narrative.** The written narrative must include:~~
 - ~~1. The specific requirement of this Section subject to the modification or waiver request and how the Section is proposed to be modified;~~
 - ~~1. A justification for the request based on Section 5.07.08.A.1.~~
 - ~~2.1. A description of the site conditions that necessitate the modification and waiver request, and~~
 - ~~3.1. An explanation of 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.~~
 - ~~4.1. The written narrative for a request to modify or waive the cemetery, burial ground, and grave preservation buffer required by Section 5.07.04.D.4., must:~~
 - ~~a. Describe how the modified buffer will achieve the purpose and intent of the required preservation buffer, and~~
 - ~~b.a. Address how the historic context of the cemetery, burial ground, or grave will be preserved through the proposed alternative mitigation techniques.~~

~~b.a. **Design Exhibit.** The design exhibit must clearly depict and tabulate the quantity, type, location, and size of all proposed plant units and any other proposed design elements.~~

~~1. Additional site elevations, plan views, perspectives, and/or pictures may be required by the Zoning Administrator.~~

~~2. When the reduction of a Gateway Corridor Buffer width is requested pursuant to Section 5.07.02.D.4., the design elements specified by Section 5.07.02.D.1. or Section 5.07.02.D.2., as applicable, also must be depicted.~~

~~2.1. When a waiver or modification is requested to modify the cemetery, burial ground, and grave preservation buffer required by Section 5.07.04.D.4., a Cemetery, Burial Ground, and Grave Treatment Plan is also required in accordance with the Facilities Standards Manual (FSM). The Cemetery, Burial Ground, and Grave Treatment Plan must:~~

~~a. Indicate how the modified buffer will achieve the purpose and intent of the required preservation buffer, and~~

~~b.a. Address how the historic context of the cemetery, burial ground, or grave is being preserved through alternative mitigation techniques.~~

~~C.A. **Legislative Modifications**~~

~~2. **Buffer Yards.** The Board of Supervisors or the Board of Zoning Appeals may modify the buffer yards requirements of Section 5.07.03 as part of an approval action of a special exception, variance, or as part of proffered conditions. The request for such modification of buffer yards requirements is subject to Sections 5.07.08.A.1, and 5.07.08.A.3.~~

~~3. **Road Corridor Setback Modifications.** The Board of Supervisors may modify the Road Corridor Parking and/or Structure Setbacks of Table 5.07.02.B as follows:~~

~~a. The Road Corridor Parking and/or Structure Setbacks may be modified by Minor Special Exception approval in accordance with Section 7.10.02 upon a finding that such modification is necessary to maintain consistency with the streetscape established by existing development on adjacent properties within 100 feet of and on the same side of the road as the property subject to the request.~~

~~1. The application for such modification must include the materials that demonstrate the following:~~

~~a. The location of structures used to justify the proposed setback will maintain consistency with the streetscape established by existing development.~~

~~b.a. The proposed new Road Corridor Parking and/or Building Setback.~~

~~a. If the modification request does not meet the criteria of Section 5.07.08.B.2.a, then the Applicant may request to modify the road corridor setbacks as part of a Planned Development District pursuant to Section 2.06.~~

5.08 Performance Standards

5.08.01 Purpose, Applicability, Exceptions, and Administration

~~**Purpose:** The purpose of these performance standards is to promote the public health, safety, and welfare, by ensuring land and buildings will be occupied by uses that comply with reasonable standards that protect the community from dangerous, injurious, or noxious activity or conditions such as:~~

~~● Fire, explosion, radioactivity or other hazardous condition.~~

~~● Noise or vibration.~~

~~● Smoke, dust, odor or other form of air pollution.~~

- ~~● Electrical or other atmospheric disturbance.~~
- ~~● Glare or heat.~~
- ~~● Liquid or solid refuse or waste conditions or other dangerous or objectionable elements or conditions in a manner or amount as to adversely affect the surrounding area or be excessively detrimental to mental and physical health and peaceful enjoyment of property.~~

~~A. Applicability.~~

- ~~1. All permitted and special exception uses as set forth in 3.02, whether such uses are permitted as a principle use or an accessory use, must operate in conformance with the performance standards set forth in this Chapter.~~
- ~~2. Any use that is a lawful nonconforming use, and that on the effective date of this Ordinance complies with the applicable performance standards of this Chapter, must continue to so comply. If, at such time, the operations of such lawful nonconforming use violate the standards specified herein, such operations must not be varied or changed in such a way as to increase the degree of such violation.~~
- ~~3. Any application for an expansion of a lawful nonconforming use that exceeds XX% of the existing disturbed land area or a change of use will require the subsequent expansion or change to comply with the requirements herein.~~

~~B. Existing Uses.~~ All uses must comply with the performance standards set forth in this Ordinance. However, any use that did not comply with these standards when enacted may be permitted to continue so long as the degree of nonconformity is not increased.

~~C. Agricultural Operations.~~ The standards contained in this Chapter do not apply to any lawful agricultural operation.

~~D. Administration of Performance Standards.~~

- ~~1. Zoning Permit Procedure.~~ Before the Zoning Administrator issues a zoning permit, the applicant must 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. At the discretion of the Zoning Administrator, in order to determine whether or not the applicant will meet such standards, the applicant must submit the necessary information, including, but not limited to:
 - ~~a. 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 rights of way or easements.~~
 - ~~b. 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 is not 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.~~
 - ~~c. 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.~~
 - ~~d. Such other data and certification as may reasonably be required, in addition to the informational requirements of Section 7.06, by the Zoning Administrator to reach a determination.~~
- ~~2. All information and evidence submitted in applications to indicate conformity to performance standards must 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.~~

~~E. Enforcement of Performance Standards.~~

- ~~1. **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:~~
 - ~~a. Where determinations can be made by the Zoning Administrator or other County employees using equipment normally available to the County or obtainable without extraordinary expense, such determinations will be so made before notice of violation is issued.~~
 - ~~b. 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 will 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.~~
- ~~2. **Simple Determinations.** If the Zoning Administrator finds that determinations of the nature indicated in Section 5.08(E)(1)(a) are adequate to demonstrate violations of performance standards in particular cases and if such violations exist, the Zoning Administrator must 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 is punishable as provided generally for violations herein and in other laws or regulations affecting the case.~~
- ~~3. **Complex Determinations.** If the Zoning Administrator finds that determinations of the nature indicated in Section 5.08(E)(1)(b) are required to make precise measurements regarding potential violations of performance standards set forth herein and, if after considered judgment, the Zoning Administrator believes there is violation of such performance standards, the following procedures must be followed:~~
 - ~~a. **Notice and Answer.** The Zoning Administrator must 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 must describe the particulars of the alleged violation and the reasons why the Zoning Administrator believes there is a violation and must 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 must 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 10.01. The notice must 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 will 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.~~
 - ~~b. **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, "violation corrected" will be noted on the County's copy of the notice and it must be retained among the County's official records. A copy will be sent to the alleged violator, in addition to taking such other action as may be warranted.~~
 - ~~c. **Action—Continuation of Violation.** If there is no reply within the time set (thus establishing admission of violation, as provided in Section 10.01.XX and the alleged violation is not corrected to the satisfaction of the Zoning Administrator within the time limit set, The Zoning Administrator must proceed to take, or cause to be taken, such action as is warranted by continuation of a violation after notice to cease.~~
 - ~~d. **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 it is determined to be warranted in the circumstances of the case and if the extension is determined to not cause imminent peril to life, health, or property. If the extension is not granted, the Zoning Administrator will proceed to bring legal action, as provided in Section 10.01 of this Ordinance.

- e. ~~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 will 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 10.01. If no violation is found, the costs of the determinations will be paid by the County without assessment against the properties or persons involved.

5.08.02 Earthborn Vibration

~~G.A. Required Performance Level.~~ Any use, operation or activity must not cause or create earthborn vibrations in excess of the peak particle velocities prescribed below.

~~H.A. Method of Measurement.~~

- ~~1. Measurements must be made at or beyond the adjacent lot line, the nearest zoning district boundary that permits any residential use hereafter referred to in this section as residential district boundaries, or the nearest zoning district boundary line as indicated in Table 5.08.02-1. Ground transmitted vibration must be measured with a seismograph or complement of instruments capable of recording vibration displacement and frequency, particle velocity, or acceleration simultaneously in 3 mutually perpendicular directions.~~
- ~~2.1. The maximum particle velocity must be the maximum vector sum of 3 mutually perpendicular components recorded simultaneously. Particle velocity also may be expressed as 6.28 times the displacement in inches multiplied by the frequency in cycles per second.~~
- ~~3.1. For the purpose of this Section, steady state vibrations are vibrations that are continuous or vibrations in discrete impulses more frequent than 60 per minute. Discrete impulses that do not exceed 60 per minute must be considered impact vibrations.~~

~~I.A. Heavy Intensity Land Uses.~~

- ~~1. Heavy intensity land use standards apply to the SI, SME, TI, TME, JLMA-LME district(s):~~
 - ~~a. Uses subject to these standards must not cause steady state vibrations to exceed the maximum permitted particle velocities described in Table 5.08.02-1 below. Where more than one set of vibration levels apply, the most restrictive governs. Readings must be made at points of maximum vibration intensity.~~
- ~~2.1. Maximum Permitted Steady State Vibration Levels:~~

Table 5.08.02-1. Area of Measurement

Type of vibration	At residential district boundaries	At other lot lines within district
Continuous	.003	.015
Impulsive (100 per minute or fewer)	.006	.030
Fewer than 8 pulses per 24 hours	.015	.075

~~J.A. Light Intensity Land Uses.~~

- ~~2. Light intensity land use standards apply to all residential districts, all industrial districts, except the ??? and the SI, SME, TI, TME, JLMA-LME districts, which are subject to Heavy Intensity Land Uses standards in Section 5.08.02.C.~~

~~b.a. Uses subject to these standards must 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 governs. Readings must be made at points of maximum vibration intensity.~~

~~6.5. Maximum Permitted Steady State Vibration Levels:~~

Table 5.08.02-2 Area of Measurement		
Type of vibration	At residential district boundaries	At other lot lines within district
Continuous	=003	=030
Impulsive (100 per minute or fewer)	=006	=060
Fewer than 8 pulses per 24 hours	=005	=15

~~B. Between the hours of 8 p.m. and 7 a.m., all of the permissible vibration levels indicated above at residential district boundaries must be reduced to one-half the indicated values.~~

~~5.08.03 Stone Quarrying, Extraction, and Mining~~

~~A. **Applicability.** In addition to other performance standards set forth under Section 5.08, all stone quarrying extraction and mining uses, whether in an industrial or mineral extraction zoning district such as the SI, SME, TI, TME, JLMA-LME districts or otherwise, must satisfy the following performance standards:~~

- ~~1. No permit for an extraction and mining use will be issued for any tract of land containing less than 50 acres. This requirement, however, does not preclude the approval of a permit to enlarge or extend an existing extraction and mining use onto contiguous parcels.~~
- ~~2. All blasting is limited to the hours of 7 a.m. to 6 p.m. or such lesser time as may be established by special exception.~~
- ~~3. All vehicles used to transport excavated material are required to be loaded in such manner that the material is not unintentionally discharged from the vehicle during transport. Trucks must be cleaned of all material not in the load bed prior to entering the public streets.~~

~~B. Notwithstanding the provisions of Sections 5.08.02 and 5.08.04 of this Chapter, all special exception extraction and mining uses are subject to the following performance standards as they relate to noise and earthborn vibrations:~~

- ~~1. Blasting vibration is limited to peak particle velocity for a corresponding frequency level, as shown in the chart below:~~
- ~~2. Earth vibration produced from sources other than blasting must not exceed a maximum resultant peak particle velocity of 0.03 inches per second.~~
- ~~3. The peak over pressure (noise) from any blast is limited to 129 dB, as measured at 5 or 6 Hz high-pass system.~~
- ~~4. Airborne noise produced from extractive operations other than blasting must not exceed the 80 dBA maximum, continuous noise, as measured at the lot line of the extraction and mining use.~~
- ~~5. For noise and vibrations induced by blasting, measurement must be taken at the nearest off-site occupied building, with the distance measured in a straight line from the point of the blast to the building.~~
- ~~6. For noise and vibrations induced by sources other than blasting, measurement must be taken at the nearest property line of a lot not owned by the extraction and mining use.~~
- ~~7. 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.~~

~~C. **Landscaping and Screening Requirements.**~~

- ~~1. All areas within 100 feet of an adjacent public road or a zoning district or land bay allowing or planned to allow residential uses must meet the standards of Section 5.07 and must be landscaped, bermed, screened, and maintained with natural and planted vegetation to buffer and screen such areas.~~
- ~~2. In addition to Section 5.07, existing trees and ground cover along all other boundary lines must 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 the planting screen must comply with Section 5.07.~~
- ~~4. The Zoning Administrator must make a determination that existing landscaping has been installed and is maintained according to the approved landscaping plan before a zoning permit extension and/or zoning permit renewal is approved.~~

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

~~INSERT NEW GRAPHIC FOR PARTICLE VELOCITY GRAPH HERE, LABELED AS TABLE 5.08.03-1 PARTICLE VELOCITIES AT FREQUENCY LEVELS~~

5.08.04 Noise

Purpose. ~~The purpose of the noise standards is to protect citizens from excessive sound (noise) that is detrimental to the health and peaceful enjoyment of property.~~

A. Applicability.

- ~~4.1. No use is permitted to be operated in such a manner as to create a sound that exceeds the maximum A-weighted sound levels set forth in Table 5.08.04. 1. Examples of sounds regulated by this Ordinance include, but are not limited to amplified music or voice, or barking dogs at kennels.~~
- ~~1. The maximum A-weighted sound levels of Section 5.08.04.D applies unless a different decibel level applies under Section 5.08.04.F.~~
- ~~2. These standards do not apply to special exception extraction and mining special exception operations uses 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.~~

B. Definitions. For the purposes of this section only, the definitions in Section 5.08.04.01 apply.

C.A. Methods of Measurement.

- ~~1. A-weighted sound levels must 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 must be set to FAST, and a time period of 15 seconds must be used. The operator may select another time period between a minimum of 10 seconds and maximum of 1 minute if a 15-second time period cannot adequately capture the A-weighted sound level.~~
- ~~2.1. Samples must be taken only when the subject sound can be clearly heard and identified by the operator without any extraneous sounds such as passing traffic or bird songs.~~
- ~~3.1. The operator must take a minimum of 3 samples that demonstrate the repeatability and consistency of the subject sound. When possible, the operator should also take at least 1 sample when the subject sound is not heard for the purpose of comparison.~~
- ~~1. The arithmetic average of all samples that demonstrate the repeatability and consistency of the subject sound must comply with the maximum A-weighted sound levels in Table 5.08.04-1.~~

~~4.1. For residential, rural economy, commercial, civic, institutional, and industrial uses, samples of the subject sound must 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 must be aimed toward the source of the subject sound, and a standard microphone height of 5 feet above grade must be used.~~

~~5.1. For all residential uses, samples of the subject sound must be taken on the receiving property at the nearest dwelling unit 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 must be used. The microphone of the SLM must use a windscreen, must be located at the center, and must extend approximately 0.5 inches beyond the outer plane of said open window, door, or other aperture, and must be aimed towards the source of the subject sound.~~

~~C. **Maximum A-Weighted Sound Levels (decibels).** The maximum A-weighted sound level is provided in Table 5.08.04.1 and applies any time of day or night.~~

Table 5.08.04.1				
Receiving Development	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

~~D. **Maximum A-Weighted Sound Levels Exemptions.** The maximum A-weighted sound levels in Table 5.08.04.1 do not apply to the following:~~

~~4. All aircraft sounds.~~

~~1. 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 are subject to Section 5.08.04.F, and sounds produced by commercial indoor firearm ranges are subject to the maximum A-weighted sound levels in Table 5.08.04.1.~~

~~5.4. 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.~~

~~6.4. 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.~~

~~7.4. Sounds created by air conditioner condensers for single-family attached dwellings and single-family detached dwellings.~~

~~8.4. Sounds created by utilities and public uses, including, but not limited to utility substations, utility transmission lines, sanitary landfills, public sewer, and public water.~~

~~E. **Noise Standards for Specific Uses.** The following noise standards apply to specific uses when expressly referenced by the standards for the specific use under Section 3.06.~~

~~6.1. **Location in Relation to Residential Use.** No loading/unloading activities or other noise-producing activities are permitted within 250 feet of an existing principal dwelling.~~

~~7.1. **Maximum dB(A).** The maximum allowable dB(A) level of impulsive sound emitted from the specific use, as measured at the property line of any adjacent lot that permits a single-family dwelling as a principal use, is 55 dB(A).~~

~~8.1. **Outdoor Music.** Outdoor music is not permitted after 11:00 PM.~~

A-Weighted Sound Level is the sound pressure level in decibels as measured on a sound level meter (SLM) using the A-weighting network.

Emergency is any occurrence or set of circumstances involving actual or imminent physical trauma, property damage, or loss of electric or phone services that require immediate action.

Mixed-Use Residential: ~~For purposes of Section 5.08.04,~~ is any dwelling unit located in any of the following zoning districts listed in Chapter 2: UT/UM, SM, PD.

Residential is any dwelling unit located in a zoning district listed in Chapter 2, or the PD-H zoning district, and any other dwelling unit that does not meet the definition of mixed-use residential.

Receiving property is the lot or parcel, or for mixed-use residential, the affected dwelling unit, that is the recipient of the subject sound.

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.

5.08.05 Light and Glare

Purpose: ~~The purpose of the Light and Glare standards is to:~~

- ~~Provide clear and consistent site lighting standards.~~
- ~~Provide lighting standards that reflect the goals of reducing light pollution from the General Plan.~~
- ~~Minimize the adverse effects of light trespass to adjacent properties and the natural environment.~~

A. **Applicability.** All lighting and sources of glare that are produced from a manufactured lighting device or that is not produced by the natural environment is subject to the standards in this section except as exempted in 5.08.05.B.

B. Existing light sources that will be affected by the approval of revisions to an approved site plan or a change of use requiring a zoning permit must comply with the lighting standards contained in this section.

C. **Exemptions.** The following are excluded from compliance with the Standards of 5.08.05.C:

1. ~~Exterior lights mounted on single family detached and singled family attached dwelling units and lights mounted on multifamily structures at entry and exit doorways.~~
2. ~~Light from operating motor vehicles.~~
3. ~~Road or street lighting located within the public or private road right of way.~~
4. ~~Lighting for recreational and athletic fields and facilities at publicly owned facilities utilized for athletic competition except public schools, which are subject to the standards provided in 5.08.05.D.~~
5. ~~Lighting of recreational and athletic fields and facilities at public schools which are subject to the Use Specific Standards for Schools, Public (Elementary, Middle or High) in 3.06.05.18.~~
6. ~~Temporary holiday decorative lighting.~~
7. ~~Public monuments or statuary.~~
8. ~~Temporary lighting for theatrical, television or performance areas and construction sites.~~
9. ~~Underwater lighting in swimming pools and other water features.~~
10. ~~Lighting that is only used under emergency conditions.~~
11. ~~Lighting required by federal, state, county or municipal laws or regulations.~~
12. ~~Motion sensing lights that turn off after a predetermined interval.~~

D. **Standards.**

1. ~~Lighting devices must be manufacturer certified to be full cutoff and fully shielded so that the emitted light is not projected above the horizontal plane of the shield or bulb enclosure and the bulb is not visible beyond the property line of the parcel.~~

- ~~1. Lighting fixtures must be aimed downward and inward to direct light towards the interior of the property.~~
- ~~2. The lighting device must not cause illumination in excess of 0.25 foot-candles above background light levels measured at any property line of the parcel upon which the device is located. The illumination levels must be documented on a photometric plan.~~
- ~~3. The maximum height of pole-mounted exterior lighting is 25 feet unless a lesser or greater maximum height is specified in a Use Specific Standard in Section 3.06 or by approved Proffer or Special Exception.~~
- ~~4. All exterior lighting must be extinguished between 11:00 pm and 7:00 am unless:~~
- ~~5. The permitted hours of operation, during which lighting is permitted, are specified by a Use Specific Standard in Section 3.06 or;~~
 - ~~a. The permitted hours of operation, during which lighting is permitted, are specified on an approved site plan or;~~
 - ~~b. The permitted hours of operation, during which lighting is permitted are part of an approved Proffer or Special Exception.~~
 - ~~c. Exterior lighting that is determined by the Zoning Administrator to be necessary for security purposes is excluded from this requirement.~~

~~2.1. **Standards for Recreational and Athletic Fields.** Recreational and Athletic Fields and facilities at publicly owned facilities utilized for athletic competition other than at public schools must:~~

- ~~d. Use cut-off and fully shielded lighting fixtures that are aimed downward and inward toward the athletic field or interior of the property.~~
- ~~e. Be shielded in directions away from the athletic field to minimize glare and light trespass onto adjacent properties.~~
- ~~f. Not cause illumination in excess of 10-foot candles above background light levels measured at the lot line of any adjacent lot. The illumination levels must be documented on a photometric plan.~~
- ~~g. Must be turned off by 11:00 p.m.~~
- ~~6. **Standards for Specific Uses.** The following exterior lighting and glare standards apply to specific uses when expressly referenced by the Use Specific Standards under Section 3.06.~~
 - ~~a. The maximum height of pole mounted exterior lighting must not exceed 25 feet.~~
 - ~~b. Fully shielded lighting fixtures must be used in all areas. The light element (lamp or globe) of a fixture must not extend below the cutoff shield.~~
 - ~~c. All exterior lighting must be extinguished from the end of the permitted hours of operation for the specific use:~~
 - ~~1. If the hours of operation are included on an approved site plan, or~~
 - ~~2. If specified in the Use Specific Standards of Section 3.06, or~~
 - ~~3. If specified by Proffer or Special Exception, or~~
 - ~~4. Between 10:00 p.m. to 6:00 a.m. if no hours of operation are specified.~~
 - ~~5. Exterior lighting that is determined by the Zoning Administrator to be necessary for security purposes is exempted from this requirement.~~
 - ~~a. Signage related to the use must not be illuminated.~~
- ~~7. **Method of Measurement.** Illumination levels must be measured at the specified location 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 International Commission on Illumination.~~

- ~~8. **Special Exception Review for Lighting that does not Comply with Standards.** Lighting that does not meet the standards of Section 5.08.05.A may be permitted by special exception, pursuant to Section 7.10, upon a finding that the proposed lighting is appropriate.~~

5.09 Transportation

5.09

7.07.01 Road Access and Frontage Standards

Purpose. The purpose of the Road Access Standards is to:

- Provide consistent road access standards that are appropriate for the type and location of development.
 - Provide consistent road access standards that are appropriate for the Place Type to implement the General Plan.
 - Ensure that all new development is accessible to and from roads that are safe and serve their intended purpose.
- A. **Applicability.** All new development must comply with the standards regarding access and frontage contained in this section.
- B. **Lot Access Requirements.**
1. All structures requiring a building permit and all uses requiring a zoning permit must be located upon a lot that has access onto a ~~Class I or Class II Road, collectively referred to as public roads herein, or a Class III Road or road,~~ a private road, a private access easement, collectively referred to as a private road herein, as specified in the individual zoning district regulations.
 2. This requirement does not apply if different access requirements are specifically provided for otherwise in this ordinance, the Land Subdivision and Development Ordinance (LSDO) or the Facilities Standards Manual (FSM).
 3. New ~~public or private~~ access points to arterial or major collector roads are limited to locations at existing median breaks, planned median breaks or other locations approved by Loudoun County ~~or VDOT and Virginia~~ Department of Transportation (VDOT).
 4. Roads must be designed and constructed to ~~Virginia Department of Transportation (VDOT)~~ standards for inclusion in the state highway system or to ~~the FSM~~ standards ~~contained in the FSM~~.
- C. **Private Roads.**
1. Roads serving ~~SFA only~~ townhouse ~~and MF stacked or attached multifamily dwelling units only,~~ or roads within the UT/UM, ~~(existing PD-TRC),~~ UE, ~~(existing PD-TREC),~~ SM (new), SCN (existing R-8, R-16, and R-24), SN ~~(existing R-4),~~ or SM-PD-H Zoning Districts may be private if:
 - a. The roads are designed and constructed to private road standards set forth in the FSM.
 - b. All lots served by the private road are subject to a recorded covenant expressly requiring private maintenance of that road in perpetuity.
 - c. A reserve fund for repairs of the road is established, commencing with the initial record plat.
 - d. The record plat and protective covenants for the development expressly state that the County and VDOT have no responsibility to maintain, repair, or replace private roads.
 - e. The ~~protective~~ covenants identify the mechanism and entity that has responsibility to monitor and administer the maintenance and repair of the affected private roads or access easements.
 - f. Sales brochures or other literature and documents, provided by the seller of lots served by the private roads, include information regarding responsibility for maintenance, repair, replacement, and covenants pertaining to those lots, including a statement that the County will have no responsibility to maintain, repair, or replace private roads.

2. ~~If~~ The use of private roads or private access easements for any other purpose is ~~not~~ permitted ~~and requires approval for access to new lots or uses as an exception to this section, that approval must be in conjunction with approval of a rezoning only through Zoning Map Amendment~~ by the Board of Supervisors ~~onto~~ a PD (new) District pursuant to ~~Section 2.06~~ Sections 11.10.01 and 11.10.09.
 - ~~a. In those applications, the applicant must demonstrate how permission to use private roads will accomplish the purpose of the district and produce development that is consistent with General Plan place types.~~
 - a. ~~The use of~~ Private roads approved by the Board of Supervisors ~~as part of a Zoning Ordinance amendment or Special Exception approval~~ must meet the same requirements ~~as if permitted by this ordinance pursuant to the requirements of (subsection C)-.1~~ above and any additional conditions or standards accompanying the approval.
- D. **District Vehicular Access Requirements.** Access to roads in the SM₇, (new), SC₇, (existing PD-CC), SE₇, (existing PD-OP, PD-IP, PD-RDP), SI₇, (existing PD-GI), SME₇, (existing MR-HI), TCC₇, (new), TLI₇, (existing PD-IP, PD-OP), TI₇, (existing PD-GI), TME₇, (existing MR-HI), and PD-IP and PD-OP in the Leesburg JLMA-LE₇ Districts must be provided as follows:
 1. Primary vehicular access must be from collector or minor arterial roads.
 2. Primary vehicular access is prohibited on residential local access roads or roads in primarily residential developments or districts.
 - a. This prohibition does not apply to collector roads through residential developments or districts.
 - b. Roads internal to the district must not be connected with roads outside the district in a manner that would encourage their use by through and construction traffic.
- E. **Access Limitation for Route 50.** ~~Direct access to Route 50 in any zoning district is prohibited unless:~~
 1. Direct access to Route 50 in any zoning district is prohibited unless the property owner demonstrates that the subject property:
 - ~~b. Does not have legal access to any public road other than Route 50, and~~
 - a. Does have legal access to the location of a planned Route 50 Parallel Road, as shown on the Countywide Transportation Plan ~~as amended~~.
 - ~~b. The~~ Does not have legal access, ~~if, to any road or access easement other than Route 50; and~~
 2. If Route 50 access is permitted:
 - ~~b.a.~~ Access is limited to right-turn-in to and right-turn-out ~~entrances to and~~ from Route 50 only as approved by VDOT, ~~and~~
 - ~~c.b.~~ Prior to approval of a Site Plan for these uses, property owners must execute and record an instrument in a form as reviewed and approved by the County that states:
 1. When alternative access to the site becomes available ~~via a~~ by public or private road adjacent to the owner's parcel or ~~viab~~ y other means, such as an available private access easement that provides access to any public or private road:
 - a. The owner and successors are obligated to relinquish all direct access rights and close off all direct access to Route 50 at no cost to the County or VDOT, ~~and~~ or
 - b. Permit the County or VDOT to eliminate all access rights and close off all direct access to Route 50 without compensation.
- F. **Use Specific Road Access Standards.** When a Use Specific Standard is applicable pursuant to Section 3.06 and that Use Specific Standard expressly references road access standards, the following road access standards apply. ~~All FSM provisions regarding variations apply.~~

TABLE 5.097.07.01-1: ROAD ACCESS STANDARDS

Maximum Vehicle Trips Per Day (VTD) ⁽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 7.10 11.11.01)
More than 600 VTD	FSM Chapter 4, Table 1, Type A1 Roadway	Special Exception Review required (Section 7.10 11.11.01)	Special Exception Review required (Section 7.10 11.11.01)

⁽¹⁾ VTD as determined by traffic study if required or as estimated based on proposed use and most current edition of ITE Trip Generation Rates or an approved substitute

⁽²⁾ Characteristics of the public road that provides access to the development's private road(s).

5.097.07.02 Road Network

Purpose. The purpose of the Road Networks standards is to ensure new development creates appropriate vehicular connections that achieve a development pattern consistent with the vision for the Place Types, as well as the transportation policies in the General Plan and Countywide Transportation Plan.

D.A. General Requirements. In general, the road network in new development must be provided as follows:

1. So that existing and future road connections to adjacent developable or re-developable parcels within the same Place Type of the General Plan can be created.
2. Developments must be designed so road connections avoid natural, environmental, and heritage resources to the extent feasible.
 - a. ~~Exception.~~ Road connections are not required through unavoidable steep slopes (Section ~~5.036~~02) or ~~in~~ the Floodplain Overlay District (FOD) (Section ~~45~~03).
 - b. Developments must be designed so road connections ~~can~~ avoid regulated natural resources.

E.B. Block Standards. When the zoning district development pattern requires roads to form blocks, the following regulations apply:

1. Block length is measured from the edge of public right-of-way or access easement for private streets.
2. Blocks designed to include a mid-block through-alley allowing secondary vehicle access to land uses on the block may be ~~a maximum of 2 times the length of the average block length, half of which will be used in the calculation of average twice the maximum~~ block length.
3. Deviations from minimum and maximum block lengths ~~must be achieved except are permitted~~ where deviation is necessary to:
 - a. Avoid natural, environmental, or ~~historicheritage~~ resources, or
 - b. required to Comply with regulations concerning:
 1. Steep slopes, pursuant to Section 6.02;
 2. MDOD sensitivity areas, pursuant to Section 5.04; or
 3. FOD pursuant to ~~Sections~~Section 5.03.02, 4.04, and 4.03, respectively.

3-4. ~~If a~~ **A** block pattern is not ~~feasible, required and~~ a more linear road pattern may be used in the following scenarios:

- a. To avoid and protect natural, environmental, or heritage resources that will be incorporated into the open space required for the district;
- b. ~~If~~ The district size or shape cannot accommodate blocks with each side achieving the required minimum and maximum block length; or
- c. ~~If~~ Other physical barriers, such as railroad tracks, preclude the creation of blocks.

Other Road Network

F.C. Additional Requirements. Within the TLN, ~~(existing TR-1, TR-3, and TR-10)~~, TSN, ~~(new)~~, TCN, ~~(new)~~, TCC, ~~(new)~~, JLMA-1, ~~JLMA-2, JLMA-3, and VR-1, VR-2, -3 and VR-3 (existing CR-1, CR-2, CR-3)~~ Zoning Districts, the ~~road network must following~~ also ~~be provided as follows~~ applies:

1. Dead end roads ending in culs-de-sac and "P-loop" roads are only permitted where ~~necessitated~~ **necessary** to avoid natural, environmental, and heritage resources.
 - a. If a private road ends in a dead end, then a cul-de-sac is not permitted.
2. Provide "T" intersections in locations where views of important civic, public, or open space areas can be highlighted.

5.097.07.03 Pedestrian and Bicycle Network

Purpose. *The purpose of the Pedestrian and Bicycle Networks Standards are to:*

- *Create a continuous and predominantly straight sidewalk to support two-way pedestrian traffic with enough space for streetscape amenities such as street furnishings, street trees, ground cover plantings areas, street lighting, signage, and utilities.*
- *Ensure multimodal transportation network consistent with the General Plan and the Countywide Transportation ~~Plan~~ (CTP-~~Plan~~).*
- *Minimize long pedestrian block lengths and decrease pedestrian travel distances to improve safety and accessibility for circulation and mobility of pedestrians with various physical abilities and mobility needs.*
- *Achieve the ~~CPT~~CTP Vision Zero policies and compliance with the American with Disabilities Act.*

B.A. Pedestrian and Bicycle Network. A Pedestrian and Bicycle Network is required as follows:

1. In all new development in all zoning districts except Rural Policy Area zoning districts.
2. The Pedestrian and Bicycle Network must be provided as follows:
 - a. In conformance with the Facilities Standards Manual (FSM), except where the requirements of this Ordinance are more restrictive.
 - b. With widths in accordance with Table **5.097.07.03-1**.
 - c. With sidewalks, multimodal sidewalks, or shared use paths on both sides of and aligned with each public road and private road within or forming the perimeter of the zoning district.
 1. When blocks are required or provided, sidewalks must be on all 4 sides of the block. Pedestrian walkways are not required in alleys, except to meet the requirements of Section 5.09.03.B.
 - d. To provide connections between residential, commercial, employment, civic, and institutional uses, including public schools, public open space and parks, and parking within or adjacent to the proposed development.
 - e. To provide access to public transit stops when transit stops are located in or immediately adjacent to a site.

- f. To establish a network within open space.
- g. To link adjacent or abutting communities by connecting with existing or planned sidewalks, shared use paths, or trails at the property boundaries of the project.
 - 1. If an existing pedestrian or bicycle facility on an adjacent or abutting community is consistent with the Countywide Transportation Plan, then the facility to be provided must be consistent with the existing facility.
 - 2. If connections are planned but not constructed, then all sidewalks, shared use paths, and trails must be designed to continue to the project boundary, link with the planned network, and be stubbed.
 - 3. If connections are not planned, then all development plans must provide for future sidewalk, shared use path, and/or trail connections to adjacent or abutting developable parcels.
- h. ~~When underpasses or~~ Underpasses and tunnels ~~are used for the network, they~~ must be:
 - 1. Generally straight and without recesses so that the far end of the underpass or tunnel is visible to a pedestrian or bicyclist; and
 - 2. Illuminated at night and when in excess of 15 feet in length.
 - ~~1. Generally straight and without recesses so that the far end of the underpass or tunnel is visible to a pedestrian or bicyclist; and~~
 - ~~2.1. Illuminated at night and when in excess of 15 feet in length.~~

~~TABLE 5.09.03-1. MINIMUM WIDTHS FOR PEDESTRIAN AND BICYCLE FACILITIES~~

TABLE 7.07.03-1. MINIMUM WIDTHS FOR PEDESTRIAN AND BICYCLE FACILITIES

Facility	Width (min.)
<u>Shared Use Path</u>	<u>10'</u>
<u>Sidewalk along Roads Identified in Countywide Transportation Plan</u>	<u>6'</u>
<u>Sidewalk in the UT (existing PD-TRC) Inner Core Subarea and UT (existing PD-TRC) Outer Core Subarea of the UT/UM (existing PD-TRC) Zoning District¹</u>	<u>12'</u>
<u>Sidewalk in the UM Subarea of the UT/UM (existing PD-TRC) Zoning District¹</u>	<u>9'</u>
<u>Sidewalk in the Mixed Use Center Core of the SM (new) Zoning District¹</u>	<u>12'</u>
<u>Sidewalk in the UE (existing PD-TREC) Inner Core Subarea¹</u>	<u>8'</u>
<u>Sidewalk in the UE (existing PD-TREC) Outer Core Subarea of the UE (existing PD-TREC) Zoning District¹</u>	<u>6'</u>
<u>Sidewalk in the Mixed Use Center Fringe of the SM (new) Zoning District¹</u>	<u>9'</u>
<u>Sidewalks along Multimodal Through Corridors, Boulevards, and Avenues¹</u>	<u>8'</u>
<u>Sidewalk along All Other Roads</u>	<u>5'</u>
(' = foot)	
¹ Sidewalks must have and maintain a minimum unobstructed pathway at least 5 feet wide.	

B. Mid-Block Passageway. In addition to the Pedestrian and Bicycle Network requirement, mid-block passageways must be provided as follows:

<u>Shared Use Path</u>	<u>10 ft.</u>
<u>Sidewalk along Roads Identified in Countywide Transportation Plan</u>	<u>6 ft.</u>
<u>Sidewalk in the UT Inner Core Subarea and UT Outer Core Subarea of the UT/UM Zoning District¹</u>	<u>12 ft.</u>
<u>Sidewalk in the UM Subarea of the UT/UM Zoning District¹</u>	<u>9 ft.</u>

Sidewalk in the Mixed Use Center Core of the SM Zoning District ^a	12 ft.
Sidewalk in the UE Inner Core Subarea ^a	8 ft.
Sidewalk in the UE Outer Core Subarea of the UE Zoning District ^a	6 ft.
Sidewalk in the Mixed Use Center Fringe of the SM Zoning District ^a	9 ft.
Sidewalks along Multimodal Through Corridors, Boulevards, and Avenues	8 ft.
Sidewalk along All Other Roads	5 ft.
^a (ft. = foot)	
^a Sidewalks must have and maintain a minimum unobstructed pathway at least 5 feet wide.	

~~C.A. **Mid-Block Passageway.** In addition to the Pedestrian and Bicycle Network requirement, mid-block passageways must be provided as follows:~~

1. In the UT/UM, (existing PD-TRC), UE, (existing PD-TREC), SM, (new), and TCC (new) Zoning Districts for any block that is 200 feet or greater in length.
 - a. At least 1 mid-block passageway must be provided within the block per 200 feet of block length.
 - b. A mid-block passageway could be a component of an alley, linear park, or open space, etc.
 2. To provide a connection between 2 of any of the following features:
 - a. Roads
 - b. Components of the Pedestrian and Bicycle Network
 - c. Parks or Open Space
 - d. Parking Facilities
 - e. Transit Facilities
 - f. Other Paths or Trails
 - g. **Exception.** A mid-block passageway is not required if a proposed development demonstrates that no connection can be made between 2 features listed above.
 3. With a hard surface and minimum 6 foot width.
 4. With a physical separation, such as sidewalk, bollards, planters, vegetation, from the vehicular travelway if the mid-block passageway is also accessible to vehicles.
 5. With illumination at night.
 - a. If steps or stairs are part of the mid-block passageway, then wheelchair accessible ramps must also be provided.
 - b. At least 1 mid-block passageway must be provided within the block per 200 feet of block length.
 - c. A mid-block passageway could be a component of an alley, linear park, or open space, etc.
- ~~2.1. To provide a connection between 2 of any of the following features:~~
- a. ~~Roads~~
 - b. ~~Components of the Pedestrian and Bicycle Network~~
 - c. ~~Parks or Open Space~~
 - d. ~~Parking Facilities~~
 - e. ~~Transit Facilities~~
 - f. ~~Other Paths or Trails~~
 - g. **Exception.** ~~A mid-block passageway is not required if a proposed development demonstrates that no connection can be made between 2 features listed above.~~
- ~~3.1. With a hard surface and minimum 6 foot width.~~

~~4.1. With a physical separation, such as sidewalk, bollards, planters, vegetation, from the vehicular travelway if the mid-block passageway is also accessible to vehicles.~~

~~5.1. With illumination at night.~~

6. If steps or stairs are part of the mid-block passageway, then wheelchair accessible ramps must also be provided.

7. Publicly accessible at all times.

7.07.04 Visibility at Intersections

Purpose: The purpose of the Visibility at Intersections Standards is to:

- Protect all users of the transportation network from traffic hazards by preventing or removing impediments to visibility.
- To protect all users of the transportation network, including pedestrians and cyclists, and

5.09.04 Visibility at Intersections

Purpose: The purpose of the Visibility at Intersections Standards is to:

- ~~Protect all users of the transportation network from traffic hazards by preventing or removing impediments to visibility.~~
- ~~To protect all users of the transportation network, including pedestrians and cyclists, and~~
- To provide standards for intersection visibility where VDOTthe Virginia Department of Transportation (VDOT) does not exercise jurisdiction.
- Promote the public health, safety and welfare of the traveling public
- Applicability. Promote the public health, safety and welfare of the traveling public

B.A. Applicability.

~~1. Public road intersections under the design, construction, or maintenance jurisdiction of VDOT are subject to VDOT standards which take precedence.~~

A. The standards contained herein applyThis Section applies where VDOT jurisdiction is not applicable.

1. Public road intersections under the design, construction, or maintenance jurisdiction of VDOT are subject to VDOT standards which take precedence.

2. Private roads, private access easements, and driveways are subject to the visibility standards contained in this Section

B. Standards. No impediment to visibility is to be placed, allowed to grow, erected, or maintained within the area described below, which is known as the Visibility Triangle:

~~1.~~

2.1. Private roads are subject to the visibility standards contained in this Section

~~C.A. Standards. No impediment to visibility is to be placed, allowed to grow, erected, or maintained within the area described below, which is known as the Visibility Triangle:~~

1. At Street-Road Intersections. See the illustration below.

- There ~~will be~~ are 2 Visibility Triangles at the intersection, 1 to the left and 1 to the right.
- The apex of each Visibility Triangle is the point where the street-road rights-of-way intersect.
- The sides of each Visibility Triangle are the portions of the street-road right-of-way lines extending from the apex along each street-road right-of-way and are each 25 feet in length.

- d. The base of the Visibility Triangle runs through the lot and connects the ends of each side.
 - e. Material impediment to visibility within the Visibility Triangle must not exceed 3 1/2 feet in height. ~~Material impediment to visibility within the Visibility Triangle must not exceed 3 1/2 feet in height.~~
 - f. ~~See the illustration below.~~ (Insert illustration titled Visibility Triangle for ~~Street~~Road Intersections here)
2. **At Driveway or Alley Intersections with Roads.** See the illustration below.
- a. ~~Streets.~~ There will be 2 Visibility Triangles at the intersection, 1 to the left and 1 to the right.
 - b. The apex of each Visibility Triangle is the point at the intersection of the street-road right-of-way line with the edge of the driving surface of the driveway or alley, nearest to the approaching traffic lane.
 - c. The side of the Visibility Triangle coterminous with the street-road right-of-way line is 25 feet in length.
 - d. The side of the Visibility Triangle coterminous with said edge of the driveway or alley is 20 feet in length.
 - e. The base of the Visibility Triangle runs through the lot and connects the ends of each side.
 - f. Material impediments to visibility must not exceed 2 feet in height.
 - g. ~~See the illustration below.~~ (Insert illustration titled Visibility Triangle for Driveway or Alley with ~~Streets~~Roads here)
3. **At Pedestrian/Bicycle Network Intersections With ~~Streets~~Roads.** Where a pedestrian/bicycle network trail or other shared use path provides access to a public street or private streetroads, Visibility Triangles as described in 1 ~~or and~~ 2 above must be established. Material impediments to visibility must not exceed 2 1/2 feet in height.

C. Exceptions.

1. Where terrain features present substantial obstacles to provision and maintenance of Visibility Triangles the Zoning Administrator may permit the provision and maintenance of lesser visibility clearance, and that clearance must be the maximum that is reasonably practicable to provide and maintain.

~~3.1. above the level of the center of the street.~~

D.A. Exceptions

1. ~~Where terrain features present substantial obstacles to provision and maintenance of Visibility Triangles the Zoning Administrator may permit the provision and maintenance of lesser visibility clearance, and that clearance must be the maximum that is reasonably practicable to provide and maintain.~~
2. The provisions of ~~(A), (subsection B) or (C)~~ above do not apply in the Historic Overlay District under Section 45.08 if the Historic District Review Committee (HDRC) finds that a waiver of those provisions is necessary to maintain the integrity of the historic district, and vehicular and pedestrian safety is maintained.

7.08 Utilities

Purpose. The purpose of this Section is to:

- Promote the public health, safety, and welfare for the County and its citizens.
- Provide clarity and consistency in the standards for the installation of utilities.
- Promote the orderly development of land.
- Provide standards that lessen any visual impact.
- Ensure best practices are applied and maintained for the longevity of infrastructure.

A. Applicability.

1. **Required.** The standards within this Section apply to all utilities and improvements for development within the County.

2. **Exempt.**

- a. Pursuant to Code of Virginia § 56-46.1, electrical transmission lines of 138 kV or more, approved by the State Corporation Commission (SCC), are deemed to have satisfied the requirements of the Zoning Ordinance.
- b. The following utility uses are exempt from the provisions of this Section:
 1. Poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or any other similar equipment when used for the purpose of distributing service to individual customers.
 2. Exception: Substations, transmission lines, or trunk lines located on or above the surface of the ground, for:
 - a. Consumers of telephone, cable television, or other communications;
 - b. Distribution of Electricity, gas, or water; or
 - c. Collection of sewage or surface water.

B. General Standards.

1. **Location.**

- a. **Undergrounding.** All utility distribution lines must be located underground on the development site, unless specifically exempted by this Section.

Conforming to Natural Topography. 5.10 Adaptive Reuse Standards

~~**Purpose:** The purpose of the Adaptive Reuse Standards is to foster the appropriate and compatible adaptive reuse of obsolete or underutilized historically significant structures to:~~

- ~~• Support the historic preservation goals of the Heritage Preservation Plan and the General Plan.~~
- ~~• Preserve the historic character, buildings, structures, and sites of the Rural Historic Villages and Legacy Village Cores as identified in the General Plan or village small area plans.~~
- ~~• Protect iconic or prominent buildings that exemplify community character to establish or reinforce a community's identity and sense of place by creating opportunities for community gathering places and spaces for cultural activities in these buildings.~~

b. ~~Increase~~ To the extent practicable as determined by the Zoning Administrator, each utility location must:

1. Conform to the natural topography;
2. Minimize disturbance of steep slopes and natural drainage areas; and ~~improve the variety and affordability of housing stock in locations consistent~~
3. Not conflict with vehicular and pedestrian interconnections:
 - a. Within the ~~General Plansite~~; and
 - b. To existing or future development on adjoining lands.

c. **Street Trees and Landscaping.** Installation of utilities in or adjacent to the right-of-way must not restrict the installation of street trees or required landscaping.

d. ~~where~~ **Screened from Road.** All above ground utility boxes and other facilities must be co-located and screened from road view. (Typical drawings permitted.)

- ~~• Encourage preservation of historic structures through appropriate renovation.~~

C. ~~Ensure the adaptive reuse of a structure is compatible with~~ Rural Policy Area Zoning Districts. Must not be served by public water and sewer systems, except as provided by this subsection.

1. Maintenance of Water and Sewer Systems.

a. **Individual Systems.** ~~does not adversely impact the character~~ Maintenance of individual water supply and individual sewage disposal systems are the responsibility of the owner of the ~~surrounding landscape and~~ parcel the systems serve.

e.b. **Communal.** If development is served by communal water, communal sewer, or both, such systems must be operated and maintained by Loudoun Water, in accord with all Loudoun Water adopted policies.

1. An access easement to the system must be provided to Loudoun Water.

2. All costs of operation and maintenance of such communal systems must be borne as a common expense by the owners of the lots served.

2. Water and Sewer Service Exemption. Notwithstanding zoning district standards in Section 2.04, parcels must be served by public water and sewer systems when:

a. **Central or Communal Water and Sewer.**

1. Located within a Water or Sewer Service District, the boundaries of which are determined by the County of Loudoun and Loudoun Water; and

2. The system is available.

b. **Municipal Water and Sewer.**

1. Extension of municipal water or sewer lines to serve the parcel are agreed upon by the County of Loudoun, the municipal provider, and the Health Department; and

2. The system is available.

D. Joint Land Management Area (JLMA) Zoning Districts.

1. Municipal Water and Sewer.

a. Municipal water and sewer must be provided to every development site, if:

1. Available as determined by the Zoning Administrator, in consultation with the Town; and

2. The Town permits the connection.

b. Otherwise, development may be served by individual water supply (private well) and individual sewage disposal systems.

2. Exceptions.

a. In the Leesburg JLMA Zoning Districts, central water and sewer must first be provided by Loudoun Water, unless an agreement cannot be reached.

b. **Public Uses.**

1. Town and County-owned and operated public uses must connect to municipal water or sewer facilities when

a. Existing municipal water or sewer lines are within 300 feet of the property line of the parcel being developed; and

b. Town permission for connection to Town water or sewer is obtained.

- Unless the County and Town agree that the presence of other physical or geographical constraints would make the connection unreasonable. ~~Prolong building lifespans, encourage reuse of existing resources, generate activity, and facilitate market alternatives rather than demolition of existing, structurally sound historic structures, especially if they are vacant or in underutilized areas, especially by allowing use that may not otherwise be allowed.~~

- ~~Maintain compatibility of the adaptively reused building or structure with a surrounding neighborhood, community, Place Type, village, or historic district.~~
- ~~Provide flexibility for adaptive reuse projects without compromising the health, safety, or welfare of users.~~
 - A. ~~**Applicability.** Structures meeting the eligibility requirements of Section 5.09.B are permitted to be adaptively reused in accordance with the standards of this section.~~
 - B. ~~**Eligibility.** To be eligible for adaptive reuse, a structure must be:~~
 - 1. ~~Identified as historically significant by being:~~
 - a. ~~Designated as a National Historic Landmark;~~
 - c. ~~Listed or eligible for listing~~
 - 2. ~~Otherwise, such Town or County public uses may use communal or individual systems.~~
 - c. ~~Any development on a lot existing prior to January 7, 2003, that does not require the approval of any type of subdivision or site plan application to be developed may use individual water supply (private well) and individual sewage disposal systems.~~
 - 1. ~~Individual sewage disposal is not permitted if required to connect to a central or municipal sewer pursuant to the Codified Ordinances of Loudoun County.~~
 - b. ~~Lots established by or resulting from the recordation of a boundary line adjustment (BLAD) after January 7, 2003, where all of the lots involved in the National Register of Historic Places or a contributing resource in a historic district listed or eligible for listing in the National Register of Historic Places;~~
 - c. ~~Listed or eligible for listing in the Virginia Landmarks Register or a contributing resource in a historic district listed or eligible for listing in the Virginia Landmarks Register; or~~
 - d. ~~Designated as the following types of Historic Overlay Districts (HOD) pursuant to Section 7.09.08:~~
 - 1. ~~Loudoun County Historic Site, or~~
 - 2. ~~Contributing resource in a Loudoun County Historic and Cultural Conservation District.~~
 - 2. ~~The structure is located in a Village Conservation Overlay District (VCOD) pursuant to Section 4.07, is located in a Rural Historic Village or Legacy Village Core as designated by the General Plan, or is subject to a village small-area plan.~~
 - 3. ~~The structure is greater than 50 years old, and the prior use or uses in the structure are obsolete or economically nonviable.~~
 - a. ~~In making a finding that the BLAD existed prior use or uses are obsolete or economically nonviable, the Zoning Administrator must consider the structure's:~~
 - 1. ~~Past and current vacancy rate;~~
 - 2. ~~Existing and previous uses;~~
 - 3. ~~Structural condition;~~
 - 4. ~~The ability of the structure to be retrofitted for the new use; and~~
 - 5. ~~Real estate market information.~~
 - b. ~~The Zoning Administrator must also determine whether the structure is eligible for listing in the National Register of Historic Places or the Virginia Landmarks Register pursuant to Sections 5.09.B.1.b or c.~~
 - 1. ~~If the property is eligible for listing in the National Register of Historic Places or the Virginia Landmarks Register, then Section 5.09.C.1. applies.~~
 - c. ~~The applicant may be required to submit documentation prepared by qualified professions as follows:~~

- ~~1. To demonstrate ato January 7, 2003, are deemed to have existed prior use or uses in a structure are obsolete or economically nonviable, documentation must be completed by a market research firm, real estate development firm, or other entity qualified to conduct and research market analysis, demographic trends, competitive analysis, and/or real estate feasibility studies.~~
- ~~2. To demonstrate structural condition and/or ability of the structure to be retrofitted for the new use, documentation must be completed by an architect and/or engineer.~~
 - ~~a. If the structure is eligible for adaptive reuse pursuant to Section 5.09.B.1., the documentation must be provided by a person meeting the Secretary of Interior Standards minimum professional qualifications in historic architecture, architecture, or architectural history.~~
- ~~3. To demonstrate eligibility for listing as a national, state, or local historic resource, documentation must be completed by a person meeting the Secretary of Interior Standards minimum professional qualifications in architectural history, history, or archaeology.~~

C. ~~Standards and Requirements.~~ Adaptive reuse projects must comply with the standards and requirements of this Zoning Ordinance, except as set forth in Sections 5.09.C and D below, and must comply with the following:

- ~~1. If the structure meets the applicability requirement of Section 5.09.B.1., then the historic setting associated with the structure must be protected to preserve the context of the resource by:~~
 - ~~a. Locating any new parking to the side or rear of the structure;~~
 - ~~b. Not constructing any additions on the primary façade or front elevation of the structure;~~
 - ~~c. Retaining existing features that contribute to the historic character of the property, such as native or specimen trees, historic plantings or gardens, walkways, walls, or other features, to the extent feasible. Repair of such features is permitted.~~
- ~~2. Any additional parking, lighting, or signage requirements necessitated by the reuse of a historic structure must be scaled in a manner that is subordinate to the existing structure and must be compatible with and not adversely impact the character of the surrounding landscape and development pattern.~~

D. ~~Permitted Uses.~~ Uses are permitted in accordance with Table 5.09-1 in any structure eligible for adaptive reuse pursuant to section 5.09.B., except that no new uses that emit noxious odors or excessive noise will be permitted, unless the applicant demonstrates that the use will not negatively impact nearby dwellings.

Table 5.09-1. Uses Permitted as Adaptive Reuse	
Current Zoning District	Permitted as Adaptive Reuse*
Zoning district permitting residential uses, except districts that permit only single-family detached (SFD) dwelling unit types (UT/UM, SN, SCN, SM, TSN, TCN, VC, RC)	100% affordable housing regardless of the dwelling unit type permitted in the district (single-family detached, single-family attached and/or multifamily) provided the dwelling units are developed pursuant to the Section 8.01 ADU Program or Section 8.02 UHNU Program requirements.
Zoning District permitting SFD, single-family attached (SFA), and/or multifamily (MF) stacked dwelling units (UT/UM, SN, SCN, SM, TLN, TSN, TCN, ARN, ARS, VC, VR, RC)	SFD dwelling unit converted to up to 4 dwelling units or 4 live/work dwellings
Any zoning district where the use is currently not permitted	Public, Civic, Institutional Uses, except for the following uses: Hospital; Pet Farm; Recreation, Indoor; Recreation, Outdoor or Major; and Shooting Range
Any zoning district where the use is currently not permitted	Lodging Uses

Table 5.09-1. Uses Permitted as Adaptive Reuse

Current Zoning District	Permitted as Adaptive Reuse ¹
Any zoning district where the use is currently not permitted	Commercial Uses, except for the following uses: Kennel; Kennel, Indoor; Dry Cleaning Plant; Convenience Store with Gasoline Sales; and all Automotive uses
Underlying zoning district located in an HOD, VCOD, or designated by the General Plan as a Rural Historic Village or Legacy Village Core or subject to a village small area plan and where the use is currently permitted	A use permitted by special exception in the district will be permitted by minor special exception and a use permitted by minor special exception is permitted by right, except for the Public, Civic, Institutional Uses, Lodging Uses, and Commercial Uses identified as not permitted above.

¹Uses must also comply with the Use-Specific Standards in Section 3.06.

E. Adaptive Reuse Incentives. In addition to nonconforming lot or structure allowances pursuant to Chapter 9, projects that are eligible for adaptive reuse under 5.09.A are entitled to the incentives set forth in Table 5.09-2. Incentives with a plus mark (+) in the Existing Floor Area column apply to the existing floor area of the structure. Incentives with a plus mark (+) in New Floor Area column apply to the floor area that is added to a structure.

Table 5.09-2. Adaptive Reuse Incentives

Incentive	Existing Floor Area	New Floor Area
Rear Yards. Additions may encroach into a required rear yard by up to 25% or to within 15 feet of the rear property line, whichever is greater. This encroachment is permitted to occur 1 time after the adoption date of this ordinance or upon adaptive reuse of the structure, whichever is first.		+
Density. Single family detached, single family attached, and multifamily stacked dwelling units and live/work units are not subject to the maximum dwelling unit per acre density requirements of the zoning district or proffered rezoning.	+	
Floor Area Ratio (FAR). Regardless of whether an adaptive reuse is for residential or nonresidential purposes, floor area may exceed the permitted FAR by up to 33%. Mezzanines are not included in the calculation of floor area for the purpose of determining compliance this with the standard, provided use of a mezzanine does not add a new dwelling unit. FAR only applies when the structure to be adaptively reused was or would have been previously subject to the FAR requirement.	+	+
Open Space. Existing lots that do not conform to the open space requirements of the applicable zoning district are permitted to be adaptively reused without meeting the open space requirement.	+	+
Off Street Parking. The required number of parking spaces must be the lesser of the number of spaces that existed on the site as of the adoption date of this ordinance, or the minimum number of spaces required by Section 5.06. Once established, the number of spaces must be maintained and not reduced. Adaptive Reuse projects are otherwise exempt from the parking standards of Section 5.06, except that parking reductions pursuant to Section 5.05.08 are encouraged to reduce parking below the minimum requirement.	+	
Loading Space. If no loading spaces exists, then a loading space is not required in conjunction with the development of an Adaptive Reuse project. Where an existing loading space is provided, the requirements of Section 5.05.09 (Loading Standards) apply.	+	

Table 5.09-2. Adaptive Reuse Incentives

Incentive	Existing Floor Area	New Floor Area
Site Plan Review. The application fee for site plan review of Adaptive Reuse projects of less than 3,000 square feet of gross floor area and located in a VCOD, Rural Historic Village, or Legacy Village will be waived provided that such plans substantially comply with all ordinance requirements when submitted.	+	

5.11 Transition

~~**Purpose.** The purpose of the Transition Standards is to:~~

- ~~• Ensure larger scale, more intense, mixed use and nonresidential developments do not adversely affect neighboring lower density, less intense residential development both internal to a zoning district and among adjacent zoning districts.~~
- ~~• Promote balanced street walls that appear similar in height and avoid an extreme and disharmonious height reduction or increase at the end of a block.~~
- ~~• Ensure new Suburban Neighborhood District developments transition gradually to adjacent lower density residential uses, particularly where natural or man-made buffers are not available, through building scale and design elements that soften these transitions.~~
- ~~• Maintain substantial open space and setbacks along roadways and adjacent development in the Transition Policy Area to shield views of new development, provide extensive buffers around communities, and create visual transition between the Suburban Policy Area and the Rural Policy Area.~~

~~**A. Applicability.** Neighborhood Transition Standards apply to all new development.~~

~~**B. General Building and Lot Location.** Buildings and lots within a new development must be located as follows:~~

~~1. In general, the following standards apply:~~

- ~~a. When adjoining existing less intensive uses and smaller buildings, taller buildings must step down in height to transition to the neighboring development so that at the edge of the district, buildings are generally no more than 1 story taller than adjoining development consisting of less intensive uses.~~

~~1.2. For to January 7, 2003, for the purposes of this Section, 1 story equals 15 feet.~~

- ~~b. If the adjoining property is not developed, then the buildings at the edge of the district must not be more than 1 story taller than the maximum permitted height in the existing district or Place Type identified in the General Plan for the adjoining property, whichever is taller.~~

~~c. Changes in building height or character must begin in the middle of a block.~~

- ~~1. The middle of the block is determined by the greater of 1) the width of the corner building or 2) 1/3 of the proposed block length as measured from the edge of the block adjacent to the less intensive development.~~

- ~~d. The use of usable open space, such as parks or plazas, and the protection of natural environmental, or heritage resources is encouraged as a transition method between differing residential densities and deferring uses or zoning districts.~~

~~2. For residential uses, the following general standards apply:~~

- ~~a. Single family attached townhouse, duplex, triplex, and quadruplex dwelling units and/or lots must be located to minimize their impact on adjacent existing single family detached dwelling unit developments.~~

b. ~~Multifamily dwelling units and/or lots must not be located at the edge of a development when adjacent to existing single-family detached dwelling unit developments.~~

c. ~~Multifamily dwelling units and/or lots must be located so that they create a transition between nonresidential uses and lower-density residential areas, either within the same development or an adjacent development.~~

3. ~~For nonresidential uses, the following general standards apply:~~

a. ~~Nonresidential buildings and/or lots must be located so that they minimize their impact on adjacent single-family detached dwelling units within or outside of the development.~~

b. ~~Nonresidential buildings and/or lots must be located in a manner that does not create excessive noise, odor, light, or vibrations that would negatively effect proximate residential uses or require extensive separation from residential uses within the same zoning district or adjacent zoning districts allowing residential uses.~~

c. ~~Nonresidential buildings and/or lots must be located so that the impact of areas for loading, delivery, and waste collection receptacles is reduced on surrounding properties to the maximum extent feasible, with highest priority given to reducing the impact on residential uses.~~

d. ~~If transitions to neighboring residential development cannot be made due to existing development patterns or unavoidable natural environmental, or heritage resources, then commercial uses and centers must be designed, oriented, landscaped, and buffered to be compatible with the neighboring residential development.~~

C. ~~**Urban Policy Area Zoning District Transition Standards.** The following transition standards apply to the UT/UM Zoning District:~~

1. ~~If the Outer Core Subarea of the UT/UM district is adjacent to an existing or planned lower-density residential development, then the minimum building height required by Table 2.01.01-1 in the block or blocks adjacent to this development may be reduced to the minimum heights required in the UM Subarea by Table 2.01.01-1.~~

2. ~~If the Outer Core Subarea of the UT/UM district is adjacent to an existing or planned lower-density residential development, then the minimum FAR required by Table 2.01.01-1 in the block or blocks adjacent to this development may be reduced to 0.7 FAR.~~

3. ~~The change in building height and FAR must occur in accordance with Section 5.11.B.1.b.~~

4. ~~Single-family detached dwelling units permitted pursuant to Section 3.06.02.08.A must be located along the periphery of the district when they will serve as a compatible transition between the district and adjacent residential developments.~~

D. ~~**Suburban Policy Area Zoning Districts Transition Standards.** The following transition standards apply to the SN, SCN, SM, SC, SE, SI, and SME Zoning Districts:~~

1. ~~Buildings at the edge of a Suburban Policy Area zoning district must decrease in height so they are generally no more than 1 story taller than an adjoining existing or planned development consisting of less-intensive uses with lower-permitted heights. Changes in building height must occur in accordance with Section 5.11.B.1.b.~~

2. ~~Open space that includes extensive landscaping or the protection of environmental, natural, and heritage resources should be used to provide a transition between the SCN zoning district and adjacent lower-density residential districts.~~

3. ~~In the SM zoning district, single-family attached and single-family attached dwelling units permitted pursuant to Section 3.06.02.08.B must be located along the periphery of the district when they will serve as a compatible transition between the district and adjacent residential developments.~~

3. ~~In the SM zoning district, multifamily stacked dwellings permitted pursuant to Section 3.06.02.09.B located must be located along the periphery of the district when they will serve as a compatible transition between the district and adjacent uses. Private wells, septic systems, and communal systems may be located within open space.~~

E. Transition Policy Area Zoning Districts ~~Transition Standards.~~ The following transition standards apply to the TLN, TSN, TCN, TCC, TLI, TI, and TME. Must be served by public water and sewer systems pursuant to Section 1066.09 of the Codified Ordinances.

D.F. Suburban Policy Area Zoning Districts: Must be served by central water and sewer systems.

4. ~~Perimeter Setback.~~ A required Perimeter Setback must be provided as follows:

- a. ~~Along public roads forming the boundary of a TLN, TSN, TCN, TCC, TLI, TI, or TME development.~~
- b. ~~Along subdivision or other development plan boundaries, except where the subdivision or development plan boundary is within the same Place Type as the subdivision or development plan and the adjoining land is vacant or underdeveloped.~~
- c. ~~Existing native vegetation and natural features creating a visual buffer between the subdivision or development plan and the boundary of the development or roads identified in this section must be maintained.~~
- d. ~~Existing native vegetation must be augmented with additional plantings to meet the requirements of Section 5.07.02 and/or to provide visual screening of the subdivision from views from surrounding roads and other developments.~~

~~2.1. No residential and nonresidential buildings or parking within a subdivision or development are permitted to be in the Perimeter Setback.~~

- a. ~~Agricultural structures may be located in the setback. If an agricultural structure is located in the Perimeter Setback it is not permitted to be converted to a non-agricultural use.~~

~~3.1. In addition to the Perimeter Setback requirements for each district, the lots and buildings within a subdivision or development must be sited to reduce visibility of the residential and nonresidential uses from public roads by using existing topography, vegetation, distance, and other factors to minimize impact. Options include:~~

- a. ~~Siting lots and buildings sufficiently below ridgelines or tree lines so the horizon remains visually defined by the ridgeline or tree line rather than by building rooftops; or~~
- b. ~~Placing lots and buildings at the far edge of a field as seen from a public right-of-way or other lot group.~~

5. ~~In the TCN Zoning District, single-family attached duplex, triplex, and quadruplex dwellings must be located to minimize their impact on single-family detached dwelling unit developments adjacent to the TCN District.~~

G. 5.12 Owner's Urban Policy Area Zoning Districts. Must be served by central water and sewer systems.

7.09 Owners Associations

Purpose.

Purpose. ~~The purpose of Owner's Owners Association standards is to:~~

- ~~Promote the public health, safety, and welfare.~~
- Define the need for and responsibilities of ~~an owner's association~~ Owners Associations.
- ~~Provide consistent standards for the creation, operations operation, and management of an owner's association.~~
- ~~Ensure that Loudoun County is able to identify and contact a responsible owner's association~~ Owners Associations.
- ~~Ensure the continued protection, availability and management of common areas, elements, and open space within a development when it is required to be provided and managed by an owner's association~~ developments as approved.

- ~~Ensure an owner's association can effectively administer common open space or common elements in a development.~~

~~A. Applicability.~~

~~A. For purposes of this section only, the use of the term Owners~~ **Applicability.**

~~1. An Owners Association (OA) includes any equivalent entity formed for the same purposes and charged with the same ownership, management, and maintenance responsibilities of common elements or areas in the development.~~

~~a. Any requirements and responsibilities attributed to an OA must also apply to any equivalent entity formed for the same purposes and charged with ownership, management or maintenance of common facilities or areas in the development.~~

4.1. ~~An OA is required for any new development or subdivision with common elements as described in the zoning district standards or defined in Chapter 11.~~

~~b. The requirement for an OA does not apply~~ **Exception.** ~~An Owners Association is not required~~ when the only common element in the development is private roads or easements.

~~c. The private roads or access easements must either be maintained by the OA or pursuant to a private road maintenance agreement.~~

~~1. The terms of a with private road maintenance agreement must be included on each record plat of subdivision or on any site plan for the development.~~

~~a. All common open space must be preserved and protected by the OA for its intended purpose as expressed in the Concept pursuant to Land Subdivision and Development Plan Ordinance (LSDO) Section 1245.05.~~

~~2. The developer must make a final determination and make known For the choice purpose of an Owner's Association to administer common open space or common elements prior to approval of the first record plat or final site plan.~~

~~3. If an OA is to be established, the developer must provide documents for the creation of the OA to the County for review and approval, including:~~

~~a. Bylaws;~~

~~b. a. All documents governing ownership, maintenance, and use restrictions for common areas;~~

~~b. A legal description of common areas; and~~

~~c. A description of restrictions placed upon the use and enjoyment of the land.~~

~~B. Owner's Association Requirements.~~

~~1. An OA must be established when there are common elements provided in a development for the use and enjoyment of the property owners.~~

~~2. An OA may also be known or referred to as a Homeowner's Association, Property this Section, Owners Association, Common Interest Community Association or other name of its choice.~~

5.2. ~~An OA may take includes any appropriate legal organizational format but must comply in its creation and operation equivalent entity formed for the same purpose, and charged with all applicable sections of the Code of Virginia. (Title 55.1 Property and Conveyances, Subtitle IV Common Interest Communities, Chapter 18 Property Owner's Association Act and Chapter 19 Virginia Condominium Act) the same ownership, management, and maintenance responsibilities listed in this subsection.~~

~~3. An OA must provide Loudoun County any amendments of its Declaration within 90 days of approval.~~

~~4. An OA declaration must provide sufficient mechanisms and authority to protect common elements and enforce development requirements.~~

~~5. Up to date contact information for the OA must be provided to the County whenever it changes.~~

B. ~~Owner's Association~~ Rights and Responsibilities.

1. ~~If a subdivision or other development contains any of the common areas or improvements listed below, the subdivision or development must have an OA as described in this Section 5.12. The OA~~Owners Associations must have the rights and responsibility to maintain the following areas or improvements, if present:
 - a. Common elements ~~and, such as common~~ open space areas, within the development that are not part of an individual lot.
 - b. ~~Lot(s) Lots and outlots~~ owned by the ~~OA~~Owners Association.
 - c. Private roads, ~~if any,~~ within or serving the development, except as provided in Section 5.12, subsection A.21.a.
 - d. Communal water supply and ~~/or~~ sewage ~~disposal~~ systems, unless the communal water ~~and/supply~~ or sewage ~~disposal~~ system is maintained by LCSA Loudoun Water or a public water or sewer utility as defined in Code of Virginia Title 56, Chapter 10.1 or Chapter 10.2 of Title 56 of the Code of Virginia.
 1. If ~~a communal water and/supply or sewage disposal system is~~systems are to be maintained by a third party, a minimum 2 yearthe Owners Association must submit the maintenance contract ~~is to be submitted~~ for review by the County.
 2. The maintenance contract must be for a minimum of 2 years.
 - e. Any storm drainage or stormwater management facilities or areas.
 - f. Fire protection ~~pond(s), ponds,~~ dry mains, or other improvements.
 - g. Fire lane identification located along public or private roads.
 - h. Other common facilities or improvements designated in the OAOwners Association bylaws.
 - i. Any other common facility or area not included in the list above that is available to all members of the OAOwners Association.
2. The OAAll common open space must be preserved and protected by the Owners Association for its intended purpose as expressed on the Concept Development Plan.
- 2.3. Owners Associations may have other responsibilities or activities not required or regulated by the Zoning Ordinance if provided they do not conflict with ~~its required responsibilities or this~~the requirements of the Zoning Ordinance.

C. Establishment ~~of the OA.~~

1. The OAOwners Association must be formally established prior to approval of the first record plat or final site plan in the proposed development or as required by approved proffers or conditions.
2. ~~The~~ Documents establishing the OAOwners Association must be reviewed and approved by the County, including:
6. ~~The OA must conform with the following requirements:~~
 - a. Bylaws, including provisions that:
 1. Membership ~~in the owner's association must be~~is mandatory for all property owners, present or future, within the planned development;
 2. The ~~organization~~Owners Association must manage, maintain, administer, and operate all open space and improvements and other land not publicly or privately owned ~~and must secure adequate liability insurance on the land and such improvements;~~ and
 3. The Owners Association must secure adequate liability insurance on the land and improvements it is responsible for.
 - b. Sales brochures or other literature and documents provided by the seller to buyers of all lots within the development ~~must include, including~~ information regarding membership requirements and OAOwners Association responsibilities.

- c. ~~OA documents must~~Documents that provide for adequate initial funding and assessments to fund the maintenance of common property and improvements.
- d. All documents governing ownership, maintenance, and use restrictions for common areas;

5.13 VariationLegal descriptions of Residential Lot Sizes

~~d.e.~~ **Purpose.** The purpose of varying residential lot sizes is to include a mixture of lot sizes and dimensions to allow for a variety of housing opportunitiescommon areas; and ~~avoid monotonous streetscapes.~~

~~A.~~ **VariationA description of Lot Sizes.** Developments inrestrictions placed upon the SN, SCN, TLN, TSN,use and JLMA Zoning Districts must provide a variety enjoyment of lot sizes as follows:

- ~~1.~~ All projects containing 10 or more residential lots must include a mixture of lot sizes and dimensions.
 - ~~a.~~ Larger and wider lots are encouraged on corner lots.
 - ~~b.~~ Smaller lots are encouraged adjacent to parks and open spaces.
- ~~2.~~ No more than 60% of all single family detached, and no more than 60% of all single family attached duplex, triplex, and quadruplex building lots, are permitted to be similar in total lot area.

~~e.f.~~ **For purposes of this subsection, "similar" lot areas in the SN, SCN, TSN, TCN, JLMA-LN, is defined as within 500 square feet of each other.land.**

~~a.~~ For purposes of this subsection, "similar" lot areas in the TLN 10, TLN 3, TLN 1, JLMA 1, JLMA 2, and JLMA 3 Zoning Districts is defined as within 1,000 square feet of each other.

- ~~1. Exception. Up to 70% of the lots within the subject subdivision may be similar if the Zoning Administrator finds that lot sizes and dimensions are sufficiently varied, for different housing types, to allow for a variety of housing opportunities and avoid monotonous streetscapes.~~

- ~~3.~~ **Dispersion of Lot Sizes.** Similar single family detached and similar single family attached duplex, triplex, and quadruplex lot sizes must be distributed throughout a subdivision rather than grouped in one area, unless the Zoning Administrator finds that the intent of this district and of the Zoning Ordinance will be better served by a design that tends to group lots of similar sizes.

CHAPTER 8: SIGNS

Contents:

- 68.01 Application of Sign Regulations
- 68.02 General Sign Requirements
- 68.03 Prohibited Signs
- 68.04 Freestanding Signs
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- 68.07 Historic Signs
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- 68.09 Sign Permits and Administration
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68.01 Application of 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. This section, therefore, establishes well-designed signs that contribute in positive ways to Loudoun County's visual environment while expressing local character and helping to develop a distinctive image of the County. This Chapter establishes standards for the physical type, number, physical dimensions, location, design, construction, installation, display, and safety of signs to accomplish the following purposes:

- Protect the right to freedom of expression.
- Ensure the compatibility of signs with land uses.
- Promote orderly, attractive, and effective signs.
- Treat similar types of signs consistently.
- Minimize competing demands for visual attention to graphic messages or displays by preventing and reducing visual clutter to help people find a location without difficulty or confusion.
- Allow for identification of addresses, places of business, and communities to promote public safety and identification by public safety and emergency personnel, residents, employees, consumers, and visitors to the County.
- Ensure that signs are accessory components of an overall composition of architectural elements and do not become dominant architectural elements by themselves. Ensure that signs are subordinate to the [Structures](#) and land use functions on the site.
- Determine placement consistent with traffic safety by reducing traffic hazards caused by distractions to motorists and impairment of sight lines.

- 39 • *Protect property values by facilitating harmony between residential and commercial uses.*
- 40 • *Incorporate new technologies for sign design and display where consistent with their context and the*
- 41 *County's long-range planning policies.*
- 42 • *Complement the character of the General Plan policy areas and zoning districts.*
- 43 • *Preserve the residential character of residential neighborhoods.*
- 44 • *Reduce administrative burdens.*
- 45 • *Avoid the creation of nonconformities.*
- 46 • *Facilitate the implementation of the General Plan's policy areas and place types.*
- 47 • *Preserve, protect, and promote the public health, safety and general welfare.*

48 **Findings:** *The County finds that the type, dimensions, setbacks, and physical design of signs permitted by this*
 49 *Chapter protect its interests in traffic safety, community character, and design, while allowing for adequate*
 50 *visibility, legibility, and pedestrian or motorist recognition and comprehension. The County finds and determines*
 51 *that the standards set out in this Chapter were developed after a public process in which the design and*
 52 *dimensional standards were tested against industry criteria, past experience in administering sign standards, and*
 53 *community input as to the appropriate characteristics of signs in the County's various neighborhoods and business*
 54 *areas.*

55 A. **Title.** This Chapter is known and may be cited as the "Loudoun County Sign Regulations" or "Sign
 56 Regulations."

57 **B. Applicability.**

- 58 1. **Generally.** This Chapter regulates the type, dimensions, design, and other characteristics of signs
 59 throughout the County. This Chapter applies to any sign within the County's zoning jurisdiction ~~(see~~
 60 ~~Section 1.03).~~
- 61 2. **Exemption.** This section does not apply to government signs. Examples of government signs include,
 62 but are not limited to, traffic signs, directional signs, and historical markers.

63 **B.C. Content Neutral.** This Chapter regulates only the sign structure and physical parameters and not the sign's
 64 content. Despite any other provision of this Chapter, no sign is subject to any limitation based on the
 65 content of its message. ~~Any sign authorized in this Chapter may contain any noncommercial copy in lieu~~
 66 ~~of any other copy.~~

67 **C.D. Allocation Standards.** This Chapter allocates signs by number and area to lots and structures. This system
 68 provides flexibility for persons and entities who display signs, avoids sign distinctions that depend on a
 69 sign's message, and minimizes potential traffic hazards and clutter. Because this Chapter does not regulate
 70 sign content, applicants and property owners may allocate signs by message type (for example, onsite
 71 advertising, directional, and opinion messages) in any manner within the sign quantity and area limits
 72 established in this Chapter.

- 73 1. Sections ~~68.04~~ through ~~68.06~~ establish standards and overall allowances for signs by number and area
 74 for 3 major sign categories:
 - 75 a. Freestanding signs (Section ~~68.04~~)
 - 76 b. Attached signs (Section ~~68.05~~)
 - 77 c. Incidental signs (Section ~~68.06~~)

2. Sections ~~68.04~~ through ~~68.06~~ include tables that establish the standards for individual sign types, including:

- a. Whether the sign type is permitted in the designated zoning districts ~~(see subsection E, below).~~
- b. Whether a Sign Permit is required.
- c. The maximum permitted number of signs of the designated category on the property, which may be based on factors such as:
 1. Number per street frontage
 2. Number per occupant (such as a business, institution, or other entity occupying a multitenant building) that has its own ground floor entryway or storefront
 3. Number entry (for example, per single-tenant building or multi-tenant building with a single entry)
 4. The total number of that sign type on a single lot or parcel
- d. Maximum sign dimensions, which may include, but are not limited to:
 1. Sign area
 2. Height
 3. Location
 4. Property line setback
 5. Spacing in relation to other signs
- e. Design characteristics, including whether the following design features are allowed or required:
 1. Digital
 2. Illumination, internal
 3. Illumination, external
 4. Illumination, halo lit
 5. Channel letters
 6. Changeable copy
 7. Animation

~~D.E.~~ **Categories.** Sections ~~68.04 through 6, 8.05, and 8.06~~ regulate sign characteristics by common zoning districts. The County regulates use, setbacks, building dimensions, and site and building design by zoning districts, which implement the policy areas and place types established by the General Plan. The zoning districts have common characteristics and are collapsed into common categories for purposes of applying this Chapter's sign regulations. These zoning districts are categorized for purposes of this Chapter as follows:

1. **Urban/Mixed Use:** Urban Transit Center (UT), Planned Development-Transit Related Center (PD-TRC), Urban Mixed Use (UM), Suburban Mixed Use (SM), Transition Community Center (TCC), ~~and~~ Planned Development- —Rural Village (PD-RV), Planned Development – Town Center (PD-TC), and Planned Development – Mixed Use Business (PD-MUB).
2. **Neighborhood:** ~~Suburban Neighborhood (SN), Suburban Compact Neighborhood (SCN), Transition Large Lot Neighborhood (TLN-1), Transition Large Lot Neighborhood (TLN-3), Transition Large Lot Neighborhood (TLN-10), Transition Small Lot Neighborhood (TSN), Transition Compact Neighborhood (TCN), Village Residential (VR), Village Agricultural/Residential (VAR),~~ Neighborhood:

Agricultural/Residential-3 (A-3), Countryside Residential (CR-1), Joint Land Management Area Neighborhood (JLMA-1), Joint Land Management Area Neighborhood (JLMA-2), Joint Land Management Area Neighborhood (JLMA-3), Joint Land Management Area-~~20~~ Leesburg Residential Neighborhood (JLMA-LN), Joint Land Management Area-~~20~~ (JLMA-20), Planned Development – Active Adult/Age Restricted, Planned Development – Housing (PD-H), Single -Family Residential-1 (R-1), Single Family Residential-~~2~~ (R-2), Single Family Residential-~~3~~ (R-3, R-4), Suburban Neighborhood (SN), Suburban Compact Neighborhood (SCN), Transitional Residential (TR-1, TR-3, TR-10) Transition Large Lot Neighborhood (TLN-1, TLN-3, TLN-10), Transition Small Lot Neighborhood (TSN), Transition Compact Neighborhood (TCN), Transitional Residential-2 (TR-2), Village Residential (VR), and Village Agricultural/Residential-3 (A-3), (VAR).

3. **Commercial:** Suburban Commercial (SC), Rural Commercial (RC), ~~and Village Commercial (VC), and Planned Development – Commercial Center – Regional Center (PD-CC-RC), and Planned Development – Commercial Center – Small Regional Center (PD-CC-SC).~~
4. **Employment/Industrial:** Urban Employment (UE), Suburban Employment (SE), Suburban Industrial (SI), Suburban Mineral Extraction (SME), Transition Light Industrial (TLI), Transition Industrial (TI), Transition Mineral Extraction (TME), Joint Land Management Area – Leesburg Employment (JLMA-LE), ~~and Joint Land Management Area – Leesburg Industrial/Mineral Extraction (JLMA-LME), and Commercial/Light Industry (CLI), General Business (GB), Mineral Resource-Heavy Industry (MR-HI), Planned Development – General Industry (PD-GI), Planned Development – Office Park (PD-OP), Planned Development – Industrial Park (PD-IP), Planned Development – Special Activities (PD-SA).~~
5. **Rural:** Agricultural Rural ~~North (ARN-1 (AR-1), Agricultural Rural South (ARS-2 (AR-2), and Agricultural-10 (A-10).~~

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8.02 General Sign Requirements

- A. **Signs Permitted.** Only signs listed in Sections ~~68.04, 68.05, 68.06, 8.07~~ and ~~6-078.08~~ are permitted. Those signs are subject to any regulations specifically set forth for each category and to all other regulations in this Chapter. No other signs are permitted.
- B. **Sign Requirements.** Sections ~~68.04, 68.05, 68.06, 8.07,~~ and ~~6-078.08~~ regulate 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.
- C. **Signs in PD Districts.** Signs in a Planned Development District (PD) are subject to the approved PD Master Plan or any applicable amendments.
- D. **Sign Permits and Sign Development Plans.** Signs that are subject to an approved Sign Permit or Sign Development Plan are subject to the terms of the applicable Sign Permit or Sign Development Plan.
- E. **Safety.** Signs must be properly secured and not impede visibility at intersections pursuant to ~~5-117.07.04.~~
- F. **Nonconforming Signs and Removal.** Any sign lawfully in existence at the time of the effective date of this Zoning Ordinance may be maintained although it does not conform with the provisions of this Zoning Ordinance, except that any such nonconforming sign, which was required to be removed under ~~the~~ prior Zoning Ordinance, must be removed. See Chapter 910 for additional requirements and allowances for nonconformities.

~~{1204(A)-D(D); 1202(B), (C)}~~

68.03 Prohibited Signs

Signs with any of the following characteristics are prohibited:

- A. **Signs Not Enumerated.** Any sign not specifically permitted by this Chapter.
- B. **Off-Premise Signs.** ~~Other than those on property or structure to which it directs attention. Is Any sign not~~ 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 the county or other governmental authority or the Virginia Department of Transportation, and (b) any other off-site ~~premise~~ sign that is specifically provided for in this Chapter.
- C. **Neon/Lighted Outlines.** Outlines of any building or sign with exposed neon illumination or other permanent lights, except as specifically permitted with the approval of a Sign Development Plan.
- D. **Snipe Signs.** Signs 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, publicly owned art within the public right-of-way, or another sign, except as required by law.
- E. **Glare.** Illuminated signs that reflect or cast glare, directly or indirectly, on any public roadway or adjacent property.
- F. **Attention-Getting Devices.** Balloons, banners, pennants, feather signs, or inflated devices, unless otherwise permitted by this Chapter.
- G. **Traffic Hazards.** No sign may be located or illuminated, or mimic traffic control signs, ~~if the~~. No sign may create a traffic hazard or obstruction for motorists, bicyclists, or pedestrians. The Zoning Administrator finds may find that the location, lighting, or design ~~would of a sign could~~ cause a traffic hazard or obstruction.

~~{5-1202(A), (D)}~~

68.04 Freestanding Signs

- A. **Applicability.** This section applies to freestanding signs, which include the following sign types:
 - 1. Ground signs. Pylon signs are subject to the same standards as ground signs.
 - 2. Pole signs.
 - 3. Sidewalk signs.
- B. **Ground Signs.**
 - 1. Ground signs must comply with Table ~~6~~ 8.04-1 below.
 - 2. Ground signs must include a landscaped base with a minimum depth of 3 feet on all sides (see Figure 1). The applicant must maintain the landscaped base.

Table-6 Figure 8.04-1 Ground Signs



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Table 8.04-1 Ground Signs

Standard/Requirement	Zoning District Categories				
	Rural	Neighborhood	Commercial	Employment/ Industrial	Urban/Mixed Use
1 Allowed?	Y	NR	Y	Y	Y
2 Permit required?	Y	Y	Y	Y	Y
3 Number allowed (all ground and pole signs)	Lot < 5 acres: 1 Lot > 5 acres: 2	2	4	3	2
Dimensions					
4 Cumulative area (max-all ground and pole signs)	Lot > 5 acres: 60 sf	20 sf	120 sf	100 sf	120 sf
5 Individual sign area (max)	Lot < 5 acres: 20 sf Lot > 5 acres: 45 sf	15 sf	45 sf	60 sf	45 sf
6 Height (ft, max)	4'	8'	15'	8'	8'
Location					
7 ROW Setback (ft, min)	5'	5'	5'	5'	5'
8 Spacing from other signs (ft, min)	N/A	N/A	N/A	N/A	N/A
Design					
9 Digital (max. percent of sign area or 30 sf, whichever is greater)	N	N	40%	40%	40%

Table 8.04-1 Ground Signs

Standard/Requirement	Zoning District Categories				
	Rural	Neighborhood	Commercial	Employment/ Industrial	Urban/Mixed Use
10 Backlight	N	Y	Y	Y	Y
11 Illumination, External	Y	Y	Y	Y	Y
12 Illumination, Halo Lit	N	N	N	N	Y
13 Channel Letters	Y	Y	Y	Y	Y
14 Animated	N	N	N	N	N

Key to Table 6.04-1: **Yes** = the sign type or characteristic is permitted; **No** = the sign type or characteristic is not permitted; **R** = the sign type or characteristic is required; **NR** = the sign type is permitted for nonresidential uses only; **"N/A"** the standard does not apply; sf = square feet; ' = feet. For zoning district categories, see Section 68.01.

C. Pole Signs. Pole signs must comply with Table 8.04-2 below.

Figure 68.04-1-2 Pole Signs



Pole Signs. Pole signs must comply with Table 6.04-2 below.

Table 68.04-2 Pole Signs

Standard/Requirement	Zoning District Categories				
	Rural	Neighborhood	Commercial	Employment/ Industrial	Urban/Mixed Use
1 Allowed?	Y	NR	Y	Y	Y
2 Permit required?	Y	Y	Y	Y	Y

Table 68.04-2 Pole Signs

Standard/Requirement	Zoning District Categories				
	Rural	Neighborhood	Commercial	Employment/ Industrial	Urban/Mixed Use
3 Number allowed (<i>all ground and pole signs</i>)	Lot < 5 acres: 1 Lot > 5 acres: 2	2	4	3	2
Dimensions					
4 Cumulative area (<i>max-all ground and pole signs</i>)	Lot > 5 acres: 60 sf	20 sf	120 sf	100 sf	120 sf
5 Individual sign area (<i>max</i>)	Lot < 5 acres: 20 sf Lot > 5 acres: 45 sf	10 sf	20 sf	30 sf	20 sf
6 Height (<i>ft, max</i>)	5'	5'	15'	8'	15' 8'
Location					
7 ROW Setback (<i>ft, min</i>)	<u>5'</u>	<u>5'</u>	<u>5'</u>	<u>5'</u>	<u>5'</u>
8 Spacing from other signs (<i>ft, min</i>)	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
Design					
9 Digital (<i>max. percent of sign area or 30 sf, whichever is greater</i>)	N	N	N	N	<u>N</u>
10 Backlight	N	Y	Y	Y	Y
11 Illumination, External	Y	Y	Y	Y	Y
12 Illumination, Halo Lit	N	N	N	N	N
13 Channel Letters	Y	Y	Y	Y	Y
14 Animated	N	N	N	N	N

Key to Table 6.04-1: **Yes** = the sign type or characteristic is permitted; **No** = the sign type or characteristic is not permitted; **R** = the sign type or characteristic is required; **NR** = the sign type is permitted for nonresidential uses only; "N/A" the standard does not apply; sf = square feet; ' = feet. For zoning district categories, see Section 68.01.

C.D. Sidewalk Signs. Sidewalk signs must comply with Table 68.04-3. In addition, sidewalk signs must be located on the sidewalk in front of and within 20 linear feet of a building entrance for the tenant space. The sidewalk sign's placement must leave at least a 4-foot-wide unobstructed space for pedestrians on the sidewalk in front of the tenant space.

Figure 8.04-3 Sidewalk Signs



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Table 8.04-3 Sidewalk Signs

Standard/Requirement	Zoning District Categories				
	Rural	Neighborhood	Commercial	Employment/ Industrial	Urban/Mixed Use
1 Allowed?	N	N	Y	Y	Y
2 Permit required?	<u>-N/A</u>	<u>-N/A</u>	Y	Y	Y
3 Number allowed	<u>-N/A</u>	<u>-N/A</u>	1 per building entry	1 per building entry	1 per building entry
Dimensions					
4 Cumulative area (max-all ground signs)	<u>-N/A</u>	<u>-N/A</u>	<u>-N/A</u>	<u>-N/A</u>	<u>-N/A</u>
5 Individual sign area (max)	<u>-N/A</u>	<u>-N/A</u>	6 sf	6 sf	6 sf
6 Height (ft, max)	<u>-N/A</u>	<u>-N/A</u>	3'	3'	3'
Location					
7 ROW Setback (ft, min)					
8 Spacing from other signs (ft, min)					
Design					
7 Digital (max. percent of sign area or 30 sf, whichever is greater)	<u>-N/A</u>	<u>-N/A</u>	N	N	N
8 Backlight	<u>-N/A</u>	<u>-N/A</u>	N	N	N
9 Illumination, External	<u>-N/A</u>	<u>-N/A</u>	N	N	N

Table 68.04-3 Sidewalk Signs

Standard/Requirement	Zoning District Categories				
	Rural	Neighborhood	Commercial	Employment/ Industrial	Urban/Mixed Use
10 Illumination, Halo Lit	N/A	N/A	N	N	N
11 Channel Letters	N/A	N/A	N	N	N
12 Animated	N/A	N/A	N	N	N

Key to Table 6.04-1: **Yes** = the sign type or characteristic is permitted; **No** = the sign type or characteristic is not permitted; **R** = the sign type or characteristic is required; **NR** = the sign type is permitted for nonresidential uses only; "~~N/A~~" the standard does not apply; sf = square feet; ' = feet. For zoning district categories, see Section 68.01. "Building entry" means a building space that has a ground floor public entrance abutting a sidewalk.

~~{1204, Table 5-1204(D)(Sign Requirements Matrix)}~~

68.05 Attached Signs

A. **Applicability.** This section applies to attached signs, which include the following sign types:

1. Wall Signs
2. Window Signs
3. Murals

B. **Wall Signs.** Wall Signs must comply with Table 68.05-1 below.

Table 68.05-1 Wall Signs

Standard/Requirement		Zoning District Categories					
		Rural	Neighborhood		Commercial	Employment/ Industrial	Urban/Mixed Use
1	Allowed?	Y	Y	NR	Y	Y	Y
2	Permit required?	Y	NY	Y	Y	Y	Y
3	Number allowed	Per lot: Lot < 5 acres: 1 Lot > 5 acres: 3	2 per building	2 per building	4 per building + 1 per building entry	4 per building	4 + 1 per building entry
Dimensions							
4	Cumulative area (all building wall signs, per building)	Lot > 5 acres: 60 sf	4 sf	20 sf	20% per Façade	20% per Facade	20% per Facade
5	Individual sign area (max)	Lot < 5 acres: 10 sf Lot > 5 acres: 20 sf	4 sf	10 sf	1% of building Facade, up to 200 sf	0.5% of building Facade, up to 100 sf	1% of building Facade, up to 200 sf
6	Height (ft, max)	A wall sign must not extend above or beyond the perimeter of the wall or Facade to which it is attached.					
Location							
7	ROW Setback (ft, min)						
8	Spacing from other signs (ft, min)						
Design							
7	Digital (max. percent of sign area or 30 sf, whichever is greater)	N	N	N	40%	40%	40%
8	Backlight	N	N	Y	Y	Y	Y
9	Illumination, External	Y	N	Y	Y	Y	Y

Table 6.05-1 Wall Signs

Standard/Requirement		Zoning District Categories				
		Rural	Neighborhood		Commercial	Employment/ Industrial
10	Illumination, Halo Lit	Y	N	N	Y	Y
11	Channel Letters	N	Y	Y	Y	Y
12	Animated	N	N	N	N	N

Key to Table 6.04-1: **Yes** = the sign type or characteristic is permitted; **No** = the sign type or characteristic is not permitted; **R** = the sign type or characteristic is required; **NR** = the sign type is permitted for non-residential uses only; **"N/A"** the standard does not apply; sf = square feet; ' = feet. For zoning district categories, see Section 6.01. "Building entry" means a building space that has a ground floor public entrance abutting a sidewalk. For purposes of this subsection, "facade" does not include any rooftop **Structure** as defined by the Virginia Uniform Statewide Building Code (such as an enclosed mechanical room).

C. Window Signs. ~~Window signs must comply with Table 6.05-2.~~

1. Window Signs are allowed in addition to Wall Signs.
2. For multistory buildings, Window Signs may be located on the first story of the building or street level. Window Signs are not permitted on the second building story or above.
3. Window Signs must comply with Table 8.05-2.

Table 6.05-2 Window Signs

Standard/Requirement	Zoning District Categories				
	Rural	Neighborhood	Commercial	Employment/ Industrial	Urban/Mixed Use
1 Allowed?	Y	Y	Y	Y	Y
2 Permit required?	NY	NY	Y	Y	Y
3 Number allowed	3	3	4 per building Façade or 4 per tenant space*	4 per building Façade or 4 per tenant space*	4 per building Façade or 4 per tenant space*
Dimensions					
4 Cumulative area (max-all ground signs)	N/A	N/A	Lesser of 25% of the total square footage of window area or 10 sf		
5 Individual sign area (max)	1.5 sf	1.5 sf	N/A	N/A	N/A
6 Height (ft, max)	N/A	N/A	N/A	N/A	N/A
Location					
7 ROW Setback (ft, min)					
8 Spacing from other signs (ft, min)					
Design					
7 Digital (max. percent of sign area or 30 sf, whichever is greater)	N	N	N	N	40%
8 Backlight	N	N	Y	N	Y
9 Illumination, External	N	N	Y	N	Y
10 Illumination, Halo Lit	N	N	Y	N	Y
11 Channel Letters	N	N	Y	Y	Y
12 Animated	N	N	N	N	N

Key to Table 6.04-1: **Yes** = the sign type or characteristic is permitted; **No** = the sign type or characteristic is not permitted; **R** = the sign type or characteristic is required; **NR** = the sign type is permitted for nonresidential uses only; ~~“N/A”~~ the standard does not apply; sf=s square feet; ' = feet. For zoning district categories, see Section 67.01. ~~“*”~~“Tenant space” means a building space occupied by a tenant or owner, and that has a ground floor public entrance abutting a sidewalk.

{1204, Table 5-1204(D)(Sign Requirements Matrix)}

D. Murals. Murals must comply with Table 8.05-3. The number and area of murals is counted toward the maximum number and area of wall signs (see subsection A above). This restriction does not apply to the SM, UE, SE, SI, TLI, TI, JLMA-LE and JLMA-LMI districts.

4. Location.

a. Murals are not permitted on the front building wall. The "front building wall" is a building elevation that faces the adjacent street right-of-way and is the primary entrance. Buildings located on a block corner with the primary entrance located diagonally at the building corner to both intersecting streets has 2 primary front building walls.

b. Additional Mural Facing Side or Rear Parking Lot. Lots with parking to the side or rear of a building are allowed one mural facing the parking lot, if at least 50 percent of the required parking for the establishment is located to the side or rear of the building and an entrance to the establishment faces the parking lot. The area of the secondary signs placed on the primary

wall is calculated using the linear footage of the secondary walls and transferred to the primary building wall.

5. Text.

a. Murals may include words, text, logos, emblems, trademarks or numbers (hereinafter "text") within the depiction that do not exceed the following cumulative area, whichever is less:

1. 20% of the total size of the depiction, up to the maximum allowable wall sign area, or
2. 5% of the surface area of the wall to which it is attached or painted.

b. The Zoning Administrator may approve additional words, text, logos, emblems, trademarks or numbers upon finding that it is an artistic element that is integral to the mural. In making this determination, the Zoning Administrator shall consider the form, proportion, scale, color, materials, surface treatment, overall mural size, and the size and style of lettering. The Zoning Administrator must not consider the message that the text conveyed. In making this determination, the Zoning Administrator may refer the Sign Permit application to the Loudoun Arts Council for its recommendation.

6. Attachment. Murals may be applied directly to a wall, or attached to a frame or substrate that is attached to a wall. Murals that extend beyond or project above the vertical or horizontal line of any wall onto which the mural is painted or affixed must be attached so as to not create a safety hazard to the public.

7. Sign Permits for Murals

a. Sign Permit Required. A mural requires a Sign Permit. If the mural is located in a Historic Overlay District, a Certificate of Appropriateness—Administrative for Minor Actions (CAPA) is also required (see section 11.13).

b. Initiation. In addition to the materials required for a Sign Permit, a Sign Permit application for a mural shall include:

1. Site plan, aerial view, or diagram showing the lot and building dimensions, and indicating the proposed location of the mural.
2. Scale drawing or color photo of the building showing the proposed size and placement of the mural.
3. Colored drawings of the proposed mural.
4. Commission value of the work.
5. Materials to be used.
6. Life expectancy and maintenance plan.

8. Standards for Approval. The Zoning Administrator must consider whether a Sign Permit meets the following standards for approval:

a. The mural's components, including its Structure and construction materials:

1. Are securely attached to the building or Structure to which it is applied.
2. Incorporate paint, evolving paint and vinyl printing technologies, or other artistic mediums such as tile or mosaic.

b. The mural is not applied to any surface that was unlawfully established.

c. The mural is not installed in a location that conflicts with the setback requirements of the zoning district in which it is located.

- d. The mural is not above a height that is or would be nonconforming to current building height limitations.
- e. The mural is designed and constructed under the supervision of an artist who has demonstrated murals expertise.

Table 8.05-3 Murals

Standard/Requirement		Zoning District Categories				
		Rural	Neighborhood	Commercial	Employment/ Industrial	Urban/Mixed Use
1	<u>Allowed?</u>	<u>Y</u>	<u>Y</u>	<u>NR</u>	<u>Y</u>	<u>Y</u>
2	<u>Permit required?</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>
3	<u>Number allowed</u>	<u>Per lot:</u> <u>Lot < 5 acres: 1</u> <u>Lot > 5 acres: 2</u>	<u>1 per</u> <u>building</u>	<u>1 per</u> <u>building</u>	<u>1 per building</u>	<u>1 per building</u>
Dimensions						
4	<u>Cumulative area</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
5	<u>Individual sign area (max)</u>	<u>Lot < 5 acres: 10 sf</u> <u>Lot > 5 acres: 20 sf</u>	<u>4 sf</u>	<u>10 sf</u>	<u>1% of building</u> <u>Facade, up to 200 sf</u>	<u>0.5% of building</u> <u>Facade, up to 100 sf</u>
	<u>- SM, UE, SE, SI, TLI, TI,</u> <u>JLMA-LE and JLMA-LMI</u> <u>districts</u>	<u>N/A</u>			<u>5% of building</u> <u>Facade</u>	<u>1% of building</u> <u>Facade, up to 200 sf</u> <u>Facade</u>
6	<u>Height (ft, max)</u>	<u>A mural must not extend above or beyond the perimeter of the wall or Facade to which it is attached.</u>				
Design						
7	<u>Digital</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
8	<u>Backlight</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>
9	<u>Illumination, External</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>
10	<u>Illumination, Halo Lit</u>	<u>Y</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>Y</u>
11	<u>Channel Letters</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>
12	<u>Animated</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
Key to Table 6.04-1: Yes = the sign type or characteristic is permitted; No = the sign type or characteristic is not permitted; R = the sign type or characteristic is required; NR = the sign type is permitted for nonresidential uses only; N/A = the standard does not apply; sf = square feet; ' = feet. For zoning district categories, see Section 7.01. "Building entry" means a building space that has a ground floor public entrance abutting a sidewalk. For purposes of this subsection, "facade" does not include any rooftop Structure as defined by the Virginia Uniform Statewide Building Code (such as an enclosed mechanical room).						

8.06 Incidental Signs

- A. **Applicability.** This section applies to Incidental Signs, which include the following sign types:
- Lamp Post Banners
 - De Minimis Signs
 - Temporary Signs
 - Incidental Signs, generally
- B. **Lamp Post Banners.** Lamp Post Banners must comply with Table ~~6~~ 8.06-1 below. Lamp Post Banners are not permitted in Rural and Neighborhood Zoning District Categories.

Table 68.06-1 Lamp Post Banners

Standard/Requirement		Commercial, Employment/Industrial, and Urban/Mixed Use Zoning District Categories
1	Allowed?	Y
2	Permit required?	Y
3	Number allowed	1 per lamp post
Dimensions		
4	Cumulative area (max-all banner signs lamp post banners on property)	N/A
5	Individual sign area (max)	8 sf
6	Height (ft, max)	No point of the banner can extend higher than 15' above grade.
Location		
7	ROW Setback (ft, min)	N/A
8	Spacing from other signs (ft, min)	N/A
Design		
9	Backlight	N
10	Illumination, External	N
Key to Table 6.04-1: Yes = the sign type or characteristic is permitted; No = the sign type or characteristic is not permitted; R = the sign type or characteristic is required; NR = the sign type is permitted for nonresidential uses only; " N/A " the standard does not apply; sf =s square feet; ' = feet. For zoning district categories, see Section 68.01.		

C. **De Minimis Signs.** De minimis signs must comply with Table 68.06-2 below.

Table 68.06-2 De Minimis Signs

Standard/Requirement		Any Zoning District Categories
1	Allowed?	Y
2	Permit required?	N
3	Number allowed	-N/A
Dimensions		
4	Cumulative area (max-all de minimis signs-on-property)	2-sf2 sf per building or 2 sf per tenant in a multi-tenant building
5	Individual sign area (max)	1 sf
6	Height (ft, max)	-N/A
Location		
7	ROW Setback (ft, min)	--
8	Spacing from other signs (ft, min)	--
Design		
7	Digital	Y
8	Backlight	Y
9	Illumination, External	Y
10	Illumination, Halo Lit	Y
11	Channel Letters	Y
12	Animated	N

Key to Table 6.04-1: **Yes** = the sign type or characteristic is permitted; **No** = the sign type or characteristic is not permitted; **R** = the sign type or characteristic is required; **NR** = the sign type is permitted for nonresidential uses only; **-N/A** = the standard does not apply; sf = square feet; ' = feet. For zoning district categories, see Section 68.01.

D. Temporary Signs. Temporary Signs must comply with Table 68.06-3 below.

1. Sign Permits for Temporary Signs are limited to 120 calendar days within a 12 month period.
 - a. The Sign Permit will Application must include the dates of sign display, which do not have to be consecutive.
 - b. Signs must be removed prior to Sign Permit expiration.
 - c. The Zoning Administrator may grant extensions to a Sign Permit for a Temporary Sign based on written justification for the need of an extension.

Table 68.06-3 Temporary Signs

Standard/Requirement		Any Zoning District Categories
1	Allowed?	Y
2	Permit required?	Y
3	Number allowed	-N/A
Dimensions		
4	Cumulative area (max-all temporary signs)	-N/A
5	Individual sign area (max)	32 sf
6	Height (ft, max)	8'
Location		
7	ROW Setback (ft, min)	5'
8	Spacing from other signs (ft, min)	20'
Design		

Table 68.06-3 Temporary Signs

Standard/Requirement		Any Zoning District Categories
7	Digital (<i>max. percent of sign area or 30 sf, whichever is greater</i>)	N
8	Backlight	N
9	Illumination, External	N
10	Illumination, Halo Lit	N
11	Channel Letters	N
12	Animated	N

Key to Table 6.04-1: **Yes** = the sign type or characteristic is permitted; **No** = the sign type or characteristic is not permitted; **R** = the sign type or characteristic is required; **NR** = the sign type is permitted for nonresidential uses only; ~~“N/A”~~ the standard does not apply; sf = square feet; ' = feet. For zoning district categories, see Section 68.01.

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E. Incidental Signs, Generally. Incidental Signs must comply with Table 68.06-4 below. ~~This subsection applies~~

1. ~~Incidental signs may be freestanding or attached, subject to incidental signs generally. any restrictions established by Table 8.04-4.~~
2. The number and area of Incidental Signs described ~~below in Table 8.04-4~~ is the net of any Temporary signs- Signs on the property. *For example, if a residential lot has 4 temporary signs that are 2 square feet each (8 square feet cumulative), then 2 additional Incidental Signs that are allowed up to 12 square feet each (24 square feet cumulative-) are allowed for a cumulative total of 32 square feet of Incidental Signs ~~may be freestanding or attached, subject to any restrictions established by Table 6.04-4.~~*

Table 68.06-4 Incidental Signs, Generally

Standard/Requirement	Zoning District Categories				
	Rural	Neighborhood	Commercial	Employment/ Industrial	Urban/ Mixed Use
1 Allowed?	Y	Y	Y	Y	Y
2 Permit required?	N	N	Y	Y	Y
3 Number allowed	6 (≤ 2 ≤ attached)	N/A	1 per building entry	1 per building entry	1 per building entry
Dimensions					
4 Cumulative sign area (max- all freestanding signs)	32 sf	32 sf	32 sf	32 sf	32 sf
5 Individual sign area (max - attached only)	2 sf	2 sf	2 sf	2 sf	2 sf
6 Height (ft, max)	5'	5'	6'	6'	6'
Location					
7 ROW Setback (ft, min)					
8 Spacing from other signs (ft, min)					
Design					
7 Digital (max. percent of sign area or 30 sf, whichever is greater)	N	N	40%	N	40%
8 Backlight	N	N	Y	N	Y
9 Illumination, External	N	N	Y	N	Y
10 Illumination, Halo Lit	N	N	N	N	N
11 Channel Letters	Y	Y	Y	Y	Y
12 Animated	N	N	N	N	N

Key to Table 6.04-1: **Yes** = the sign type or characteristic is permitted; **No** = the sign type or characteristic is not permitted; **R** = the sign type or characteristic is required; **NR** = the sign type is permitted for ~~non-residential~~ **Nonresidential** uses only; **"N/A"** the standard does not apply; sf = square feet; ' = feet. For zoning district categories, see Section 68.01. "Building entry" means a building space that has a ground floor public entrance abutting a sidewalk.

~~{1204, Table 5-1204(D)(Sign Requirements Matrix)}~~

68.07 Historic Signs

- A. **Applicability.** A property owner may apply to designate a sign as an Historic Landmark in the National Register of Historic Places, the Virginia Landmark Register, or the County Heritage Register.
- B. **Designation.** Landmark designation for any sign must occur as provided in Section 4.075.08.
- C. **Effect of Designation.** A sign designated as a landmark:
 1. Must comply with all applicable requirements of Section 4.075.08 and any criteria adopted by the designating agency, and
 2. May exceed the area or height established by this Chapter, and may include any design features otherwise prohibited by this Chapter and consistent with the landmark designation, ~~and is considered a conforming sign.~~
 3. A designated Historic Sign is a legally established conforming sign.
- D. **Alteration or Destruction.**
 1. If the designated Historic Sign is altered or destroyed, it loses its historic designation. ~~However, the~~
 - 1.2. The Historic Sign may be rebuilt at the same location and up to the area and height of the original sign, and must replicate the design characteristics of the original sign in terms of color, materials, mounting, and similar features. Subject to the prior approval of the designating agency, alternate comparable materials may be substituted in the reconstruction of the sign if the original materials:
 - a. Are no longer available, ~~or~~
 - b. Are so cost prohibitive their use in reconstruction of the sign is infeasible.

68.08 Illuminated and Digital Signs

- A. **Applicability.** This section applies to any illuminated sign. Types of illumination include: digital, backlight, external illumination, and halo lit.
- B. **Brightness.**
 1. The intensity of the light source for an illuminated sign must not produce glare, the effect of which constitutes a traffic hazard or is otherwise detrimental to the public health, safety, or welfare.
 2. Illuminated signs must not operate at brightness levels of more than 0.3 foot-candles above ambient light as measured using a foot candle (Lux) meter, measured at the property line.
- C. **Digital Signs.** Digital signs must comply with the following standards, and the applicant must demonstrate compliance with the following standards in the Sign Permit Application:
 1. **Where Permitted.** See Sections 68.04, 68.05 and 68.06.
 2. **Hold Time.** Each message on the sign must be displayed for at least 4 seconds duration.
 3. **Message Transition.** Digital signs must contain static messages changed only through dissolve or fade transitions and must not have movement or the appearance or optical illusion of movement during the static display period of any part of the sign. A static message must not include any flashing or the varying of light intensity, and the message must not scroll. The change of message using dissolve or fade transition must not exceed 1 second of time between each message displayed on the sign.
 4. **Light Sensing Device.** Each digital sign must have a light sensing device that will adjust the brightness as ambient light conditions change.
 5. **Automatic Shutoff.** A digital sign must:
 - a. Have automatic dimmer software or solar sensors to control brightness for nighttime viewing and variations in daytime ambient light.

- b. Include systems and monitoring to either turn the display off, show "full black" on the display, or include a default mechanism that freezes the sign in one position if a malfunction occurs.
 - c. Be designed so that a catastrophic power surge will cause the sign to go dark or to deploy the maximum brightness limitations.
 - d. Automatically adjust the intensity of its display according to natural ambient light conditions.
- 6. **Owner Responsibilities.** The sign owner must provide the Zoning Administrator the phone number and email address of the property owner and a person who is available to be contacted at any time and who is able to turn off the electronic sign promptly after a malfunction occurs.
- 7. **Maintenance.** The sign owner must repair or replace light modules on digital signs within 30 days after they become broken, burned-out, or substantially dimmed.
- D. **External Illumination.** All fixtures used for the external illumination of signs must be shielded and must direct lighting only to the sign face and not to any surrounding surface.

Draft 8/5/22

8.09 Sign Permits and Administration

~~E.~~ Sign Permits.

- ~~1. Applicability.~~ If section ~~68.04~~, ~~68.05~~, or ~~68.06~~ requires a Sign Permit, the sign must not be erected without obtaining a Sign Permit ~~from the Zoning Administrator.~~

- ~~A. The Zoning Administrator will not issue a sign permit unless a fee, if required, and as set by the Board of Supervisors, is paid and and the proposed sign conforms pursuant to the requirements of this ChapterSection 11.05.~~

B. Removal of Signs.

1. If 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 **Zoning** Ordinance, the Zoning Administrator will order that **such** sign ~~to~~ be made safe or comply with this Chapter, as the case may be, or be removed.
2. The Zoning Administrator will send the order 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.
3. Within 5 **workingbusiness** days of the receipt or refusal of the order, the owner or violator must correct the sign based on the Zoning Administrator's order.
4. The Zoning Administrator may grant 1 extension, not to exceed 10 **workingbusiness** days, based on written justification for the need of an extension.
5. Failure to comply with the order is grounds for the Zoning Administrator to issue a civil summons pursuant to Section ~~6-504~~**11.14.D** and to take other appropriate actions to have the sign removed.

C. Sign Development Plan (~~SIDP~~).

- ~~2. Applicability.~~ An applicant may request a **SIDPSign Development Plan pursuant to Section 11.11.03** for ~~÷~~

1. signs that have an unusual design or artistic features that require an alternative to the dimensional or design regulations of this Chapter, ~~or,~~

~~a. Revisions to Comprehensive Sign Packages approved as a condition of rezoning.~~

- ~~3. Process.~~ Alternative sign regulations for permitted signs may be requested with the submission of a SIDP. Requests for approval of a SIDP or revisions to an approved SIDP (or Comprehensive Sign Packages) must be made in accordance with the procedures for a Special Exception application as set forth in Section 7.09, except that the Issues for Consideration are as set forth in Section ~~5-1202(E)(1).~~

- ~~4. Submittal.~~ An application for a SIDP must include the following materials:

~~a. A statement of justification, addressing whether and how each sign proposed by the SIDP would comply with subsection 4 below.~~

~~b. A comparison chart of the proposed sign regulations in relation to the ordinance regulations, using the table format specified under the applicable sign requirements.~~

~~c. Each of the various sign types proposed, including the design, materials, colors, and illumination, to be used to achieve a complementary system of signs and graphics.~~

~~d. A sign map, depicting the location of each of the various proposed sign types.~~

~~e. The boundaries of any zoning districts and property lines on and adjacent to the subject property.~~

- ~~5. Standards.~~ A SIDP must demonstrate that the signs subject to the SIDP are in compliance with each of the following standards:

~~a. The signs~~

- ~~b. The signs void traffic safety hazards by minimizing unnecessary distractions for motorists, bicyclists, and/or pedestrians.~~
- ~~c. The signs are compatible with and subordinate to the structures and land uses on the same site as the sign(s).~~
- ~~d. The signs address impacts to the night sky.~~
- ~~e. The signs incorporate energy efficient measures, where possible.~~
- ~~f. The signs avoid creating competing demands for visual attention.~~

~~6. **Minor Revisions.** An applicant with an approved SIDP may request minor revisions to the approved SIDP (or Comprehensive Sign Packages) as follows:~~

- ~~a. **Applicability:** A minor revision is limited to:

 - ~~1. The addition of a sign category not addressed in the approved SIDP, or~~
 - ~~2. Revision to a sign category that was addressed in the approved SIDP.~~~~
- ~~b. Such minor revisions are reviewed for consistency with the approved SIDP.~~
- ~~c. Requests for approval of minor revisions must be made in accordance with the procedures for a Minor Special Exception application as set forth in Section 7.08, except that the Standards are as set forth in subsection 4 above.~~

~~[1203, 1202(E)]~~

68.10 Sign Measurements

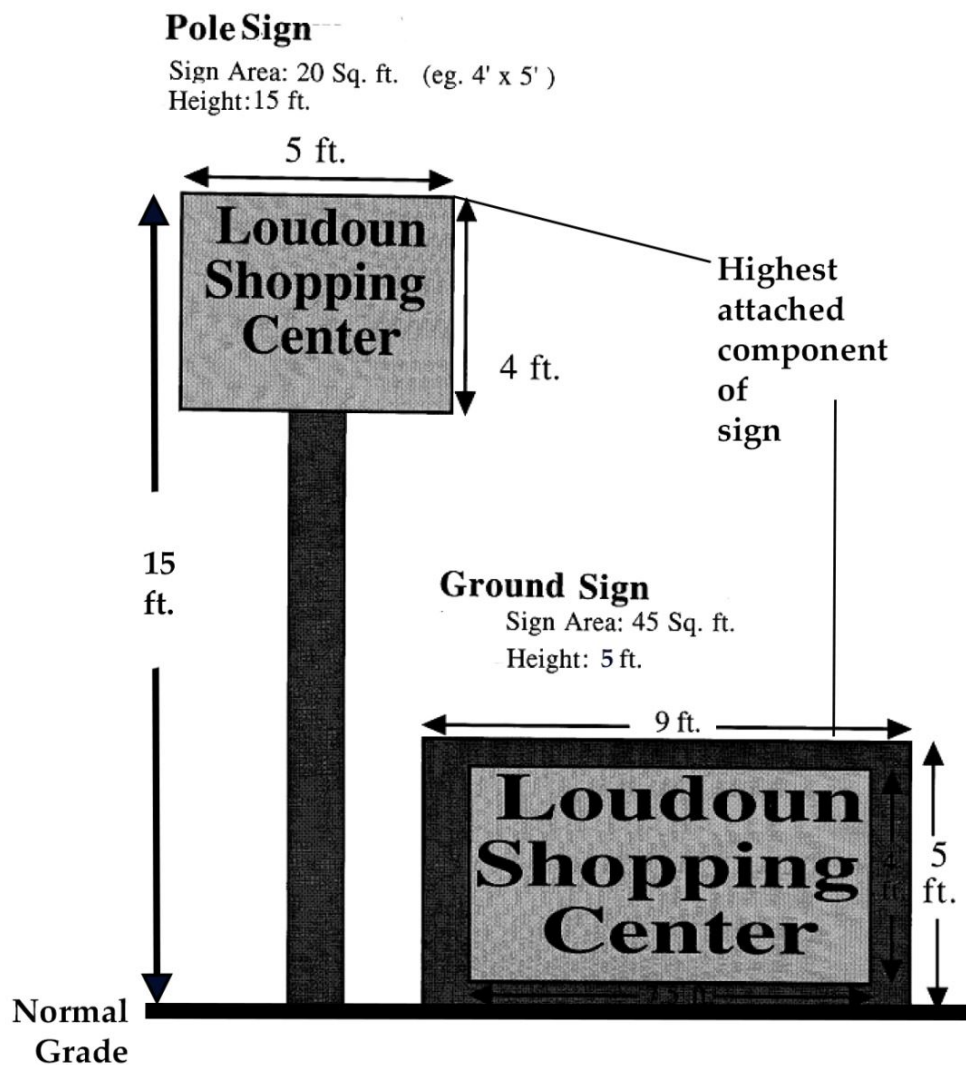
A. Generally.

1. The sign area is within a continuous perimeter enclosing the limits of a sign.
2. The sign area includes any frame or other material or color that forms an integral part of the display or is used to differentiate the sign from the background against which it is placed, but excluding the structural supports or uprights on which the sign is placed.

B. Freestanding Signs.

1. **Area.** The area of a freestanding sign is determined by:
 - a. A rectangle enclosing the sign face, including background elements but not including any poles supporting the sign, for a pole sign.
 - b. A rectangle enclosing the area of the sign face and structure for a ground sign.
 - c. The sign area includes both the sign face and the background structure.
 - d. Where lettering appears back to back (i.e., on opposite sides of a sign), only one display face is counted in the sign area.
2. **Height.** The height of a sign must be computed as the linear measurement from the base of the sign at normal grade to the top of the highest attached component of the sign. If the land is uneven at the base of the sign, the elevation at the halfway point (middle) of the sign at the base ~~shall~~must be used. Normal grade is the lower of (1) the existing grade prior to construction, or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating for the purpose of locating the sign.

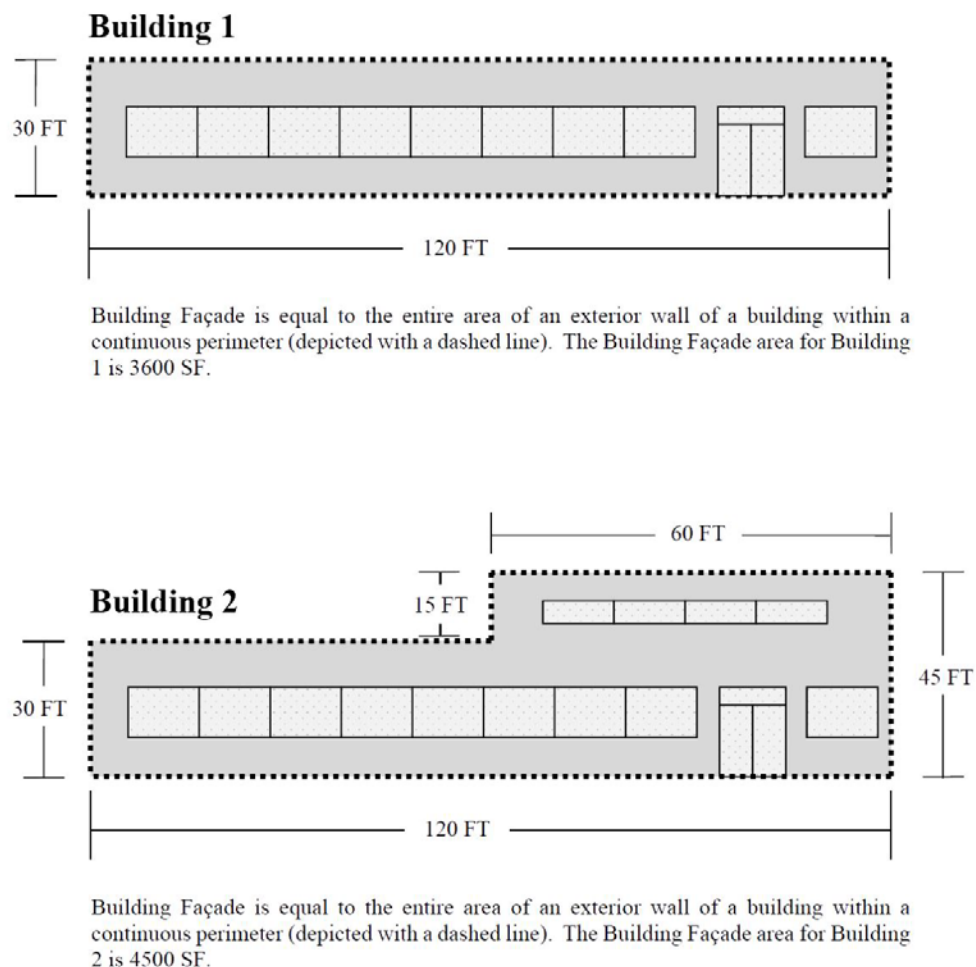
Figure 68.10-1 Freestanding Sign Measurements



C. Attached Signs.

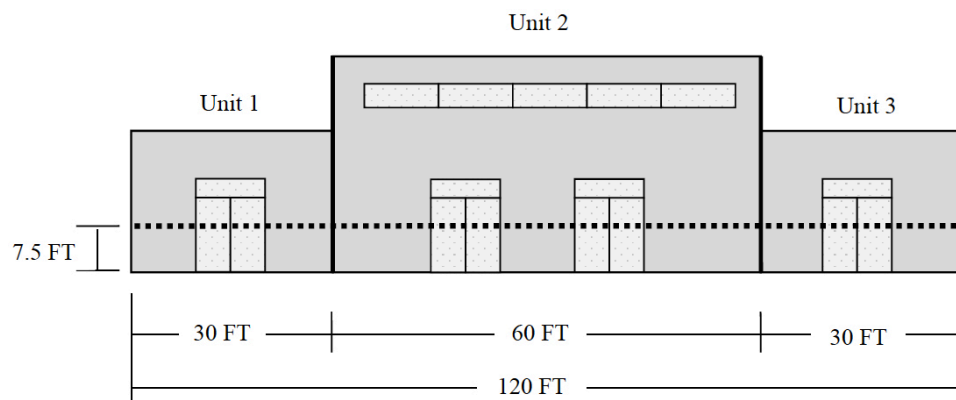
1. The building façade area is equal to the entire area of an exterior wall of a building within a continuous perimeter (depicted with a dashed line) and includes windows and doors.

Figure 68.10-2 Building Façade Measurements



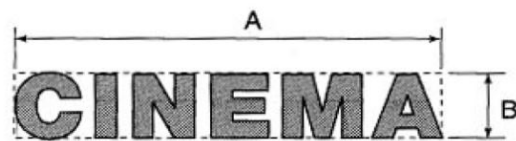
2. Linear Foot (LF) is equal to the length of a wall of a building that physically encloses usable interior space. LF is measured at a height not greater than 10 feet above grade. In this example, the **Linear Foot (LF)** of Units 1 and 3 is 30 feet, the **Linear Foot (LF)** of Unit 2 is 60 feet, and all lengths have been measured at 7.5 feet above grade (depicted with a dashed line).

Figure 68.10-3 Linear Foot Measurements



- D. **Irregular Shaped Signs.** The area of an irregular shaped sign is 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. The area is the area of two rectangles formed by 8 connecting lines.

Figure 68.10-4 Irregular Shaped Sign Measurements



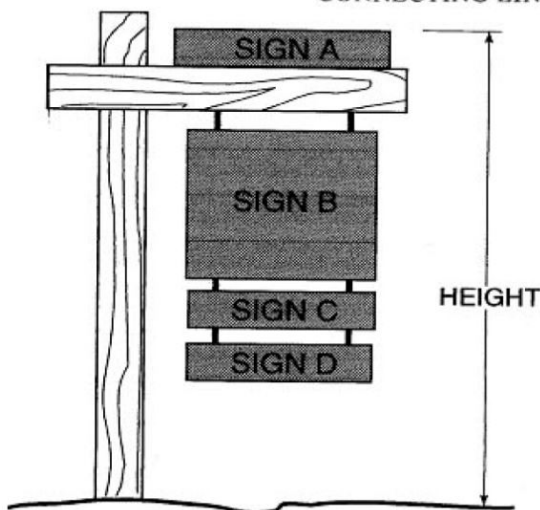
SIGN OF INDIVIDUAL LETTERS

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

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453 {1204, Figures 1-6}

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CHAPTER 10: NONCONFORMITIES AND ADAPTIVE REUSE

9 Nonconformities

Purpose. The purpose of this chapter is to:

10.01 General Requirements

Purpose. Nonconforming uses, structures, and lots are declared incompatible with the Zoning Ordinance and the desired character of the County. As such, they are authorized to continue only under the circumstances provided in this Chapter until they are discontinued, removed, or changed to conform to the Zoning Ordinance. The purpose of this chapter is to:

- Regulate and limit the development and continued existence of uses, structures, and lots legally established prior to the effective date of this Zoning Ordinance that do not conform to the requirements of this the Zoning Ordinance.
- ~~Allow the continuance of nonconformities but curtail substantial investment in the improvement or expansion of nonconformities.~~
- ~~Bring about the eventual improvement of~~ Meet the desired character of the County by improving nonconformities to a conforming status or ~~their elimination to preserve the integrity of this Zoning Ordinance and the desired character of the County~~ otherwise eliminating the nonconformity.
- Permit the ~~application of this section to~~ continued existence and improvement of certain historic resources as identified in this section and permit limited expansion of those Structures.
- ~~Require~~ Provide for the removal of nonconforming status through Special Exception approval by the Board of Supervisors ~~for a conversion condominium that does not conform to the zoning, land use, or site plan regulations.~~

A. **Applicability.** This Chapter is applicable to any nonconforming use, structure, or lot that was legally established ~~as of the effective date of this Zoning Ordinance and that remains or~~ but has become nonconforming ~~as a result of~~ due to:

1. The adoption of ~~this the~~ Zoning Ordinance ~~or~~;

~~1-2.~~ 2. Any subsequent ~~reclassification~~ reclassification of zoning districts; or

~~2-3.~~ 3. Other amendment to this Ordinance, may be continued or maintained only in accordance with the terms of this chapter ~~the~~ Zoning Ordinance.

~~3.~~ The limitations of this chapter do not apply to Structures or lots whose nonconforming features are the subject of a variance that has been granted by the Board of Zoning Appeals or a modification or condition that was approved by the Board of Supervisors.

B. **Removal of Nonconforming Uses.**

~~1.~~ **Expansion of Nonconforming Status.** The Board of Supervisors may deem ~~Use.~~ Except when the Zoning Administrator has granted modifications of minimum yard or setback standards for buildings or Structures in a Historic District, a nonconforming use must not be expanded or extended beyond the floor area or portion of the lot area that it occupied on the effective date of this Ordinance.

~~C.~~ B. Notwithstanding 1 above, a legally established, nonconforming residential use on land which, on or after the effective date of this Zoning Ordinance, was rezoned to a nonresidential zoning district must not be

considered to have been expanded or extended within the meaning of this subsection if the addition to an existing Structure associated with such legally established nonconforming residential use is less than 50% of the existing square footage on the effective date of this Zoning Ordinance and the yard, structure, or lot to be in compliance with the requirements of the Zoning district that applied to the construction of such legally established nonconforming residential use prior to the effective date of this Zoning Ordinance are maintained. Ordinance through approval of a Special Exception pursuant to Section 11.11.01.

Discontinuation of 10.02 Nonconforming Uses

A. Principal Use.

1. The protections and provisions of this Section are only provided to nonconforming uses that are a regular and frequent principal use of the property.
2. An accessory use cannot become a nonconforming principal use.

B. Expansion. A nonconforming use cannot be expanded or extended beyond the floor area or portion of the lot area that it occupied on the date the use became nonconforming.

1. **Residential Exception.** Equivalent expansion of nonconforming residential uses is permitted when a nonconforming structure is expanded pursuant to Section 10.03.B.1.

A.C. Discontinuance. If a nonconforming use is discontinued or abandoned for a continuous period of more than 2 years, including at any period of discontinuation or abandonment before the effective date of this Zoning Ordinance time since becoming nonconforming, then that use ~~must not~~ cannot be renewed or reestablished. Any subsequent use of the lot or structure must be in conformance with ~~this the~~ Zoning Ordinance.

B.D. Change of Nonconforming Use.

1. ~~If no structural alterations are made,~~ A nonconforming use may, be changed to another nonconforming use only by approval of a Special Exception pursuant to the procedures under Section 7.09, be changed to another nonconforming use provided that the Board of Supervisors, upon Planning Commission recommendation, either by general rule or by making findings in the specific case, finds that the proposed use is equally appropriate or more appropriate 11.11.01.

- a. **Historic Structure Exemption.** For historic structures, pursuant to the zoning district than the existing Section 10.05.D, a nonconforming use. As part of the approval of such special exception the Board of Supervisors may impose appropriate conditions in accordance with this Ordinance. ~~be changed to another non-conforming use.~~

2. When any nonconforming use is superseded by a permitted use, the use must thereafter conform to the regulations for the district, and no nonconforming use may thereafter be resumed.

C.E. Nonconforming Conversion Condominium. Pursuant to Code of Virginia § 55.1-1905.E, ~~the declarant of~~ a proposed conversion condominium that does not conform to zoning, land use, ~~and/or~~ site plan regulations must obtain Special Exception approval pursuant to ~~the procedures under Section 7.09~~ Sections 11.11.01 and 11.11.10 prior to such property becoming a conversion condominium. ~~The Board of Supervisors must grant approval of such request if the applicant demonstrates to the reasonable satisfaction of the Board of Supervisors that the nonconformities are not likely to be adversely affected by the proposed conversion.~~

10.03 Nonconforming Structures.

A. Repair or Reconstruction of a Nonconforming Structure. Repairs, (including structural repairs), restoration, and maintenance, ~~including structural repairs,~~ may be made to a nonconforming structure.

1. ~~Except as provided for under Section 4.02—structures located within the~~ Floodplain Overlay District (FOD) pursuant to Section 5.03, if a nonconforming structure is damaged or destroyed by a ~~casualty or event beyond the owner's reasonable control,~~ natural disaster or other act of God as provided in Code of Virginia §15.2-2307(E), the owner may repair or replace such structure, provided:
 - a. ~~The degree of nonconformity is not increased;~~ and
 - b. ~~Permits obtained and construction completed within two years of the destructive event.~~
 1. ~~An additional two years is granted if the destruction was due to a federally declared disaster.~~
 2. A replacement structure must occupy the same footprint of the damaged or destroyed nonconforming structure unless ~~it is proposed in a location that~~ the new footprint complies with ~~the current yard and setback requirements~~ of the Zoning Ordinance.
 3. Regardless of location, a replacement of the nonconforming structure ~~can not~~ include increased ~~floor~~ area either through an expanded footprint or additional height or stories.
- B. ~~Alteration or Enlargement of a Nonconforming Structure.~~ A nonconforming structure must not be enlarged, increased, nor extended to occupy a greater area of land than was occupied on the ~~effective date of adoption or amendment of this Ordinance unless~~ date the structure became nonconforming, ~~except when~~ such improvements do not increase the degree of nonconformity.
- i. ~~Improvements that do not enlarge, increase or extend the Structure to occupy a greater area of Residential Exemption. Residential structures on land are permitted.~~
 1. ~~Notwithstanding the foregoing, a legally established nonconforming dwelling must not be considered to have which has been enlarged, increased or extended within the meaning of this subsection if the addition to such dwelling is less than 50% of its existing square footage on the effective date of this Ordinance, and the previous yard requirements of the rezoned to a nonresidential zoning district that may expand up to 50% of the existing square footage at the time the residential use became nonconforming, provided previous zoning district setbacks that~~ applied to the construction of such dwelling are maintained.
- C. ~~Structure Moving a Nonconforming Structure.~~ A nonconforming structure ~~must not~~ cannot be moved, in whole or in part, to any other location on or ~~off~~ the ~~Parcel of its original location~~ property unless every portion of such structure and ~~the~~ its use ~~thereof~~ is ~~made to conform~~ brought into conformity with all requirements of ~~this~~ the Zoning Ordinance and other applicable County ordinances.
- D. ~~Pre-existing Structures in Subsequently Created Setback Areas.~~ Road Corridor and Setbacks. Dwellings, and their accessory structures ~~and accessory uses,~~ built before June 16, 1993, ~~may increase their footprint existing on that date up to 50% and are exempt from encroach into~~ the Road Corridor Setbacks of Section 5.07 Table 7.04.02-1 ~~but must maintain the setback created by the,~~ provided they do not encroach any closer to the front of the dwelling even if the setback so created is less than what is required by this Ordinance ~~property line than the dwelling.~~
- E. ~~Removal of Signs.~~ Pursuant to Code of Virginia §15.2-2307(G), the County may order the removal of a an abandoned, nonconforming sign.
1. ~~For the purposes of this Section, a sign is abandoned if the business for which the sign was installed has not been in operation for a minimum of 24 months.~~
 2. ~~After the 24-month period, the sign must be removed by the property owner, upon notification by the County.~~
 - a. ~~The County must make a reasonable attempt to notify the property owner.~~
 - b. ~~If the owner fails to act:~~

1. The County through its own agents or employees may enter the property upon which the sign is located and remove it; and
2. The cost of such removal will be charged to the property owner.

E.F. Historic Structures.

~~ii. Eligibility. Historic Structures Eligibility.~~ To be considered historic for purposes of ~~nonconformity~~ this Section a structure must be:

1. Designated identified as a National Historic Landmark; or
2. Listed or eligible for listing in the National Register of Historic Places or a contributing resource in a historic district listed or eligible for listing in the National Register of Historic Places; or
3. Listed or eligible for listing in the Virginia Landmarks Register or a contributing resource in a historic district listed or eligible for listing in the Virginia Landmarks Register; or
4. Designated as the following types of Historic Overlay Districts (HOD) historically significant pursuant to Section 7.09.08:
 - a. Loudoun County Historic Site; or
 - b. ~~Contributing resource in a Loudoun County Historic and Cultural Conservation District.~~

1. ~~Use of Nonconforming Historic Structures.~~ Nonconforming historic structures may be used in accordance with 9.01 (10.05.B) and as follows: 1.
 5. Historic structures are exempt from minimum lot area and road or yard setback requirements; and
2. Any Expansion. Expansion or enlargement of a historic structure ~~must not;~~ must comply with Section 10.05.C, and is permitted to:
 - a. Expand in conformance with adaptive reuse incentives of Section 10.05.E; or
 - ~~a.b.~~ Exceed 15% of the ~~total floor area or~~ lot coverage permitted in the zoning district; and exempt from:
 1. ~~Increase~~ Minimum lot area;
 2. Road or front setback requirements provided the degree of nonconforming setbacks along roads or in front yards nonconformity does not increase;
 3. Side and rear setback and yard requirements.
3. Use. Nonconforming historic structures may be used in accordance with Section 10.05.D.

10.04 Nonconforming Lots.

2. ~~Use of Nonconforming Lots.~~ If a lot was recorded prior to the effective date of this Zoning Ordinance, or is hereafter created in conformity with Section 1.03(H) Pending Applications, and such lot met the requirements of the Zoning Ordinance in effect at the time of recordation, or complies with Section 1.03(H), then such lot may be used for any use permitted in the Zoning District in which it is located even though it does not meet the lot requirements of the district, provided all the other regulations of this Ordinance can be satisfied.
 - i. ~~Notwithstanding anything to the contrary contained herein, hamlet lots must be governed by the Rural Hamlet Option as contained in Section 5.14.~~

- 171 A. **Establishment of Nonconforming Lots** ~~Prohibited~~. A lot may only be established ~~after the effective date~~
 172 ~~of this Ordinance~~, if such lot conforms with all requirements of ~~this~~ the Zoning Ordinance except as follows:
- 173 1. A lot created in conformity with Section 1.02.G;
 - 174 ~~1.2.~~ A lot not meeting lot area requirements of the zoning district ~~that~~ is created by the subdivision of a
 175 previously existing ~~lot that is,~~ split-zoned lot along the existing zoning district line; and ~~the lot meets~~
 176 meeting all other Zoning Ordinance requirements; or
 - 177 3. A lot ~~is~~ created for use by ~~LCSA,~~;
 178 a. Loudoun Water,
 179 a.b. VDOT,
 180 b.c. Municipal utilities,
 181 c.d. Public utilities as ~~defined in Section 56-232 of the~~ defined by Code of Virginia § 56-232, or
 182 d.e. Public service corporations ~~as defined~~ defined in ~~Section~~ by Code of Virginia § 56-1 ~~of the Code~~
 183 of Virginia and ~~meets~~ meeting the requirements of Section ~~3.064.07.03-02~~ Public Utilities; or
 - 184 2.4. An "outlot" is as designated on a subdivision plat as open space. No habitable structures may be built
 185 upon an "outlot".
- 186 B. **Use.** Nonconforming lots may be used for any use permitted in the zoning district in which it is located,
 187 provided:
- 188 1. The only nonconformity is to the lot requirements; and
 - 189 2. The minimum lot size for the use provided in Chapter 4 does not exceed the minimum lot size of the
 190 zoning district.
- 191 B.C. **Boundary Line Adjustments.** ~~Notwithstanding the provisions of 9.01(E)(2) above,~~ Boundary line
 192 adjustments between nonconforming lots or between a conforming and a nonconforming lot ~~must be~~ are
 193 permitted ~~as follows~~ when the Zoning Administrator finds the following:
- 194 1. ~~When the Zoning Administrator finds that~~ The degree of nonconformity for any lot resulting from
 195 such boundary line adjustment is not increased due to such adjustment; ~~and~~
 - 196 2. ~~When the Zoning Administrator finds that a~~ The boundary line adjustment ~~does not increase~~
 197 ~~nonconformity and where the boundary line adjustment satisfies~~ satisfies any of the following
 198 conditions:
- 199 a. It makes it possible to rectify a septic system or well failure by providing space for a
 200 replacement septic system or well that meets all applicable standards; ~~;~~
 - 201 b. It incorporates acreage into a lot that is subject to a permanent conservation easement, with
 202 the new acreage added to the protected easement area; ~~;~~
 - 203 c. It allows any existing nonconforming lot to meet the 20-acre minimum lot size in the ARNAR-1
 204 Zoning District or the 40-acre minimum lot size in the ~~ARS~~ zoning district. In the ARN and ARS
 205 zoning districts, no lot may be decreased to less than 80,000 square feet, ~~AR-2 Zoning District;~~
 206 or
 - 207 d. It allows for boundary line agreements to correct survey inconsistencies.
- 208 3. In the AR-1 and AR-2 Zoning Districts, no lot may be decreased to less than 80,000 square feet.
 209

C.D. Highway Realignment or Condemnation.

1. Any lot, which by reason of realignment of a Federal or State highway or by reason of condemnation proceedings, has been reduced in size to an area less than that required by law, must be considered a nonconforming lot of record subject to the provisions set forth in ~~9.01(D)(1) above~~ this Section.
2. Any lawful use or structure existing at the time of such highway realignment or condemnation proceedings which would thereafter no longer be permitted under the terms of ~~this the~~ Zoning Ordinance due to the reduction in lot area to less than that required in the zoning district must be considered a nonconforming use or structure ~~as that term is used in and~~ subject to the provisions of this Zoning Ordinance Chapter.
3. Any lot, which by reason of realignment of a Federal or State highway or by reason of condemnation proceedings has had its existing ~~buffers~~ buffers or required yard setbacks or other setbacks reduced that met the requirements of the Zoning Ordinance at the time of their establishment must be considered as nonconforming with regard to the reduced ~~buffers~~ buffers and setbacks.
4. The lost or reduced ~~buffer~~ buffer need not be replaced as long as the use existing at the time of the loss or reduction is maintained.
5. When the use changes to a ~~different~~ different use permitted in the zoning district and that use requires a ~~buffer~~ buffer width greater than the previously existing use, the owner has the option to provide new or additional plantings in the existing reduced width if the Zoning Administer determines that the resulting ~~buffer~~ buffer will provide equivalent ~~buffering effect~~ buffering effect to one that would be required according to zoning district standards, except for the reduced width.
6. In the event that the existing ~~buffer~~ buffer has been reduced by 50% or more the owner has the option to provide a ~~buffer~~ buffer in an alternate location of choice if the Zoning Administrator determines it will achieve the intended ~~buffering effect~~ buffering effect.
 - ii. When the Zoning Administrator determines that the ~~buffers~~ buffers proposed in accordance with ~~9.01(E)(b) or (c) this Section~~ do not provide adequate ~~buffering~~ buffering, the owner must seek approval of a Minor Special Exception ~~according pursuant to the procedures outlined in 7.10.02.~~

~~D. Procedure for Removal of Nonconforming Status.~~

7. ~~Availability of Procedure.~~ Notwithstanding any terms of this Section prohibiting the continuation, reconstruction, or expansion of nonconforming uses and Structures, a nonconforming use or Structure may be deemed to be in conformity with the requirements of this Section and may be allowed to continue and to expand as a lawfully existing use or Structure, through the issuance of special exception approval in accordance with the following procedures and standards ~~11.11.02~~.
1. ~~Application.~~ To establish a nonconforming use or Structure as a lawfully existing use or Structure, the owner of the property or his or her authorized agent must apply for special exception use approval in accordance with the procedures set forth in Section 7.09.
2. ~~Board of Supervisors Review.~~ The Planning Commission must review and recommend, and the Board of Supervisors must review and act upon the application for termination of nonconforming status in accordance with the Special Exception procedures and standards set forth in Section 7.10 of this Zoning Ordinance. In reviewing and acting upon an application:
 - i. ~~The Planning Commission and Board must consider that retaining nonconforming status means:~~
 1. A nonconforming structure would not be expanded or enlarged so as to increase the degree of nonconformity and;

- 254 2. Any expansion or enlargement of the use or structure could be limited to no greater than
255 50% of the floor area or lot area that it occupied on the effective date of this Zoning
256 Ordinance or any amendment to this Ordinance which rendered the use or structure
257 nonconforming.
- 258 3. The Planning Commission and Board must also consider whether the nonconforming use
259 or structure can be improved by imposition of the following or any other requirements
260 determined necessary as Conditions of Approval.
- 261 a. A landscaped buffer could be provided between the nonconforming use or
262 structure and any abutting lot in order to provide the maximum buffering effect for
263 potentially adverse impacts of the use or structure on any abutting properties.
- 264 b. Off street parking areas located on the lot could be improved by landscaping
265 sufficient to mitigate adverse impacts on any abutting properties.
- 266 c. Nonconforming signs, outdoor lighting, off street parking areas, and other
267 nonconforming accessory structures located on the lot could be removed or
268 brought into conformity with the applicable requirements of this Zoning Ordinance.
- 269 4. **Effect of Approval.** Upon approval of the application for termination of nonconforming
270 status by the Board of Supervisors, the use or Structure must no longer be treated as
271 nonconforming and must be allowed to continue as a legally established use or Structure
272 unless it is abandoned or discontinued for a continuous period of 1 year. This status as
273 a legally established use applies only to the use or Structure for which the special
274 exception approval is issued and not to any other use or Structure that may be located on
275 the lot.
276

277 **5.1010.05 Adaptive Reuse Standards**

279 **Purpose:** The purpose of the Adaptive Reuse Standards is to foster the appropriate and compatible adaptive reuse
280 of obsolete or underutilized historically significant structures to:

- 281 • Support the historic preservation goals of the Heritage Preservation Plan and the General Plan.
- 282 • Preserve the historic character, buildings, structures, and sites of the Rural Historic Villages and Legacy
283 Village Cores as identified in the General Plan or village small area plans.
- 284 • Protect iconic or prominent buildings that exemplify community character to establish or reinforce a
285 community's identity and sense of place by creating opportunities for community gathering places and
286 spaces for cultural activities in these buildings.
- 287 • Increase and improve the variety and affordability of housing stock in locations consistent with the General
288 Plan and where permitted.
- 289 • Encourage preservation of historic structures through appropriate ~~renovation~~ rehabilitation.
- 290 • Ensure the adaptive reuse of a structure is compatible with and does not adversely impact the character of
291 the surrounding landscape and ~~development~~ built environment.
- 292 • Prolong building lifespans, encourage reuse of existing resources, generate activity, foster and facilitate
293 market alternatives rather than demolition of existing, ~~structurally sound~~ historic structures, especially if they
294 are vacant or in underutilized areas, ~~especially by allowing use-uses and development standards~~ that may
295 not otherwise be allowed.

- 296 • *Maintain compatibility of the adaptively reused building or structure with a surrounding neighborhood,*
297 *community, Place Type, village, or historic district.*
- 298 • *Provide flexibility for adaptive reuse projects without compromising the health, safety, or welfare of users.*
- 299 A. **Applicability.** Structures meeting the eligibility requirements of Section ~~5-09~~10.05.B are permitted to be
300 adaptively reused in accordance with the standards of this section.
- 301 B. **Eligibility.** To be eligible for adaptive reuse, a structure must ~~b~~meet one of the following:
- 302 ~~1. Identified as historically significant by being:~~
- 303 1. Have one of the following historic designations:
- 304 a. Designated as or a contributing resource in a National Historic Landmark;
- 305 b. Listed or eligible for listing in the National Register of Historic Places or a contributing resource
306 in a historic district listed or eligible for listing in the National Register of Historic Places;
- 307 c. Listed or eligible for listing in the Virginia Landmarks Register or a contributing resource in a
308 historic district listed or eligible for listing in the Virginia Landmarks Register; or
- 309 d. Designated as one of the following types of Historic Overlay Districts (HOD) pursuant to Section
310 ~~7-09~~11.10.08:
- 311 1. Loudoun County Historic Site, ~~or~~ (HS) District;
- 312 2. Contributing resource in a Loudoun County Historic and Cultural Conservation
313 (HCC) District; or
- 314 3. The structure is Contributing resource in a Loudoun County Historic Roadways (HR)
315 District.
- 316 2. Be located in a Village Conservation Overlay District (VCOD) pursuant to Section ~~45.07~~, ~~is~~ located in a
317 Rural Historic Village or Legacy Village Core as designated by the General Plan, or ~~is~~ subject to a village
318 small area plan.
- 319 3. ~~The structure is~~ Be greater than 50 years old, and the prior use or uses in the structure are obsolete
320 or economically nonviable.
- 321 a. In making a finding that the prior use or uses are obsolete or economically nonviable, the
322 Zoning Administrator must consider the structure's:
- 323 1. Past and current vacancy rate;
- 324 2. Existing and previous uses;
- 325 3. Structural condition;
- 326 4. The ability of the structure to be retrofitted for the new use; and
- 327 5. Real estate market information.
- 328 b. The Zoning Administrator must also determine whether the structure is eligible for listing in
329 the National Register of Historic Places or the Virginia Landmarks Register pursuant to Sections
330 ~~5-09~~10.05.B.1.b or c.
- 331 1. If the property is eligible for listing in the National Register of Historic Places or the Virginia
332 Landmarks Register, then Section ~~5-09~~ 10.05.C.1. applies.
- 333 c. The applicant may be required to submit documentation prepared by qualified professions as
334 follows:
- 335 1. To demonstrate a prior use or uses in a structure are obsolete or economically nonviable,
336 documentation must be completed by a market research firm, real estate development

firm, or other entity qualified to conduct and research market analysis, demographic trends, competitive analysis, and/or real estate feasibility studies.

2. To demonstrate structural condition and/or ability of the structure to be retrofitted for the new use, documentation must be completed by an architect and/or engineer.

- a. If the structure is eligible for adaptive reuse pursuant to Section ~~5-09~~10.05.B.1., the documentation must be provided by a person meeting the Secretary of Interior Standards minimum professional qualifications in historic architecture, architecture, or architectural history.

- ~~1. To demonstrate eligibility for listing as a national, state, or local historic resource, documentation must be completed by a person meeting the Secretary of Interior Standards minimum professional qualifications in architectural history, history, or archaeology.~~

- C. **Standards and Requirements.** Adaptive reuse projects must comply with the standards and requirements of this Zoning Ordinance, except as set forth in Sections ~~5-09-C~~10.05.D and ~~DE~~ below, and must comply with the following:

1. If the structure meets the applicability requirement of Section ~~5-09~~10.05.B.1., then ~~the any changes to the structure and associated~~ historic setting ~~associated with~~ must result in the ~~structure must be protected to preserve the context of the resource~~ property maintaining its historic designation by:

- a. Maintaining the historic form, mass, scale, and character defining elements of the structure.

- ~~a.b.~~ Locating any new parking to the side or rear of the structure; Existing parking may be retained in the front of a building and pursuant to Table 10.05-2.

- ~~c. Not Locating, designing, and~~ constructing any additions:

1. To the rear or on a secondary elevation of a building.

- a. Enclosed additions are not permitted on the primary façade or, front elevation, or character-defining elevation of the structure; Entry features required for accessibility, porches, and vestibules are permitted on these elevations.

2. To be subordinate to and differentiated from the historic structure.

3. To ensure that upon construction of the addition, the least amount of historic materials are removed or obstructed.

4. To ensure that removal of the addition would not damage the historic structure.

- d. Retaining or replacing in-kind existing historic materials.

- e. Not demolishing the historic core(s) of or additions to a structure.

1. Removal of non-historic additions is permitted.

- ~~b.f.~~ Retaining existing landscape features that contribute to the historic character of the property, such as native or specimen trees, historic plantings or gardens, walkways, walls, fences, or other features, to the extent feasible.

1. Repair of such features is permitted.

2. Any additional parking, lighting, or signage requirements necessitated by the reuse of a ~~historic~~ structure must be scaled in a manner that is subordinate to the existing structure and must be compatible with and not adversely impact the character of the surrounding landscape and development pattern.

3. Site plans submitted pursuant to Section 11.05 must demonstrate conformance with this subsection and will be reviewed by the Historic Preservation Planner.

- D. **Permitted Uses.** Uses are permitted in accordance with Table 5-0910.05-1 in any structure eligible for adaptive reuse pursuant to section 5-0910.05.B., except that no new uses that emit noxious odors or excessive noise will be permitted, unless the applicant demonstrates that the use will not negatively impact nearby dwellings.

Table 5-0910.05-1. Uses Permitted as Adaptive Reuse

Current Zoning District	Permitted as Adaptive Reuse ¹
Zoning district permitting residential uses, except districts that permit only single-family detached (SFD) dwelling unit types (UT/UM, (existing PD-TRC) , SN, (existing R-4) , SCN, (existing R-8, R-16, and R-24) , SM, (new) , TSN, (new) , TCN, (new) , VC, (RC in village) , RC)	100% affordable housing regardless of the dwelling unit type permitted in the district (single-family detached SFD, single-family attached (SFA) and/or multifamily) (MF) provided the dwelling units are developed pursuant to the Section 89.01 ADU Program or Section 89.02 UHNU Program requirements.
Zoning District permitting SFD, single-family attached (SFA) , and/or multifamily (MF) stacked dwelling units (UT/UM, (existing PD-TRC) , SN, (existing R-4) , SCN, (existing R-8, R-16, and R-24) , SM, (new) , TLN, TSN, (new) , TCN, ARN, ARS (new) , AR-1, AR-2, VC, (RC in village) , VR, (existing CR) , RC)	SFD dwelling unit converted to up to 4 dwelling units or 4 live/work dwellings
Any zoning district where the use is currently not permitted	Public, Civic, Institutional Uses, except for the following uses: Hospital; Pet Farm; Recreation, Indoor; Recreation, Outdoor or Major; Public utility service center with outdoor storage , and Shooting Range
Any zoning district where the use is currently not permitted	Lodging Uses
Any zoning district where the use is currently not permitted	Commercial Uses, except for the following uses: Kennel; Kennel, Indoor; Dry Cleaning Plant; Convenience Store with Gasoline Sales; and all Automotive uses
Any zoning district where the use is currently not permitted	Industrial/Production: Wood, metal, and stone crafts only. The wood, metal, stone crafts use must be located in an agricultural or accessory building and is not permitted to exceed 7,500 square feet.
Underlying zoning district located in an HOD, VCOD, or designated by the General Plan as a Rural Historic Village or Legacy Village Core or subject to a village small area plan and where the use is currently permitted	A use permitted by special exception in the district will be permitted by minor special exception and a use permitted by minor special exception is permitted by right, except for the Public, Civic, Institutional Uses, Lodging Uses, and Commercial Uses identified as not permitted above.
¹ Uses must also comply with the Use Specific Standards in Section 3-064.	

- E. **Adaptive Reuse Incentives.** In addition to nonconforming lot or structure allowances pursuant to Chapter 910, projects that are eligible for adaptive reuse under 5-09A10.05.B are entitled to the incentives set forth in Table 5-0910.05-2. Incentives with a plus mark (+) in the Existing Floor Area column apply to the existing floor area of the structure. Incentives with a plus mark (+) in New Floor Area column apply to the floor area that is added to a structure.

Table 5-0910.05-2. Adaptive Reuse Incentives

Incentive	Existing Floor Area	New Floor Area
Rear Yards. Additions may encroach into a required rear yard by up to 25% or to within 15 feet of the rear property line, whichever is greater. This encroachment is permitted to occur 1 time after the adoption date of this ordinance or upon adaptive reuse of the structure, whichever is first.		+
Density. Single-family detached, single-family attached, and multifamily Density. SFD, SFA, MF stacked dwelling units and live/work units are not subject to the maximum dwelling unit per acre density requirements of the zoning district or proffered rezoning.	+	

Table 5-0910.05-2. Adaptive Reuse Incentives

Incentive	Existing Floor Area	New Floor Area
Floor Area Ratio (FAR). Regardless of whether an adaptive reuse is for residential or nonresidential purposes, floor area may exceed the permitted FAR by up to 33%. Mezzanines are not included in the calculation of floor area for the purpose of determining compliance this with the standard, provided use of a mezzanine does not add a new dwelling unit. FAR only applies when the structure to be adaptively reused was or would have been previously subject to the FAR requirement.	+	+
Open Space. Existing lots that do not conform to the open space requirements of the applicable zoning district are permitted to be adaptively reused without meeting the open space requirement.	+	+
Off-Street Parking. The required number of parking spaces must be the lesser of the number of spaces that existed on the site as of the adoption date of this ordinance, or the minimum number of spaces required by Section 5-057.06. Once established, the number of spaces must be maintained and not reduced. Adaptive Reuse projects are otherwise exempt from the parking standards of Section 5-057.06, except that parking reductions pursuant to Section 5-057.06.08 are encouraged to reduce parking below the minimum requirement.	+	
Loading Space. If no loading spaces exists, then a loading space is not required in conjunction with the development of an Adaptive Reuse project. Where an existing loading space is provided, the requirements of Section 5-057.06.09 (Loading Standards) apply.	+	
Site Plan Review. The application fee for site plan review of Adaptive Reuse projects of less than 3,000 square feet of gross floor area and located in a VCOD, Rural Historic Village, or Legacy Village will be waived provided that such plans substantially comply with all ordinance requirements when submitted.	+	

CHAPTER 11: PROCEDURES *(no black line/chapter not in 4/18/22 version)*

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11.01 General Process Administration

Purpose. *The purpose of this Chapter is to establish the procedures used to implement the Zoning Ordinance. This Section provides the requirements that are generally applicable to these procedures.*

A. General.

1. This Chapter establishes the procedures to process applications and appeals that are filed under the Zoning Ordinance, including but not limited to applications to amend the Zoning Map, and to permit development or land use.
2. No permit may be issued for any building, structure, or land use unless it conforms to all applicable provisions of the Zoning Ordinance.
3. Approvals obtained pursuant to the Zoning Ordinance do not relieve any person from the requirements to obtain any other necessary approvals under federal, state, or local law.

B. Fees.

1. The County Administrator recommends and the Board of Supervisors adopts the schedule of fees set forth in Appendix C to be paid upon the filing of each application specified in the Zoning Ordinance.
2. The fees include traffic data collection and warrant studies associated with:
 - a. Legislative land development applications requiring Board of Supervisors approval; and
 - b. Public school land development applications subject to Section 4.05.18.
3. **Exempt Applications.** The following applications are hereby exempted from the imposition of fees:
 - a. Applications for a Zoning Map Amendment to or from any Historic Overlay District;
 - b. Applications for a Zoning Map Amendment from any district to an AR-2 district;

- c. Applications for Special Exception to establish a monopole or transmission tower use in the A-3, A-10, AR-1, AR-2, VR-1, VR-2, VR-3, or VC Zoning Districts;
- d. Applications for a Zoning Map Amendment or a Special Exception to resolve a nonconformity from holders of a County issued business license for a use which is nonconforming in the zoning district in which it is located if the holder of such business license has operated such use continuously in the same location for at least 15 years and has paid all local taxes related to such use; and
- e. Applications for Commission Permit, Zoning Map Amendment, Special Exception, Minor Special Exception, or Zoning Modification sought by the following governmental agencies:
 1. Loudoun County School Board;
 2. Loudoun County Sanitation Authority;
 3. Fire and rescue companies serving Loudoun County; and
 4. Any agency, board or division acting in the name of the Board of Supervisors of Loudoun County.

C. Preapplication.

1. For all applications for which a Preapplication is required by this Chapter, the applicant must meet with the Director and appropriate staff to:
 - a. Discuss the applicant's purpose for the application; and
 - b. Provide information regarding application procedures and substantive requirements of the Zoning Ordinance.
2. At the Director's discretion, the Preapplication may be waived in cases where the Director finds that such waiver is not anticipated to affect the submission or review of the proposal, including but not limited to:
 - a. The applicant can demonstrate that they have met with appropriate staff of affected departments and agencies; or
 - b. An application, substantially similar in scope and location, has had a Preapplication within the last 5 years.
3. A request for Preapplication, or to waive the Preapplication, must be made in writing to the Director and include:
 - a. Illustrative map(s) of the site illustrating the location of proposed uses;
 - b. Description of the proposed project or use; and
 - c. Questions and issues to be discussed at Preapplication or the applicant's justification for the waiver.
4. The Director will respond to each written request for Preapplication or waiver within 5 business days.
5. The County will provide the applicant with a written summary of the discussion and responses provided at the meeting.
6. No matters discussed or information provided with Preapplication are binding on either the applicant or the County.

D. Pre-Review.

1. For all applications for which Pre-review is required by this Chapter, the applicant must receive initial comment from the Board of Supervisors before filing an application.
2. The purpose of Pre-review is to allow the Board of Supervisors to provide early input to the applicant, staff, and Planning Commission regarding proposed applications.
3. The Director may waive Pre-review for proposals that have previously received substantial direction from the Board of Supervisors.
4. A request for Pre-review, or to waive the Pre-review, must be made in writing to the Director and include the following materials:

- a. Statement of Justification for the proposal;
 - b. Proposed Concept Development Plan or Special Exception Plat; and
 - c. Traffic Statement.
5. County agencies will provide policy comments for consideration by the Board of Supervisors within 10 business days of Pre-Review submission.
6. The Board of Supervisors will discuss the Pre-review materials and policy comments at a public hearing.
7. A new Pre-review is required for changes to applications of 50% or more to any the following:
 - a. Project area;
 - b. Dwelling units;
 - c. Building area;
 - d. Density; or
 - e. Estimated vehicle trips.

E. Completeness Check.

1. Only complete applications will be accepted for review upon payment of all applicable fees.
2. The Director determines whether applications are complete.
3. Applications are determined complete when they include all minimum submission materials, studies, and documents as may be established pursuant to subsection F below.
4. The Director may grant a waiver of the submittal requirements in cases where the Director finds that such submission material is not likely to affect the review of the proposal. An approved waiver will not prohibit the County from later requesting that previously waived material be submitted, if such material is determined by staff to be necessary for appropriate processing of the application.
5. Within 15 calendar days of receipt of an application, the Director will finish the Completeness Check and either:
 - a. Accept the application, if it is complete, and send notice to the applicant of acceptance; or
 - b. Notify the applicant that the application is incomplete, specifying the submission materials, studies, corrections, or documents required for the application to be complete.
6. Upon addressing the deficiencies identified in subsection E.5.b above, the applicant may resubmit a previously determined incomplete application for another Completeness Check.
7. If neither a notice of acceptance nor notice of incompleteness is sent within 15 calendar days, the application will be deemed accepted .
8. The County will maintain a current log of all pending applications.

F. Submission Requirements.

1. The Director determines the list of materials that constitute the minimum submission requirements for any application required by the Zoning Ordinance.
2. The Director establishes digital submission standards as an option to any requirement for physical media.
3. **Additional Submission Requirements.** In addition to the minimum submission requirements, the applicant must also provide the following:
 - a. A letter signed by the applicant and by the owner of the property granting the right of entry upon the property to the Zoning Administrator, law enforcement agents, and County inspectors for the purpose of inspecting, and bringing law enforcement to the property, during the term of any permit which may be issued.
 - b. In the case of an application for Zoning Map Amendment, Zoning Concept Plan Amendment, Special Exception, Minor Special Exception, Sign Development Plan, Special Exception for Errors in Location,

Zoning Modification, or Variance, a completed Disclosure of Real Parties in Interest Form [*Code of Virginia §15.2-2287.1*].

c. **Limestone Overlay District (LOD).**

1. **Administrative Activities:** Applications for Covered Activities in the LOD under Section 5.04.C.2.b and 5.04.C.2.c, but not subject to subsection F.2.c.2:
 - a. A scaled plat, plan, or exhibit is required as determined by the Department of Building & Development, depicting the limits of disturbing activities, and the plat, plan, or exhibit must show proposed roads, lot lines, buildings, building sites, paved areas, wells, drainfield locations, and limits of clearing and grading.
 - b. A locational clearance must be obtained from the Department of Building and Development. No Zoning Permit will be issued unless the locational clearance has been approved.
2. **Legislative Applications.** Applications for Variance, Commission Permit, Zoning Map Amendment, Zoning Concept Plan Amendment, Special Exception, Minor Special Exception, Special Exception for Errors in Location, or Zoning Modification in the LOD must include the following materials produced at the same size and scale as the associated application:
 - a. Existing Conditions Map:
 - A. Prepared at a scale of 1 inch = 200 feet;
 - B. With planimetric detail at 5-foot contour intervals;
 - C. Including the location of existing wells, drainfields, fill sites, faults (as shown on United States Geologic Survey Maps), and Karst/Sensitive Environmental Features within 100 feet of the property boundary.
 - D. For purposes of identifying fill sites on the Existing Conditions Map, the applicant must include areas of fill identified on the County's G.I.S. database, identified in the Preliminary Soils Report, and/or identified in a Geophysical or Geotechnical Study.
 - b. Concept Plan of proposed development including proposed
 - A. Roads;
 - B. Lot lines;
 - C. Buildings;
 - D. Wells;
 - E. Drainfield locations;
 - F. Karst/Sensitive Environmental Features;
 - G. Karst/Sensitive Environmental Feature Setbacks; and
 - H. Other areas of non-disturbance.
 - c. For applications proposing land disturbing activities, a Preliminary Soils Review is required in accordance with FSM Chapter 6.

d. **Mountainside Overlay District (MOD).**

1. Any submitted plan, plat, or exhibit must identify the acreage of land proposed to be disturbed by clearing and grading on each proposed lot.
2. A locational clearance from the Department of Building and Development.
3. **Administrative Activities.** Applications for Covered Activities within the MOD but not subject to subsection F.2.e.5 must, on a scaled plat, plan, or exhibit (produced at the same size and scale as

the associated application) clearly identify the portion of the proposed site within the MOD and the location of any of the following features located on the property:

- a. Springs;
 - b. Streams;
 - c. Steep Slopes;
 - d. Moderately Steep Slopes;
 - e. Somewhat Sensitive, Sensitive, and Highly Sensitive Areas;
 - f. Soil mapping units 27, 59, and 88;
 - g. Forest cover;
 - h. Existing and proposed building sites, paved areas, drainfields, wells, and other uses and structures;
 - i. Limits and acreage on each lot of clearing and grading or any other land disturbing activity within the MDOD; and
 - j. Any required Mountainside Resource Protection Setbacks identified under Section 5.03.E.
4. A locational clearance from the Department of Building and Development prior to the approval of any Zoning Permits and building permits submitted within the MDOD.
 5. **Legislative Applications.** Applications for Variance, Commission Permit, Zoning Map Amendment, Zoning Concept Plan Amendment, Special Exception, Minor Special Exception, Special Exception for Errors in Location, or Zoning Modification in the MOD must include the following materials produced at the same size and scale of any associated application:
 - a. Soil map approved by the United States Department of Agriculture.
 - b. Concept plan of proposed development including proposed
 - A. Roads;
 - B. Lot lines;
 - C. Building sites;
 - D. Wells;
 - E. Drainfields; and
 - F. Limits of clearing, grading or other land disturbing activity.
 - c. Existing Conditions Map,
 - A. Prepared at a scale of 1 inch = 200 feet;
 - B. With planimetric detail at 5-foot contour intervals; and
 - C. The location of existing wells, drainfields, and springs within 100 feet of the property boundary to the extent available from existing records.

G. Public Hearings.

1. **Notice Requirements.** Each public hearing required by the Zoning Ordinance before the Planning Commission, the Board of Supervisors, or the Board of Zoning Appeals, requires notice as follows:
 - a. **Statutory Notice:** Notice must conform in all respects with the applicable requirements of the Code of Virginia Title 15.2 Counties, Cities and Towns, Chapter 22 Planning, Subdivision of Land and Zoning.
 1. Zoning Map Amendment of any parcel, or any Zoning Ordinance Amendment that decreases the allowed dwelling unit density of any parcel, have specific written notice requirements under Code of Virginia §§ 15.2-2204 and 15.2-2285.

- b. **Placard Notice:** Each application for Variance, Commission Permit, Zoning Map Amendment, Zoning Concept Plan Amendment, Special Exception, Minor Special Exception, Sign Development Plan, Special Exception for Errors in Location, Zoning Modification, or Appeal must be posted and maintained by the applicant in accordance with this subsection, G.1.b. In cases of applications or appeals initiated by or on the behalf of the Board of Supervisors, or otherwise at the direction of the Director, the placard will be posted and maintained by the County in accordance with this subsection, G.1.b.
1. **Form.** The form and content of placard must be approved by the Director. Placards must be weatherproof.
 2. **Certification.** Certification of posting must be provided to the Director. Upon request by the Director, the applicant must provide evidence of posting or correction of deficiencies, as required by subsection G.1.b.4 below.
 3. **Placement.** Placards must be affixed to a pole, post, fence, or other structure to be clearly identifiable and legible, without obstruction from vegetation or other items, from each public road abutting the property subject to the application.
 - a. Contiguous parcels of the same property do not require separate placards. Properties that are not contiguous, including separation by public roads, must each be identified by placards.
 - b. If no public road abuts the property, then the placard must be posted to be clearly visible from at least 2 abutting properties and at the access points to said property, or as accepted by the Director where not possible.
 4. **Timing.**
 - a. The placard must be posted at least 21 calendar days prior to each public hearing through the date of the public hearing.
 - b. The applicant must maintain all placards for the entire posting period. If the applicant becomes aware that a placard has been moved, removed or destroyed, is not clearly visible, or otherwise fails to satisfy the requirements of this subsection G.1.b, the applicant must promptly correct such deficiencies and identify such corrective action in the certification provided pursuant to subsection G.1.b.2 above.
 - c. All placards must be removed no later than 15 calendar days after the public hearing has been closed.
 5. **Penalties.**
 - a. It is unlawful for any person to destroy, deface, or remove such placard notice.
 - b. Any person taking such action will be subject to the penalties set forth in Section 11.14.
 - c. In the absence of a willful or intentional violation of this subsection G.1.b by the applicant or property owner, any technical deficiency regarding the posting of placard notice will not affect the validity of notice or require a delay in the scheduled public hearing, provided the applicant promptly corrects such deficiencies upon receiving notice of same.
- c. **Additional Requirements.**
1. **Landowner Initiated Cases.** The landowner for each application, which is initiated at the request of a landowner, is responsible for sending any written notice required by subsection G.1.a.
 2. **Notice by County.** Regardless of any other provisions of this Section, whenever any written notice required under this Section is sent on behalf of an agency, department, or division of the County, such written notice will be sent by the Director and may be sent by first class mail. The Director will make affidavit that such mailings have been made and file such affidavit with the papers in the case.

3. **Certification.** The applicant must file the following affidavits with the Director certifying compliance with noticing requirements:
 - a. At least 5 days prior to the public hearing, including the list of names of those to whom written notice was sent; and
 - b. At the beginning of the public hearing on the application for which such notice was provided.
4. **Failure to Receive Notice.** Failure to receive any notice of a hearing required by this Section, in and of itself, will not invalidate any action taken at or after the hearing.
5. **Condominium Ownership.** In the case of a condominium or a cooperative, written notice may be mailed to the unit owner's association or proprietary lessee's association, respectively, in lieu of each individual unit owner.
6. **Cost of Notice.** The cost of all notice required by this Section will be paid by the applicant.
7. **Deferral.** If an item is not heard at the time for which it was noticed but is deferred at that time to another date, all notice required by this Section will be given of the deferred public hearing.
8. **Recessed Public Hearings.** If a public hearing is started but the agenda not completed, thereby requiring the meeting to be recessed, no additional notice is required provided the date(s) for completion of the public hearing agenda was announced at the hearing which has been recessed.
9. **Licensed Public Use Airports Within 3,000 Feet.** Written notice must be given by the County or its designated representative at least 30 days in advance of a hearing to the owner of a public-use airport, advising the owner of such public-use airport of the opportunity to submit comments or recommendations, when the following applications involve any parcel of land located within 3,000 feet of the boundary of a licensed public-use airport:
 - a. Comprehensive Plan Amendment;
 - b. Zoning Map Amendment; or
 - c. Special Exception or Minor Special Exception for a change in use.

2. Speakers.

- a. All witnesses and speakers presenting facts and evidence at any public hearing must provide for the record their name, affiliation (if any), and legislative district in which they reside, work, or own or operate a business in Loudoun County.
- b. At the discretion of the person presiding over a BZA, HDRC, or appeal hearing, witnesses or speakers may be required to give oath or affirmation regarding the truth of their statements.

H. Withdrawal.

1. Applications will be withdrawn in the following manner:
 - a. The applicant submits a written notice of withdrawal to the Director or Zoning Administrator, which will be immediately effective;
 - b. The applicant verbally notifies the Board of Supervisors, Planning Commission, or BZA at a public hearing or other public meeting where the application is being considered; or
 - c. The application is administratively withdrawn as provided below in subsection I.4.
2. Withdrawn applications are considered denied for purposes of the administration of this Chapter.

I. Inactive Applications.

1. **Deemed Inactive.** Any Zoning Map Amendment, Zoning Concept Plan Amendment, Special Exception, Minor Special Exception, or Zoning Modification application officially accepted by the County for processing will be deemed inactive if either:

- a. The applicant submits a written request to suspend processing for a period not to exceed 3 months, prior to published notice for public hearing; or
- b. The applicant refuses or neglects to diligently pursue such application by failing to submit to the Director within 6 months:
 1. Any response to County staff, Planning Commission, or Board of Supervisors review comments;
 2. Any reports or other materials in support of the application; or
 3. Required materials or notices for public hearings.
2. **Reactivation.** The applicant may reactivate an inactive application by notifying the Director in writing and paying a reactivation fee prior to the end of the maximum inactive period provided below.
 - a. Applications can only be reactivated once. [subsection 1.4.b.]
 - b. All application processing timelines restart at application reactivation.
3. **Maximum Inactive Period.** An application may remain inactive once for 1 month after the Director sends a notice of intention to dismiss the application. The notice must:
 - a. Be sent by certified mail, return receipt requested, to the applicant at the address listed on the application form;
 - b. Describe the reactivation process; and
 - c. Explain the result of not reactivating the application.
4. **Administrative Withdrawal.** Applications subject to this Section will be deemed withdrawn if either:
 - a. An inactive application exceeds the maximum inactive period [subsection 1.3]; or
 - b. A reactivated application is again deemed inactive [subsection 1.1].
- J. **Full Disclosure of Development Plans.**
 1. Prior to the execution of a contract to sell a new home, sellers of new homes, or their agents, must provide home buyers access to current copies of the following:
 - a. Approved or proposed subdivision record plat;
 - b. All development plans approved for the property as part of a Zoning Map Amendment, Zoning Concept Plan Amendment, Zoning Modification, Special Exception, or Commission Permit;
 - c. All proffered conditions accepted by the Board of Supervisors as part of the zoning approval for the development; and
 - d. Applicable General Plan Policy Area Place Type and Countywide Transportation Plan maps showing planned land uses and future road improvements in the vicinity of the new home, including descriptions of the relevant Place Types and road improvements.
 2. Such documents must be located on the subdivision, plat, or development in which the new home is located.
 3. The sellers of the new home, or their agents, must notify the prospective home buyers of the location of these documents and provide a reasonable opportunity for such prospective buyers to inspect these documents.
 4. Prospective home buyers must sign a statement stating that they have reviewed or have been offered the opportunity to review these documents.
 5. The developer of the subdivision, plat, or development in which the new home is located must keep said statements on file for review by the Zoning Administrator for a minimum of 3 years.

11.02 Determination

Purpose. To clarify the meaning of the provisions of the Zoning Ordinance or conform the zoning of a parcel.

- A. **Applicability.** The Zoning Administrator has the authority to interpret, administer, and enforce the Zoning Ordinance.
 - 1. Determinations for enforcement of Light, Noise, and Vibration standards must be made in accordance with Section 11.14.E.
- B. **Initiation.** The applicant must file an application with the Zoning Administrator and pay all applicable fees.
- C. **Review and Decisions.** The Zoning Administrator issues all Determinations.
 - 1. Determinations are binding upon the applicant as to the specific facts presented in the application for Determination.
 - 2. In administering the Zoning Ordinance and rendering Determinations as to the uses permitted or allowed by Special Exception in the various zoning districts, the Zoning Administrator has the power and authority to render decisions as to whether a specific proposed use, although not listed as permitted or allowed by Special Exception, is so substantially similar in substance and effect to a permitted use or a use allowed by Special Exception, that it is to be allowed as if expressly permitted or allowed by Special Exception or Minor Special Exception.
 - 3. Such determinations must include notification of appeal procedures and timelines.
- D. **Appeals.** See Section 11.15.
 - 1. Appeals of proffer determinations are decided by the Board of Supervisors.
 - 2. All other appeals of determinations are decided by the BZA.

11.03 Administrative Waivers and Modifications

Purpose. *To allow for nominal deviations from strict application of the Zoning Ordinance by the Zoning Administrator.*

- A. **Applicability.** The Zoning Administrator is authorized to grant waivers and modification from any provision contained in the Zoning Ordinance with respect to physical requirements on a lot or parcel, including but not limited to:
 - 1. Lot, yard, or building requirements;
 - 2. Providing reasonable accommodations requested by or on behalf of a person with a disability; or
 - 3. Errors in structure location.
 - a. Errors in structure location not eligible for Zoning Administrator approval are subject to Section 11.11.04.
- B. **Initiation.**
 - 1. Applications must be filed by:
 - a. The property owner; or
 - b. The owner's authorized agent or representative.
 - 1. An affidavit from the property owner permitting the agent or representative to sign on their behalf will be required.
 - 2. Fees established by the Board of Supervisors must be paid at the time of application and are non-refundable.
 - 3. Applications must be filed with the Zoning Administrator.
 - 4. Applications must include scaled drawings illustrating:
 - a. Plot plan showing location of all structures;
 - b. Building elevations of the subject structure; and
 - c. Additional material as determined by the Zoning Administrator to render a decision in conformance with subsection D.

5. In addition to other application requirements, for modifications to alleviate a hardship requested by, or on behalf of a person with a disability, the Zoning Administrator may require documentation from the applicant to substantiate that such person meets the requirements of the Americans with Disabilities Act of 1990 (ADA) or state and federal fair housing laws.
6. Proof of written, public notice in accordance with Code of Virginia § 15.2-2286(A)(4):
 - a. To all adjoining property owners; and
 - b. Provide opportunity to respond within 21 calendar days of the notice.
- C. **Review and Decision.** After the 21-day response period provided in subsection B.6.b, the Zoning Administrator will:
 1. Make a decision on the application, including the imposition of any conditions necessary to:
 - a. Comply with the intent of the Zoning Ordinance; or
 - b. Avoid or minimize any potentially adverse or injurious effect of the proposal upon other property in the neighborhood.
 2. Issue a written decision to the applicant with findings consistent with subsection D; and
 3. Provide copies of the written decision to any adjoining landowner who responded in writing to the public notice.
- D. **Criteria for Approval.**
 1. **General.** Required for all Administrative Modifications (except requests for Reasonable Accommodation under subsection D.3):
 - a. The strict application of the Zoning Ordinance would produce undue hardship;
 - b. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and
 - c. The authorization of the modification will not be of substantial detriment to adjacent property; and
 - d. The character of the zoning district will not be changed by the granting of the modification.
 2. **Errors in Structure Location.** See Section 7.01.03.D. Additional criteria:
 - a. The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in location of the structure subsequent to the issuance of a building permit, if such was required; and
 - b. Such encroachment will not create an unsafe condition with respect to other property owners and public roads.
 3. **Reasonable Accommodations.** An application shall be approved if it meets the following criteria:
 - a. The accommodation is a reasonable modification to a property or improvements to alleviate a hardship, and was requested by, or on behalf of, a person with a disability; and
 - b. The requested accommodation is appropriate under the ADA or state and federal fair housing laws.
- E. **Limitation after Denial.** There are no limitations on subsequent applications.
- F. **Appeal.** The decision of the Zoning Administrator may be appealed to the Board of Zoning Appeals (BZA). See Section 11.15.
- G. **Scope of Approval.**
 1. Upon approval, the property characteristic subject to the waiver or modification is deemed to comply with the Zoning Ordinance.
 2. Failure to comply with any conditions and restrictions constitutes a violation of the Zoning Ordinance.

3. **Reasonable Accommodation.** The property characteristic upon which the reasonable accommodation has been granted will be treated as conforming under the Zoning Ordinance until the person benefited by it is no longer in need of such accommodation.

11.04 Zoning Permit

Purpose. *The purpose of the Zoning Permit is to ensure that development and uses comply with the Zoning Ordinance.*

A. Applicability. Zoning Permits are required prior to:

1. Issuance of building permit or certificate of occupancy.
2. Construction or occupancy of any structure, including but not limited to:
 - a. Residential accessory uses and structures, such as:
 1. Above ground deck, porch, gazebo;
 2. Private garage, carport;
 3. Private greenhouse;
 4. Private swimming pool, pool house;
 5. Storage shed for personal, non-commercial, use;
 6. Studios and workshops without outdoor display for personal use; and
 7. Bus shelter/bus stand.
 - b. Commercial and industrial accessory uses and structures, such as:
 1. Emergency power generators;
 2. Parking structures;
 3. Recycling facilities pursuant to Section 4.07.03.C;
 4. Storage sheds not exceeding 200 square feet; and
 5. Bus shelter/bus stand.
3. Commencement of any use or change in use or non-residential tenancy.
 - a. *Exception.* Zoning Permits are not required for agricultural uses as provided in the definition of Agriculture.
4. Grading or excavation.
 - a. *Exception.* A conditional grading permit may be obtained prior to construction plans and profiles or Site Plan approval in accord with the Facilities Standards Manual (FSM).
5. Development, as such term is defined in Section 5.03, located within the Floodplain Overlay District (Major Floodplain).
6. Commencement of a temporary use or special event pursuant to Section 3.04.

B. Initiation.

1. Zoning Permit applications must be filed by:
 - a. The property owner; or
 - b. The owner's authorized agent or representative.
 1. An affidavit from the property owner permitting the agent or representative to sign on their behalf will be required.
2. Fees established by the Board of Supervisors must be paid at the time of application and are non-refundable.
3. Applications must be filed with the Zoning Administrator.
4. As determined by the Zoning Administrator, applications must include:

- a. An approved Site Plan or a plot plan signed by the applicant and drawn to scale showing:
 1. The location of all existing and proposed structures with respect to property lines and public roads;
 2. The location and width of entrances and adjacent right-of-way, adjoining properties, and easements, including conservation easements;
 3. Number, size, and type of dwelling units;
 4. The location, size and dimensions of buildings, and the size and dimensions of areas within existing structures to be used for the business;
 5. Number, size, location, and dimensions of off-street parking lots or spaces;
 6. Number, size, location and lighting of signs, if any;
 7. The location of streams and approximate location of any on-site floodplain as determined from the County map;
 8. Location of wells and septic systems;
 9. Size, dimensions, and location of any accessory structures, outdoor storage yards, and screening buffering; and
 10. Other significant features on or within 200 feet of the proposed site, not including public rights-of ways or easements.
 - b. A description of the activity to be conducted regarding waste products, external effects, or other conditions which are regulated herein.
 1. The applicant is not 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.
 - c. 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.
 - d. Certificate from the Health Official that the proposed location complies with Chapters 1066 and 1040 of the Codified Ordinances of Loudoun County, and applicable state laws regarding sewage disposal and water supply.
 - e. Where public water or sewer system approved by a health official is involved, a statement from the system permittee that all applicable regulations and requirements have been complied with.
 - f. A grading permit, if required by State law or County ordinance; to be issued by the Director of Building and Development.
 - g. A locational clearance for property located in Natural and Environmental Resources (NER) of Chapter 6, Limestone Overlay District (LOD), or Mountainside Overlay District (MOD).
 - h. Information necessary to illustrate conformance with the Use Specific Standards of Chapter 4.
 - i. Such other data and certification as may reasonably be required by the Zoning Administrator to determine compliance with the Zoning Ordinance.
5. Except for a Temporary Fire and/or Rescue Station, all temporary Zoning Permits must be applied for at least 20 business days in advance of the event or function.
 6. Unless the temporary special event is addressed and covered through a previously approved Special Exception Permit or Minor Special Exception under Section 11.11.08, a separate temporary Zoning Permit must be obtained for each temporary use or special event.

7. 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.

C. Review and Decision.

1. The Zoning Administrator reviews and decides all Zoning Permit applications.
2. The Zoning Administrator may impose conditions necessary to comply with the intent of the Zoning Ordinance.
3. **Temporary Uses.**
 - a. 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.
 1. Each reviewing agency or department will submit its comments in writing to the Zoning Administrator within 10 business days from receipt of the Zoning Administrator's request.
 - b. The Zoning Administrator may impose reasonable conditions necessary to:
 1. Assure compliance with the standards of Section 3.04;
 2. Ensure that operation and maintenance of the temporary special event mitigate potential adverse impacts on existing uses on adjoining properties and in the surrounding area; and
 3. Protect the public health, safety, and general welfare.
 - c. Conditions may address, but are not limited to:
 1. Provisions for adequate parking, storage, and lighting;
 2. Provisions for security, traffic safety, fire, and life safety;
 3. Limiting hours of operation;
 4. Provisions for adequate sewage disposal; and
 5. Any other health and safety concerns the Zoning Administrator may deem necessary to comply with the approval criteria.
 - d. The Zoning Administrator may require the posting of a bond to ensure timely:
 1. Removal of structures and materials; and
 2. Restoration of the area.

D. Approval Criteria.

1. No Zoning Permit may be issued where the structure to be constructed or the use contemplated would:
 - a. Violate the provisions of the Zoning Ordinance or any other applicable County law, ordinance or regulation;
 - b. Violate the terms of approval of a Zoning Map Amendment, Subdivision, Special Exception, Proffer, Variance, or other approval; nor
 - c. Afford protection to any owner who is found to be violating this or any other applicable law, ordinance, or regulation.
2. Temporary special events must meet all of the following:
 - a. The proposed special event is located, operated, and maintained in a manner consistent with the provisions of Section 3.04.D.
 - b. The particular location requested can reasonably accommodate the proposed temporary special event, given the proposed use's nature, size, and duration.
 - c. The proposed special event does not create significant adverse impacts on properties or improvements in the surrounding area. These impacts include, but are not limited to:

1. Traffic;
 2. Environmental;
 3. Visual, glare;
 4. Noise; or
 5. Odors.
- d. The proposed special event does not create an unreasonable risk of:
1. Significant damage to public or private property, beyond normal wear and tear;
 2. Injury to persons;
 3. Public or private disturbances or nuisances;
 4. Unsafe impediments or distractions to, or congestion of, vehicular or pedestrian travel; nor
 5. Additional police, fire, trash removal, maintenance, or other public services demands, unless substantially mitigated by the applicant or operator.
- e. The proposed special event does not violate any applicable conditions of approval that apply to the principal use on the site.
- f. The time and location requested for the proposed special event is not already permitted or reserved for other activities.
- E. **Limitation after Denial.** There is no limit on subsequent applications after a Zoning Permit has been denied.
- F. **Appeals.** The decision of the Zoning Administrator may be appealed to the Board of Zoning Appeals (BZA). See Section [11.15](#).
- G. **Scope of Approval.**
1. Issued Zoning Permits become invalid if the authorized work:
 - a. Is not commenced within 1 year of the date of issuance; or
 - b. Is suspended or abandoned for a continuous period of 1 year.
 2. The Zoning Administrator may extend a Zoning Permit for up to an additional 1 year.
 - a. The applicant must submit a written request at least 20 business days before expiration.
 - b. The applicant must show good cause for the extension.
 - c. An extension fee may be required.
 3. All information and evidence submitted with the application constitute an agreement on the part of the applicant that the proposed use will conform to such standards at all times.
 4. **Temporary Special Events.**
 - a. Temporary special events are limited to a maximum duration of 14 consecutive calendar days, unless otherwise specifically authorized or extended by the Zoning Administrator.
 - b. At the conclusion of the temporary special event, all related structures and materials must be removed and the site restored to its pre-event condition.
 - c. Permanent alterations to the site are prohibited unless the Zoning Administrator specifically approves the alteration so that the permit applicant can comply with Section [3.04.D](#).
 - d. Permanent signs are prohibited. All temporary signs must obtain a sign permit. Signs associated with the temporary special event use must be reviewed and approved pursuant to Section [8.09](#) and are only for the duration of the temporary special event.
 - e. The applicant or operator of the special event must comply with any other required permits, such as health department permits, or other federal, state, or county regulations.

- f. 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:
 1. The temporary special event has substantially complied with all conditions of the original approval; and
 2. The extension will not create substantial adverse impacts on adjacent properties.

11.05 Sign Permit

Purpose: To ensure that signs comply with Chapter 8.

- A. **Applicability.** If Sections 8.04, 8.05, or 8.06 require a Zoning Permit for a Sign.
- B. **Initiation.**
 1. Sign Permit applications must be filed by:
 - a. The property owner; or
 - b. The owner's authorized agent or representative.
 1. An affidavit from the property owner permitting the agent or representative to sign on their behalf will be required.
 2. Fees established by the Board of Supervisors must be paid at the time of application and are non-refundable.
 3. Applications must be filed with the Zoning Administrator.
 4. As determined by the Zoning Administrator, applications must include scaled drawings illustrating:
 - a. Plot plan showing location of all signs;
 - b. Building elevations showing location of sign(s);
 - c. Sign sizes and area; and
 - d. Structural, electrical, and other characteristic details of the proposed sign(s).
- C. **Review and Decision.**
 1. The Zoning Administrator reviews and decides all Sign Permit applications.
 2. The Zoning Administrator may impose conditions necessary for compliance with the Sign Regulations.
- D. **Approval Criteria.** No sign will be approved unless it complies with the Sign Regulations.
- E. **Limitations after Denial.** There is no limit on subsequent applications after a Sign Permit has been denied.
- F. **Appeals.** The decision of the Zoning Administrator may be appealed to the Board of Zoning Appeals. See Section 11.15.
- G. **Scope of Approval.**
 1. Issued Sign Permits become invalid if the authorized work:
 - a. Is not commenced within 12 months of the date of issuance; or
 - b. Is suspended or abandoned for a continuous period of 12 months.
 2. The Zoning Administrator may extend a Sign Permit for up to an additional 12 months.
 - a. The applicant must submit a written request at least 20 business days before expiration.
 - b. The applicant must show good cause for the extension.
 - c. An extension fee may be required.

11.06 Site Plan

Purpose: The purpose of the Site Plan application is to verify that the physical aspects of development and use comply with the Zoning Ordinance and other ordinances.

A. **Applicability.**

1. **Required.** Site plan approval is required prior to:
 - a. Development of any land;
 - b. Establishment of a use;
 - c. Change of a single-family use to any other use; or
 - d. Change to an approved site plan.
2. **Exempt.** The following uses do not require a site plan and are exempt from the requirements of this Section:
 - a. Agriculture uses identified in Table 3.02.03-3 that do not involve access by the public as a part of such use;
 - b. Animal Care Business;
 - c. Bed and Breakfast Homestay (with less than 5,000 sq. ft. of disturbance);
 - d. Bed and Breakfast Inn (with less than 5,000 sq. ft. of disturbance);
 - e. Child Care Home;
 - f. Dwelling, Single-Family Attached;
 - g. Dwelling, Single-Family Detached;
 - h. Farm Market (*not including the use Farm Market (off-site production), which requires a site plan*);
 - i. Quarry operations with no structures;
 - j. Stable, Private;
 - k. Stable, Livery; and
 - l. Temporary Fire and/or Rescue Station (see Section 3.04.B.5).

- B. **Processing.** Site plan processing regulations are provided in the Land Subdivision and Development Ordinance (LSDO) and the Facilities Standards Manual (FSM).

11.07 Subdivision

Purpose: *The purpose of subdivision applications is to ensure that the division of land complies with the Zoning Ordinance and other ordinances.*

- A. **Subdivision Approval.** Subdivision approval is required in the circumstances specified in the Land Subdivision and Development Ordinance (LSDO).
- B. **Condominium Development.** Pursuant to the [Code of Virginia § 55.1-1905](#), the applicable regulations of the Zoning Ordinance and the LSDO and the associated review of plans and plats, apply to any condominium development, both vertical and horizontal land, in the same manner as such ordinances apply to a physically identical project or development under a different form of ownership.
- C. **Conversion Condominium.** Pursuant to the [Code of Virginia § 55.1-1905.E](#), a proposed conversion condominium that does not conform to the zoning, land use, and site plan regulations must receive Special Exception approval prior to such property becoming a conversion condominium.

11.08 Variance

Purpose. *To allow for deviation from the strict application of the Zoning Ordinance to avoid unreasonable restrictions upon the utilization of property beyond the intent of the Zoning Ordinance.*

A. **Applicability.**

1. **Authorized Variances.** Reasonable deviations from the regulations and restrictions contained in the Zoning Ordinance may be requested only in the following instances and in no others:
 - a. A Variance from those provisions regulating the shape, size, or area of a lot or parcel of land; or
 - b. A Variance from those provisions regulating the size, height, area, bulk, or location of a building or structure when the strict application of the Zoning Ordinance would unreasonably restrict the utilization of the property.
2. **Unauthorized Variance.** No Variance can be approved which would:
 - a. Rezone property;
 - b. Change the use or density of land, buildings, or structures; or
 - c. Result in any increase in the base flood elevation of any use or activity within the Floodplain Overlay District (FOD) (Major Floodplain).

B. Initiation.

1. Variance applications must be filed with the Zoning Administrator by a person owning the property, or having a possessory or contract interest in such property and the consent of the owner.
2. The application must contain the following information and such additional information as the Board of Zoning Appeals (BZA) may, by rule, require or as may be required by Section 11.01.E:
 - a. The particular provisions or requirements of the Zoning Ordinance that prevent the proposed construction on, or use of, the property.
 - b. The existing zoning of the property, including any previously approved modifications, conditions, or proffers.
 - c. The special conditions, circumstances, or characteristics of the land, building, or structure that prevent the use of the land in compliance with the requirements of the Zoning Ordinance.
 - d. The extent to which it would be necessary to vary the requirements of the Zoning Ordinance in order to permit the proposed construction on, or use of, the property.
 - e. An explanation of how the requested Variance conforms to each of the approval criteria.
 - f. Evidence that the strict application of the terms of the Zoning Ordinance would unreasonably restrict the utilization of the property or that the granting of the Variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the Zoning Ordinance.
 - g. A plat of the property that has been prepared by a licensed, certified land surveyor, or other licensed professional operating within the scope of his or her license.
 1. For properties containing one acre or more, the applicant may petition the Zoning Administrator to request that this requirement be reduced to a survey of the portion of the property for which the Variance is sought.
 2. Such plat or survey must clearly depict:
 - a. The requested variance;
 - b. The current Zoning Ordinance requirements; and
 - c. The section of the Zoning Ordinance requesting to be varied.

C. Review and Decision.

1. **Staff.**
 - a. County staff, as determined by the Zoning Administrator, will review the application and provide written comments to the applicant and BZA.

- b. The Zoning Administrator will provide staff comment, analysis, and recommendation to the BZA for their use at the public hearing.
2. **Planning Commission.** The Zoning Administrator may transmit a copy of the application to the Planning Commission which may send a recommendation to the BZA or appear as a party at the hearing.
3. **Board of Zoning Appeals (BZA).**
 - a. The BZA exercises the jurisdiction and authority to grant a Variance from the literal terms of the Zoning Ordinance in accordance with the procedures, standards, and limitations contained in this Section.
 - b. Within 90 business days of receiving a complete application, the BZA will hold a public hearing and decide upon the requested Variance.
 - c. After the public hearing, the BZA must approve, deny, or approve with conditions the application for a Variance.
 - d. The BZA may impose such conditions and restrictions upon the location, character, and other features of the proposed structure or use as it may deem necessary in the public interest and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.
 - e. The applicant for a Variance bears the burden of providing evidence to prove by a preponderance of the evidence that the Variance application meets the approval criteria.
- D. **Approval Criteria.** Variance approval will be granted if the evidence shows:
 1. The property interest for which the Variance is being requested was acquired in good faith and any hardship was not created by the applicant for the Variance;
 2. The granting of such Variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;
 3. The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Zoning Ordinance;
 4. The granting of the Variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property;
 5. The relief or remedy sought by the Variance application is not available through a Special Exception, Minor Special Exception, or Zoning Modification at the time of filing of the Variance application; and
 6. Such Variance is not contrary to the purpose of the Zoning Ordinance.
- E. **Limitations after Denial.** If a Variance is denied by the BZA on the merits, no application requesting the same relief with respect to all or part of the same property will be considered by the BZA within 12 months after the date of such denial.
- F. **Appeals.** Appeals of the BZA's final decision are to the Loudoun Circuit Court in accordance with the Code of Virginia.
- G. **Scope of Approval.**
 1. Notwithstanding any other general or special provision of law, the property characteristic upon which a property owner has been granted a Variance will be treated as conforming for all purposes under state law and the Zoning Ordinance.
 2. The structure permitted by the Variance may not be expanded unless the expansion is within an area of the site or part of the structure for which no Variance is required under the Zoning Ordinance.
 3. Where the expansion is proposed within an area of the site or part of the structure for which a Variance is required, the approval of an additional Variance will be required.
 4. Failure to comply with any such conditions and restrictions constitutes a violation of the Zoning Ordinance.

11.09 Commission Permit

Purpose. To verify, whether publicly or privately owned, all public areas, public buildings, public structures, public utility facilities, and public service corporation facilities are consistent with the Comprehensive Plan.

A. Applicability.

1. **Required.** Pursuant to [Code of Virginia § 15.2-2232](#), a Commission Permit is required (unless specifically exempted below) for the following features:
 - a. Street or connection to an existing street;
 - b. Park or other public area;
 - c. Public building or public structure;
 - d. Public utility facility or public service corporation facility;
 - e. Widening, narrowing, extension, enlargement, vacation or change of use of streets or public areas;
 - f. Telecommunications monopoles, towers, or facilities, including privately constructed wireless facilities in VDOT rights-of-way;
 - g. Sanitary landfills;
 - h. School sites; and
 - i. Electric transmission lines of at least 138 kilovolts.
2. **Exempt.** The following features do not require a commission permit and are exempt from the requirements of this Section:
 - a. The feature is shown on an adopted master plan or part thereof;
 - b. The feature is identified within, but not the entire subject of, an approved subdivision, site plan, or concept development plan;
 - c. Railroads;
 - d. Underground natural gas or electric distribution facilities of a public utility as defined in [Code of Virginia § 56-265.1\(b\)](#);
 - e. Paving, repair, reconstruction, improvement, drainage or similar work, and normal service extensions of public utilities or public service corporations that do not involve a change in location or extent of a street or public area;
 - f. Electric transmission lines of 138 or more kilovolts that have received a certificate of convenience and necessity from the State Corporation Commission pursuant to [Code of Virginia § 56-265.2](#); or
 - g. Proposed telecommunications monopole, tower, or facility constructed by an entity organized pursuant to [Code of Virginia §§ 56-231.15, et seq.](#) located in a zoning district that allows such telecommunications monopole, tower, or facility as a permitted use.

B. Initiation.

1. Applications must be submitted to the Director after completion of Preapplication [[Section 11.01.C](#)] and Pre-review [[Section 11.01.D](#)].
 - a. Applications for telecommunications facilities are exempt from Pre-review [[Section 11.01.D](#)].
2. Only complete applications will be accepted for review [[Section 11.01.E](#)].

C. Review and Decision.

1. **Staff.**
 - a. County staff, as determined by the Director, will review the applications and provide written comments.
 - b. The comments will be provided to the applicant.

- c. The Director will provide staff comment, analysis, and recommendation to the Planning Commission and the Board of Supervisors for their use.

2. Planning Commission.

- a. The Planning Commission will discuss the proposed commission permit within 60 calendar days of receiving a complete application unless time has been extended by the Board of Supervisors.
 - 1. Commission permits for telecommunications facilities will be decided within 90 calendar days unless the time has been extended by:
 - a. The Board of Supervisors for not more than an additional 60 calendar days; or
 - b. The applicant.
- b. The Planning Commission will either approve or deny the Commission Permit.
- c. Commission permits are approved if the Planning fails to act within the specified times.

3. Board of Supervisors.

- a. Within 60 calendar days after the Planning Commission has acted or failed to act, the Board of Supervisors will review the decision.
 - b. The Board of Supervisors may overrule the action of the Planning Commission by a vote of a majority of its membership.
 - c. If the Board of Supervisors fails to overrule the Planning Commission within the specified time, the decision of the Planning Commission is final.
- D. **Approval Criteria.** Commission permits will be approved if the general location or approximate location, character, and extent is substantially in accord with the Comprehensive Plan or part thereof.
- E. **Limitations after Denial.** There is no limit on subsequent applications after a Commission Permit has been decided.
- F. **Appeals.** See Section 11.15.
- G. **Scope of Approval.** Commission Permit approval allows for the construction, establishment, or authorization of the specified facility provided all other development approvals required by the Zoning Ordinance are obtained.

11.10 Zoning Amendments

11.10.01 Zoning Map Amendment

Purpose. *To change zoning district boundaries or classifications of property.*

- A. **Applicability.** The Board of Supervisors may, by ordinance, amend the official Zoning Map by modifying zoning district boundaries or changing the zoning district classification of property.
- B. **Initiation.**
 - 1. A Zoning Map Amendment may be initiated by any of the following actions:
 - a. The Board of Supervisors adopts a resolution;
 - b. The Planning Commission adopts a motion; or
 - c. The owner or, with the owner's consent, the owner's written agent or contract purchaser of the property that is the subject of the proposed Zoning Map Amendment, files an application with the Director after completion of Preapplication [Section 11.01.C] and Pre-review [Section 11.01.D].
 - 2. For applications initiated pursuant to subsection B.1.c, written consent of all persons with a legal ownership interest in the property under consideration must be provided with the application.
 - 3. Only complete applications [Section 11.01.E] will be accepted for review.

C. Review and Decision.

1. Staff.

- a. County, Commonwealth, Town, or other agencies, as determined by the Director, will review the application and provide written comments within 20 business days (or as necessary for state agency review) of receiving a complete application.
- b. The comments will be provided to the applicant.
- c. The applicant can revise the application to address staff comments and resubmit the revised application for further review.
- d. Staff will repeat this review for each resubmittal until either the applicant requests, or the Director forwards the application for a Planning Commission public hearing.
- e. The Director will provide staff comment, analysis, and recommendation to the Planning Commission and the Board of Supervisors for their use at public hearings.

2. Planning Commission.

- a. The Planning Commission will hold a public hearing to consider the proposed Zoning Map Amendment.
- b. The Planning Commission may refer the proposal to 1 work session to further consider the proposal and to give the applicant an opportunity to further revise the application in response to comments from staff and the Planning Commission.
 1. Additional work sessions are permitted with the concurrence of the applicant to toll the review period.
- c. After the public hearing and, if applicable, work session(s), the Planning Commission will forward the proposed Zoning Map Amendment to the Board of Supervisors with a recommendation of approval or denial and, at the Planning Commission's option, recommendations for further amendments to the applicant's proposal.

3. Board of Supervisors.

- a. The Board of Supervisors will hold a public hearing to consider the proposed Zoning Map Amendment.
- b. The Board may, at its discretion, remand the application to the Planning Commission for special attention to specific items, or if it determines that the application has materially changed since Planning Commission review.
- c. After the public hearing, the Board of Supervisors will decide on the proposed Zoning Map Amendment.

D. Factors for Consideration. In considering a Zoning Map Amendment application, the following factors will be given reasonable consideration:

1. Consistency with the General Plan;
2. Land use compatibility, including impacts to the surrounding area;
3. Impacts to natural, environmental, and heritage resources;
4. Impacts to housing;
5. Economic development;
6. Impacts to public services, utilities, and infrastructure; and
7. Consistency with the Countywide Transportation Plan.

E. Limitations after Denial. No new application concerning any or all the same property, which is substantially the same as any denied Zoning Map Amendment application as determined by the Director, will be accepted for review within 12 months of the date of denial.

- F. **Appeals.** Appeals of the Board of Supervisors' final decision are to the Loudoun Circuit Court in accordance with the Code of Virginia.
- G. **Scope of Approval.** Zoning Map Amendment approval does not grant other development approvals required by the Zoning Ordinance.

11.10.02 Zoning Ordinance Amendment

Purpose. *To change the text of this Zoning Ordinance as may be necessary or desirable as determined by the Board of Supervisors.*

- A. **Applicability.** The Board of Supervisors may by ordinance amend, supplement, change, or repeal the text of the Zoning Ordinance.
- B. **Initiation.** A Zoning Ordinance Amendment may be initiated by any of the following actions:
 - 1. The Board of Supervisors adopts a resolution;
 - 2. The Planning Commission adopts a motion; or
 - 3. A landowner files a petition for a resolution of intent to amend the text of the Zoning Ordinance, to be acted upon by the Board of Supervisors. The Board will either adopt such resolution, initiating the requested Zoning Ordinance Amendment, or deny such petition.
- C. **Review and Decision.**
 - 1. **Staff.**
 - a. County, Commonwealth, Town, or other agencies, as determined by the Director, will review the proposed Zoning Ordinance Amendment and provide written comments.
 - b. This process may be repeated as determined by the Director.
 - c. The Director will provide staff comment, analysis, and recommendation to the Planning Commission and the Board of Supervisors for their use at public hearings.
 - 2. **Planning Commission.**
 - a. The Planning Commission will hold a public hearing to consider the proposed Zoning Ordinance Amendment in accordance with Section 11.01.G.
 - b. The Planning Commission may refer the proposal to a work session to further consider the proposed amendment.
 - c. After the public hearing and, if applicable, work session, the Planning Commission will forward the proposed Zoning Ordinance Amendment to the Board of Supervisors with a recommendation of approval or denial and, at the Planning Commission's option, recommendations for amendments or revisions to the proposed Zoning Ordinance text.
 - 3. **Board of Supervisors.**
 - a. The Board of Supervisors will hold a public hearing to consider the proposed Zoning Ordinance Amendment.
 - b. The Board may, at its discretion, remand the application to the Planning Commission for special attention to specific items, or if it determines that the proposed amendment has materially changed.
 - c. After the public hearing, the Board of Supervisors will make a final decision on the proposed Zoning Ordinance Amendment.
- D. **Factors for Consideration.** In considering a Zoning Ordinance Amendment, the following factors will be given reasonable consideration, where applicable:
 - 1. To provide for adequate light, air, convenience of access, and safety from fire, flood, impounding structure failure, crime and other dangers;

2. To reduce or prevent congestion in the public streets;
 3. To facilitate the creation of a convenient, attractive and harmonious community;
 4. To facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports, and other public requirements;
 5. To protect against destruction of or encroachment upon historic areas and working waterfront development areas;
 6. To protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, impounding structure failure, panic or other dangers;
 7. To encourage economic development activities that provide desirable employment and enlarge the tax base;
 8. To provide for the preservation of agricultural and forestal lands and other lands of significance for the protection of the natural environment;
 9. To protect approach slopes and other safety areas of licensed airports, including United States government and military air facilities;
 10. To promote the creation and preservation of affordable housing suitable for meeting the current and future needs of the locality as well as a reasonable proportion of the current and future needs of the planning district within which the locality is situated;
 11. To provide reasonable protection against encroachment upon military bases, military installations, and military airports and their adjacent safety areas, excluding armories operated by the Virginia National Guard;
 12. To provide reasonable modifications in accordance with the Americans with Disabilities Act of 1990 [42 U.S.C. § 12131 *et seq.*] or state and federal fair housing laws, as applicable; and
 13. To protect surface water and ground water as defined in Code of Virginia § 62.1-255.
- E. **Limitations after Denial.** There is no limitation after denial of a Zoning Ordinance Amendment.
- F. **Appeals.** Appeals of the Board of Supervisors' final decision are to the Loudoun Circuit Court in accordance with the Code of Virginia.
- G. **Scope of Approval.** Approval of a Zoning Ordinance Amendment amends the text of the Zoning Ordinance. It does not grant any development approvals.

11.10.03 Conditional Zoning (Proffers)

- A. **Conditional Zoning.** As part of a Zoning Map Amendment or Zoning Concept Plan Amendment, the County may accept reasonable conditions governing the use of such property as provided by Code of Virginia § 15.2-2303.
1. When proffered by the landowner in conformance with this Section, such conditions become an addition to the Zoning Ordinance regulations.
 2. For Zoning Map Amendment and Zoning Concept Plan Amendment applications subject to the provisions of Code of Virginia § 15.2-2303.4, the County will accept only such reasonable conditions as defined by and in accordance with Code of Virginia § 15.2-2297 that may not be deemed unreasonable as defined in Code of Virginia § 15.2-2303.4.
- B. **Proffered Conditions.** Proffered conditions in accordance with this Section may include written statements, development plans, profiles, elevations, or other demonstrative materials and are subject to the procedures set out in, or established by resolution pursuant to, Section 11.10.02 and the following:

1. **Contents and Timing of Proffers.** Proffered conditions must be signed by all persons having an ownership interest in the property and be must notarized and submitted to the Director prior to a public hearing before the Board of Supervisors.
 - a. The Board of Supervisors may accept amended proffers after the public hearing has begun if the amended proffers:
 1. Impose a more restrictive standard on the proposal; and
 2. Do not materially affect the overall proposal.
 - b. Proffered conditions must contain a statement that the owners voluntarily enter into the conditions contained therein.
 2. **Filing and Notice of Accepted Proffers.** When a Zoning Map Amendment or a Zoning Concept Plan Amendment is approved subject to proffered conditions, the Zoning Administrator will:
 - a. Annotate the subject property on the Official Zoning Map; and
 - b. Maintain an official copy of the approved proffers.
 3. **Proffers Govern Development.** Proffered conditions become a part of, and in addition to, the zoning regulations and other County development regulations applicable to the property unless such proffers are subsequently changed by a Zoning Ordinance Amendment, Zoning Map Amendment, or Zoning Concept Plan Amendment which is not part of a comprehensive implementation of a new or substantially revised zoning ordinance.
 4. **Substantial Conformance Required.** Upon approval of a Zoning Map Amendment or Zoning Concept Plan Amendment with proffers, all other applications for development thereafter must be in substantial conformance with all proffered conditions. No development may be approved by any County official in the absence of said substantial conformance.
- C. **Enforcement of Proffers.** The Zoning Administrator is vested with all necessary authority on behalf of the Board of Supervisors to administer and enforce proffered conditions. Such authority includes:
1. **Remedy Noncompliance.** To order, in writing, the remedy of any noncompliance with a proffered condition and the ability to bring legal action to ensure compliance including injunction, abatement, or other appropriate action or proceedings, as provided for in Section 11.14.
 2. **Guarantee Construction of Improvements.** The Zoning Administrator may require a guarantee, satisfactory to the Board of Supervisors, in an amount sufficient for and conditioned upon the construction, installation, provision, or performance of any public improvements, site improvements, facilities, or obligations required by the proffered conditions.
 - a. The Board of Supervisors or its agent may reduce or release this guarantee upon satisfactory evidence that the construction, installation, provision, or performance of such improvements, facilities, or obligations has been completed in whole or substantially in part as determined by the Zoning Administrator.
 - b. Said guarantee will be required prior to the approval of the applicable construction profile and plan, site plan or subdivision application.
 3. **Compliance Required.**
 - a. Any Site Plan, Subdivision, grading permit, Zoning Permit, building permit, or certificate of occupancy that fails to meet or comply with any proffered condition must be denied.
 - b. In addition to the other penalties appropriate for violations of the Zoning Ordinance, the Zoning Administrator may deny issuance of any development approval, plan, or permit relating to the land area, which was the subject of the conditional zoning, for failure to meet or comply with any proffered condition.

- c. With each application for a development approval or permit, the applicant must include an affidavit certifying that all applicable proffers have been or will be complied with as agreed upon at the time of Zoning Map Amendment or Zoning Concept Plan Amendment approval.
 - d. The applicant bears the burden of verifying that the proposed development complies with any and all proffered conditions.
- D. **Appeal of Proffer Decision.** Any person aggrieved by a decision of the Zoning Administrator regarding any proffered condition may appeal such decision to the Board of Supervisors as provided in Section 11.15.
- E. **Proffer Amendment.**
 - 1. A Zoning Concept Plan Amendment is required to amend proffered conditions that have been approved and accepted by the Board of Supervisors, except as provided under Section 11.10.04.D.
 - 2. Proffer Amendments follow the same process and procedures that apply to the review and approval of Zoning Concept Plan Amendments as provided in Section 11.10.05, except that:
 - a. The Director may modify the applicable schedule for agency comments (referrals) based on the complexity, scope, or nature of the requested proffer amendment.
 - 3. Notwithstanding subsection E.1, above, the Board of Supervisors may waive the requirements for public hearing before either or both the Planning Commission and Board of Supervisors, when an amendment to such proffered conditions is requested that does not affect conditions of use or density.
 - a. Upon granting such waiver request, the requested amendment will be referred to the Planning Commission for review.
 - b. Staff and Planning Commission recommendations will be provided to the Board of Supervisors within such period of time as specified by the Board of Supervisors at the time it grants the waiver.
 - c. In granting the waiver, the Board of Supervisors will require written notice of such application be provided in the manner and to the persons as set forth in Code of Virginia §§ 15.2-2204 and 15.2-2302 and Section 11.01.G.1 of the Zoning Ordinance, except as provided in subsection E.3.d; and may:
 - 1. Establish a modified schedule for staff and Planning Commission review; and
 - 2. Approve a reduced fee reflecting the modified schedule.
 - d. Notwithstanding noticing requirements of the Zoning Ordinance, the Board of Supervisors may waive the written notice requirement of Code of Virginia § 15.2-2302(A) in order to reduce, suspend, or eliminate outstanding cash proffer payments for residential construction calculated on a per-dwelling unit or per-home basis that have been agreed to, but unpaid, by any landowner.
 - 4. Notwithstanding any other provision of law, no claim of any right derived from any proffered condition accepted by the Board of Supervisors impairs the right of any landowner subject to such proffered condition to secure amendments to such proffered condition.

11.10.04 Concept Development Plan

Purpose. *To provide a graphic depiction of the proposed development approved with a Zoning Map Amendment*

- A. **Required.**
 - 1. An application for a Zoning Map Amendment must include a Concept Development Plan and such additional information necessary to provide a detailed understanding of the proposed development.
 - 2. The Concept Development Plan must be sufficiently detailed to be evaluated with respect to the criteria of Section 11.10.01.D.
- B. **Contents.** The Concept Development Plan must contain the following information, which will apply to the project as a whole and to each land bay within the project:
 - 1. **Nonresidential Uses.**

- a. Floor area ratio for each nonresidential use type;
 - b. Maximum gross floor area for each nonresidential use type;
 - c. A notation or depiction of the setbacks, height, and bulk restrictions; and
 - d. Any standards or requirements that are imposed and restrictions regarding the location and nature of nonresidential activities.
2. **Residential Uses.**
 - a. Maximum number of each dwelling unit type;
 - b. Floor area ratio for each multifamily dwelling type;
 - c. A notation or depiction of lot and building restrictions;
 - d. Maximum residential densities; and
 - e. Any standards or requirements that are imposed and restrictions regarding the location and nature of residential activities.
3. **Civic Uses.** *[For applications subject to the provisions of Code of Virginia § 15.2-2303.4, neither civic uses nor any of the foregoing information in this subsection is required to be shown to the extent that the provision of such uses may be deemed unreasonable as defined in Code of Virginia § 15.2-2303.4.]*
 - a. Floor area ratio for each civic use type;
 - b. Maximum gross floor area; and
 - c. Location of civic facilities provided, if not otherwise provided in the proffers.
4. **Public Uses.** *[For applications subject to the provisions of Code of Virginia § 15.2-2303.4, neither public uses nor any of the foregoing information in this subsection is required to be shown to the extent that the provision of such uses may be deemed unreasonable as defined in Code of Virginia § 15.2-2303.4.]*
 - a. The floor area ratio or ratios;
 - b. The maximum gross area for the project as a whole and for land bays within the project; and
 - c. The location of public land and facilities provided, if not otherwise provided in the proffers.
5. **Transportation/Access.** *[For applications subject to the provisions of Code of Virginia § 15.2-2303.4, neither transportation improvements nor any of the foregoing information in this subsection is required to be shown to the extent that the provision of such uses may be deemed unreasonable as defined in Code of Virginia § 15.2-2303.4.]*
 - a. The approved location and general design of transportation improvements;
 - b. Ingress and egress to the project; and
 - c. Access restrictions.
6. **Open Space Areas.** *[For applications subject to the provisions of Code of Virginia § 15.2-2303.4, the provision of any active recreation area, passive recreation area, perimeter landscape buffer, or screening is required to be shown to the extent that the provision of such areas, buffers, or screening may be deemed unreasonable as defined in Code of Virginia § 15.2-2303.4.]*
 - a. The location and nature of environmentally or historically sensitive areas;
 - b. Active recreation areas;
 - c. Passive recreation areas;
 - d. Perimeter landscape buffers and screening intended to mitigate impacts on adjacent properties and other areas that are to remain as open space.
7. **Proffered Commitments.** Additional information to clearly illustrate the extent, measures of successful performance, and location of land-based commitments included in the proffers.

C. Substantial Conformance.

1. All site plan, subdivision plat, building permit, or occupancy permit applications submitted for the development or use of the property in accordance with the Concept Development Plan must be in substantial conformance with the approved Concept Development Plan.
2. No development or use may be approved by any County official in the absence of such conformance.

D. Changes after Approval.

1. Administrative Change.

- a. Any of the following changes to an approved Concept Development Plan is an administrative change that may be permitted by the Zoning Administrator:
 1. Decrease by 5% or less of the area approved for public and private open space.
 2. Relocate or modify approved circulation elements as a result of more detailed engineering or changes requested by county staff or VDOT.
 3. Alter the orientation or relocate approved uses within the same land bay unless such change would decrease the ability of such elements to function efficiently, adversely affect their relation to surrounding lands and uses, or is otherwise prohibited or limited in the proffers.
 4. Update setbacks, height, and bulk restrictions to conform to current zoning district regulations, except as specified in the proffers.
 5. Allow accessory structures into setbacks or buffers between residential developments no longer required by the Zoning Ordinance.
- b. **Appeal.** Decisions of the Zoning Administrator of an administrative change to an approved Concept Development Plan are to the Board of Zoning Appeals pursuant to Section 11.15.

2. Zoning Concept Plan Amendment.

- a. Any other change to an approved Concept Development Plan will be reviewed as a Zoning Concept Plan Amendment pursuant to the procedures established in Section 11.10.05.
- b. Minimum submission requirements for such changes to an approved Concept Development Plan are the same as for a new Concept Development Plan.
- c. Such proposed changes may be shown only for those areas affected and need not show the entire area of the original Concept Development Plan.

11.10.05 Zoning Concept Plan Amendment

Purpose. *To make changes to accepted proffers or an approved Concept Development Plan.*

- A. Applicability.** The Board of Supervisors may, by ordinance, approve amendments to proffers or a Concept Development Plan associated with a previously approved Zoning Map Amendment.

B. Initiation.

1. A Zoning Concept Plan Amendment may be initiated by the owner or, with the owner's written consent, the owner's agent or a contract purchaser of the property that is the subject of the proposed Zoning Concept Plan Amendment.
2. Written consent of all persons with a legal ownership interest in the property under consideration must be provided with the application.
3. Applications must be filed with the Director after completion of Preapplication [Section 11.01.C] and Pre-review [Section 11.01.D].
4. During Pre-review, the Board of Supervisors may:

- a. Waive the requirements for public hearing before either or both the Planning Commission and Board of Supervisors, when an amendment to such proffered conditions is requested that does not affect conditions of use or density. In granting the waiver, the Board of Supervisors will require written notice of such application be provided in the manner and to the persons as set forth in Code of Virginia §§ 15.2-2204 and 15.2-2302 and Section 11.01.G.1;
 - b. Establish a modified schedule for staff and Planning Commission review; and
 - c. Approve a reduced fee reflecting the modified schedule.
5. Only complete applications [Section 11.01.E] will be accepted for review.
 6. Where proposed changes are for only a portion of the original approval, proposed changes may be shown only for those areas affected and need not show the entire Concept Development Plan.

C. Review and Decision.

1. Staff.

- a. County, Commonwealth, Town, or other agencies, as determined by the Director, will review applications and provide written comments.
- b. The comments will be provided to the applicant.
- c. The applicant can revise the application and resubmit the revised application for further review.
- d. Staff will repeat this review for each resubmittal until either the applicant requests, or the Director forwards the application for a Planning Commission public hearing.
- e. The Director will provide staff comment, analysis, and recommendation to the Planning Commission and the Board of Supervisors for their use at public hearings.

2. Planning Commission.

- a. The Planning Commission will hold a public hearing [Section 11.01.G] to consider the proposed Zoning Concept Plan Amendment,
- b. If the public hearing is waived by the Board of Supervisors pursuant to subsection B.4., Planning Commission review will be held at a public meeting.
- c. The Planning Commission may refer the proposal to 1 work session to further consider the proposal and to give the applicant an opportunity to further revise the application in response to comments from staff and the Planning Commission.
 1. Additional work sessions are permitted with the concurrence of the applicant to toll the review period.
- d. After the public hearing and, if applicable, work session(s), the Planning Commission will forward the proposed Zoning Concept Plan Amendment to the Board of Supervisors with a recommendation of approval or denial and, at the Planning Commission's option, recommendations for further amendments to the applicant's proposal.

3. Board of Supervisors.

- a. The Board of Supervisors will hold a public hearing to consider the proposed Zoning Concept Plan Amendment.
- b. The Board may, at its discretion, remand the application to the Planning Commission for special attention to specific items, or if it determines that the application has materially changed.
- c. After the public hearing, the Board of Supervisors will make a final decision on the proposed Zoning Concept Plan Amendment.
- d. If the public hearing is waived by the Board of Supervisors pursuant to subsection B.4, Board of Supervisors consideration and decision will be performed at a public meeting.

- D. **Factors for Consideration.** In considering a Zoning Concept Plan Amendment application, the same factors for Zoning Map Amendment [Section 11.10.01.D] will be given reasonable consideration.
- E. **Limitations after Denial.** No new application concerning any or all of the same property, which is substantially the same as the one denied as determined by the Director, will be accepted for review within 12 months of the date of denial.
- F. **Appeals.** Appeals of the Board of Supervisors' final decision are to the Loudoun Circuit Court in accordance with the Code of Virginia.
- G. **Scope of Approval.** Zoning Concept Plan Amendment approval does not grant other development approvals required by the Zoning Ordinance.

11.10.06 Reserved

11.10.07 Reserved

11.10.08 Historic Overlay Districts (HOD) - Additional Requirements

Purpose. The purpose of establishing Historic Overlay Districts (HOD) is to:

- Effect and accomplish the protection, enhancement, perpetuation, and use of improvements and areas of special character or special historic interest or value which represent or reflect elements of the County's cultural, social, economic, political, architectural, and archaeological history;
- Foster civic pride and preserve an appreciation for the historic values on which the County and the Nation were founded;
- Maintain and improve property values;
- Protect and enhance the County's attraction to tourists and visitors;
- Provide for the education and general welfare of the people of the County;
- Protect against destruction of or encroachment upon historic areas; and
- Otherwise accomplish the general purposes of the Zoning Ordinance, the General Plan, and the provisions of Code of Virginia Chapter 22, Title 15.2.

A. Applicability.

1. The Board of Supervisors may establish HODs or remove HODs pursuant to Code of Virginia §§ 15.2-2306 and 15.2-2283, and by Zoning Map Amendment as provided in Section 11.10.01 and this Section. Where there is a conflict, the provisions of this Section apply.
2. The term "Historic Overlay District" includes, without limitation, the following:
 - a. Historic Site (HS) Districts;
 - b. Historic and Cultural Conservation (HCC) Districts;
 - c. Historic Roadway (HR) Districts;
 - d. Historic Access Corridor (HAC) Districts; and
 - e. Such other Historic Districts as the Board of Supervisors has the power to establish.

B. Establishment of New HODs and Additions to Existing HODs.

1. The establishment of a new HOD, or the addition of a parcel (or parcels) to an existing HOD, is a Zoning Map Amendment subject to Section 11.10.01 and a recommendation by the Historic District Review Committee (HDRC).

2. HODs are established as overlay zoning districts and are in addition to existing zoning designations and the regulations appropriate thereto.
- C. **Application.** In addition to the submission requirements of Section 11.01.F, the following information must be submitted with an application for the establishment of a new HOD or an addition to an existing HOD, and must be considered by the Planning Commission, HDRC, and Board of Supervisors.
 1. The type of new HOD or existing HOD addition to be designated pursuant to subsections A and D.
 2. A written statement demonstrating how the proposed new HOD or proposed addition to an existing HOD meets the Criteria for Establishment for the applicable HOD enumerated in subsection D.
 3. Documentation of the particular historical attributes of the area to be located within the proposed new HOD or addition to an existing HOD.
 4. An inventory that lists each historic landmark, site, building, or structure located within the proposed new HOD or proposed addition to an existing HOD, which itself has historic merit or is a contributing resource to the overall historic character of said HOD.
 5. A graphic representation of the proposed new Historic District or proposed addition to an existing HOD that includes:
 - a. The proposed boundaries determined pursuant to subsection E.
 - b. The location of all land-marks, sites, build-ings, or other structures of par-ticular historic value located within the specified HOD.
- D. **Criteria for Establishment of HODs.** Proposed new HODs or additions to existing HODs must meet the criteria for establishment listed below:
 2. **Historic Site Districts (HS).** The Board of Supervisors may establish HS districts provided such districts meet the following:
 - b. One or more of the purposes set forth in the Purpose of this Section;
 - c. One or more of the following criteria:
 1. Such district contains a historic landmark, building, or structure listed in the National Register of Historic Places, the Virginia Landmark Register, or the County Heritage Register; or
 2. Such district meets 1 or more of the following criteria:
 - a. Is closely associated with 1 or more persons, communities, events, activities, or institutions that have made a significant contribution to local, regional, or national history;
 - b. Contains buildings, structures, landscapes, or archaeological resources whose exterior design or features exemplify the distinc-tive characteristics of an historic type, period, settlement pattern, or method of construction, or that represent the work of an acknowledged master;
 - c. Have yielded, or are likely to yield, information important to local, regional, or national history or prehistory; or
 - d. Possesses an identifiable character representative of the architectural, archaeological, and cultural heritage of Loudoun County.
 3. **Historic and Cultural Conservation Districts (HCC).** The Board of Super-visors may establish HCC districts provided such districts meet the following:
 - a. The definition of “historic area” in Code of Virginia § 15.2-2201;
 - b. One or more of the purposes set forth in the Purpose of this Section; and
 - c. One or more of the following criteria:
 1. Such district has been deemed eligible for listing or is listed in the National Register of Historic Places or the Virginia Landmarks Register; or

2. Such district meets 1 or more of the following criteria:
 - a. Is closely associated with 1 or more persons, communities, events, activities, or institutions that have made a significant contribution to local, regional, or national history;
 - b. Contains buildings, structures, or landscapes whose exterior design or features exemplify the distinctive characteristics of one or more historic types, periods, or methods of construction, or that represent the work of an acknowledged master or masters;
 - c. Have yielded or are likely to yield information important to local, regional, or national history or prehistory; or
 - d. Possesses an identifiable character representative of the architectural, archaeological, and cultural heritage of Loudoun County.
4. **Historic Roadway Districts (HR).** The Board of Supervisors may create HR districts provided such districts meet the following:
 - a. The definition of “historic area” in Code of Virginia § 15.2-2201;
 - b. One or more of the purposes set forth in the Purpose of this Section; and
 - c. One or more of the following criteria:
 1. Such district has been deemed eligible for listing or is listed in the National Register of Historic Places or the Virginia Landmarks Register; or
 2. Such district meets 1 or more of the following criteria:
 - a. Is closely associated with 1 or more persons, communities, events, activities, or institutions that have made a significant contribution to local, regional, or national history;
 - b. Contains buildings, structures, or landscapes whose exterior design or features exemplify the distinctive characteristics of one or more historic types, periods, or methods of construction, or which represent the work of an acknowledged master or masters; or
 - c. Have yielded or are likely to yield information important to local, regional, or national history or prehistory; or
 - d. Possesses an identifiable character representative of the architectural, archaeological, and cultural heritage of Loudoun County.
5. **Historic Access Corridor Districts (HAC).** The Board of Supervisors may create HAC districts provided such districts meet the following:
 - a. Standards of Code of Virginia § 15.2-2306;
 - b. One or more of the purposes set forth in the Purpose of this Section; and
 - c. One or more of the following criteria:
 1. Encompasses parcels of land, or portions thereof, that are located adjacent to an arterial street or highway (as designated pursuant to Code of Virginia Title 33.1) that is closely associated with 1 or more persons, events, activities, or institutions that have made a significant contribution to local, regional, or national history;
 2. Encompasses parcels of land, or portions thereof, contiguous to an arterial street or highway which together possess an identifiable historic character representative of the architectural, archaeological, and cultural heritage of Loudoun County; or
 3. Encompasses parcels of land, or portions thereof, adjacent to an arterial street or highway which is a significant historic route of tourist access of the County or municipality.
- E. **Boundaries of Historic Districts.** The following criteria must be used when determining the boundaries of certain HODs:

1. **Historic Site Districts.** The boundaries of HS Districts must be drawn to include those lands that are adjacent to the landmarks, buildings, or structures for which the HS District was established and that is necessary to achieve the Purpose of this Section and the criteria of subsection D.1.
 2. **Historic and Cultural Conservation Dis-tricts.** The boundaries of HCC Districts must be drawn to include all land therein that is necessary to achieve the Purpose of this Section and the criteria of subsection D.2.
 3. **Historic Roadway and Historic Access Corridor Districts.** The boundaries of HR and HAC Districts must be drawn to include the roadway or access corridor that is the focus of the district and run roughly parallel to each side the roadway or access corridor for such depth and distance necessary to achieve the Purpose this Section and the criteria of subsections D.3 or D.4 respectively.
- F. **Removal from Existing HODs.** The removal of a parcel from an existing HOD is a Zoning Map Amendment subject to Section 11.10.01 and a recommendation by the HDRC.
1. The HDRC must make a recommendation to approve the removal only if all of the following criteria are met:
 - a. The parcel no longer meets the Purpose of this Section or the criteria of subsection D;
 - b. No contributing historic landmark, site, building, or structure is located on the parcel;
 - c. Removal of the parcel would not have a negative impact on the surrounding streetscape within the HOD because the parcel is surrounded by other non-contributing structures; and
 - d. The parcel is located on the edge of the HOD such the removal of the parcel would not cause a void within the HOD.
- G. **Appeal.** Any person aggrieved by the final decision of the Board of Supervisors in regard to the establishment of a new HOD or the addition to or removal of a parcel from an existing HOD may appeal such decision to Loudoun Circuit Court in accordance with Code of Virginia § 15.2-2306.

11.11 Special Exception Review

11.11.01 Special Exception

Purpose. To provide the Board of Supervisors with an opportunity for discretionary review of requests to establish or construct uses or structures that have the potential for a deleterious impact upon the health, safety, and welfare of the public; and, in the event such uses or structures are approved, the authority to impose conditions to avoid, minimize, or mitigate potentially adverse effects upon the community or other properties in the vicinity of the proposed use or structure.

A. Applicability.

1. **Specified Special Exceptions.** Only those Special Exceptions that are expressly authorized as such in a particular zoning district in Section 3.02, or elsewhere in the Zoning Ordinance may be approved.
2. **Existing Uses.** No existing use may be changed to another use that is designated as a Special exception use in such district, and no approved Special exception use may be enlarged or expanded unless approval of a new Special exception has been granted by the Board of Supervisors.

B. Initiation.

1. For any property under consideration for a Special Exception, the following may file an application:
 - a. The owner,
 - b. Contract purchaser with the owner's written consent, or
 - c. The owner's duly authorized representative.
2. Written consent of all persons with a legal ownership interest in the property under consideration must be provided with the application.

3. Applications must be filed with the Director after completion of Preapplication [Section 11.01.C] and Pre-review [Section 11.01.D].
4. Only complete applications [Section 11.01.E] will be accepted for review.

C. Review and Decision.

1. Staff.

- a. County, Commonwealth, Town, or other agencies, as determined by the Director, will review the application and provide written comments within 20 business days (or as necessary for state agency review) of receiving a complete application.
- b. The comments will be provided to the applicant.
- c. The applicant can revise the application to address staff comments and resubmit the revised application for further review.
- d. Staff will repeat this review for each resubmittal until either the applicant requests, or the Director forwards the application for a Planning Commission public hearing.
- e. The Director will provide staff comment, analysis, and recommendation to the Planning Commission and the Board of Supervisors for their use at public hearings.

2. Planning Commission.

- a. The Planning Commission will hold a public hearing to consider the proposed Special Exception.
- b. The Planning Commission may refer the proposal to 1 work session to further consider the proposal and to give the applicant an opportunity to further revise the application in response to comments from staff and the Planning Commission.
 1. Additional work sessions are permitted with the concurrence of the applicant to toll the review period.
- c. After the public hearing and, if applicable, work session(s), the Planning Commission will forward the proposed Special Exception to the Board of Supervisors with a recommendation of approval or denial and, at the Planning Commission's option, recommendations for further amendments to the applicant's proposal or conditions necessary to mitigate impacts identified by the factors for consideration in subsection D below.

3. Board of Supervisors.

- a. The Board of Supervisors will hold a public hearing to consider the proposed Special Exception.
- b. The Board may, at its discretion, remand the application to the Planning Commission for special attention to specific items, or if it determines that the application has materially changed.
- c. After the public hearing, the Board of Supervisors will make a final decision on the proposed Special Exception.
- d. The Board of Supervisors may impose conditions necessary to comply with the intent of the Zoning Ordinance and implement the Comprehensive Plan.

D. Factors for Consideration. In considering a Special Exception application, the following factors will be given reasonable consideration, in addition to any other factors provided by the Zoning Ordinance:

1. Consistency with the General Plan;
2. Land use compatibility, including impacts to the surrounding area;
3. Impacts to natural, environmental, and heritage resources;
4. Impacts to public services, utilities, and infrastructure; and
5. Consistency with the Countywide Transportation Plan.

- E. **Limitations after Denial.** No new application concerning any or all of the same property, which is substantially the same as the one denied as determined by the Director, will be accepted for review within 12 months of the date of denial.
- F. **Appeals.** Appeals of the Board of Supervisors' final decision are to the Loudoun Circuit Court in accordance with the Code of Virginia.
- G. **Scope of Approval.** Special Exception approval allows for the establishment of the specified use within the period of validity provided below; it does not grant other development approvals required by the Zoning Ordinance.
1. **Conformance with Conditions of Approval.** Any Special Exception approval granted by the Board of Supervisors may only be implemented in strict accordance with the conditions of approval for the Special Exception.
 2. **Related Applications.** All site plan, subdivision plat, building permit, or occupancy permit applications submitted for the development or use of the property in accordance with the Special Exception must be in substantial conformance with the approved Special Exception. No development or use may be approved by any County official in the absence of such conformance.
 3. **Establishment of Use.** To establish the Special Exception use, necessary permits must be obtained, and work commenced and diligently pursued until an occupancy permit is issued.
 4. **Period of Validity.** Special Exceptions are valid for a period of up to 5 years from the date of approval unless the approval specifies an alternate period of validity, or is required pursuant to Virginia Code. The Special Exception will expire, without notice, on the expiration date.
 5. **Extension of the Period of Validity.** The period of validity may be extended, provided:
 - a. A written request explaining the reason additional time is needed and payment of fees is submitted to the Director at least 30 calendar days before the expiration date.
 - b. Extensions will not be processed and cannot be approved without full compliance with the conditions of approval as determined by the Zoning Administrator.
 - c. The Director may require public notice and review at a public hearing.
 - d. The Board of Supervisors will either approve or deny the request based on the Special Exception and extension materials submitted.
 - e. The Special Exception remains valid while the extension request is being processed.
- H. **Minor Changes after Approval.**
1. **Accessibility Improvements.** Any changes necessary to provide accessibility improvements required by the Americans with Disability Act or the Commonwealth of Virginia are permitted as part of a valid Special Exception.
 2. **Minor Changes.** The Zoning Administrator may permit minor changes to an approved Special Exception when such are reasonably necessary to address issues related to topography, drainage, underground utilities, structural safety, final engineering, vehicular circulation, or requirements of government agencies.
 - a. Such changes may also permit:
 1. Addition of accessory buildings that are clearly subordinate to the approved Special Exception use;
 2. Realignment of principal buildings and parking areas within an approved building envelope; or
 3. Minor additions to principal buildings and corresponding additions to parking areas, provided the cumulative total of all building additions neither:
 4. Exceed 5% of the existing gross floor area; nor
 5. Exceed maximum permitted FAR for the zoning district.
 - b. **Notice Requirements.** Minor changes to an approved Special Exception, other than accessibility improvements, require written notice:

1. Be sent to the last known address of the owners (as shown in the Loudoun County real estate assessment records) of all property abutting and across the street from the site, or portion thereof, which is the subject of the request.
 - a. If the subject property is included within an incorporated owners' association, then such notice must also be sent to such owners' association (at the address on file with the State Corporation Commission).
2. Such notice must be delivered by hand or sent by certified mail;
3. Such notice must include the letter of request with all attachments as submitted to the Zoning Administrator, a statement that the request has been submitted, and whom to call at the County for additional information; and
4. Prior to action by the Zoning Administrator, the applicant must provide an affidavit to the Zoning Administrator that the required notice as set forth in subsection H.2.b has been sent.

11.11.02 Minor Special Exception

Purpose. *To provide the Board of Supervisors with an opportunity for simplified discretionary review of requests to establish or construct uses or structures that have less potential for a deleterious impact upon the health, safety, and welfare of the public than typical Special Exception uses and structures; and, in the event such uses or structures are approved, the authority to impose conditions necessary to avoid, minimize, or mitigate potentially adverse effects upon the community or other properties in the vicinity of the proposed use or structure.*

- A. Minor Special Exception applications are subject to the same requirements for Special Exception applications provided in Section 11.11.01, except that the Planning Commission does not review the proposed use unless:
 1. The application is concurrently processed with other related applications; or
 2. As directed by the Board of Supervisors during Pre-review [Section 11.01.D].

11.11.03 Sign Development Plan

Purpose: *To provide flexibility for signs that have unusual design or artistic features.*

- A. **Applicability.** An applicant may request a Sign Development Plan for:
 1. Signs that have an unusual design or artistic features that require an alternative to the dimensional or design requirements of the Sign Regulations; or
 2. Revisions to an approved Sign Development Plan.
- B. **Initiation.**
 1. For any property under consideration, the following may file an application:
 - a. The owner;
 - b. Contract purchaser with the owner's written consent; or
 - c. The owner's duly authorized representative.
 2. Written consent of all persons with a legal ownership interest in the property under consideration must be provided with the application.
 3. Applications must be filed with the Zoning Administrator after completion of Preapplication [Section 11.01.C].
 4. Only complete applications [Section 11.01.E] will be reviewed in accordance with this Section, except that application submittal materials must also include the following:
 - a. A statement of justification that addresses the approval criteria listed below.
 - b. A comparison chart of the proposed sign regulations in relation to Chapter 8 requirements, using the table format specified under the applicable sign requirements.

- c. A sign map, depicting the location of each of the various proposed sign types.
- d. Details for each of the proposed sign types to be used to achieve a complementary system of signs and graphics:
 - 1. Design,
 - 2. Materials,
 - 3. Colors, and
 - 4. Illumination.
- e. The boundaries of any zoning districts and property lines on and adjacent to the subject property.

C. Review and Decision.

1. Staff.

- a. County, Commonwealth, Town, or other agencies, as determined by the Director, will review the application and provide written comments within 20 business days.
- b. The Zoning Administrator will provide staff comment, analysis, and recommendation to the BZA for their use at public hearings.

2. Board of Zoning Appeals (BZA).

- a. The BZA will hold a public hearing to decide the proposal.
- b. The BZA will review the request based on the applicable approval criteria listed below.
- c. The BZA will act upon the proposal within 90 business days of receiving a complete application.
- d. The BZA may prescribe conditions to assure compliance with the intent of the Zoning Ordinance.
- e. The BZA has no power to waive or modify the standards necessary for approval.

D. Approval Criteria. The Sign Development Plan may be approved if the BZA finds that the request:

- 1. Has unusual design or artistic features that require an alternative to the dimensional or design regulations of Chapter 8 while providing the same approximate scale of allowable signage.
- 2. Complies with the General Plan;
- 3. Avoids traffic safety hazards by minimizing unnecessary distractions for motorists, bicyclists, and/or pedestrians.
- 4. Demonstrates compatibility with, and is subordinate to, the structures and land uses on the same site as the sign(s);
- 5. Addresses impacts to the night sky;
- 6. Incorporates energy efficient measures, where possible; and
- 7. Avoids unnecessary redundancy or competing demands for visual attention.

E. Limitations after Denial. After the official denial of an application, no new application concerning any or all of the same property, which is substantially the same as the one denied, will be accepted for review within 12 months of the date of denial.

F. Appeals. Appeals of the BZA's final decision must be made within 30 calendar days to the Circuit Court.

G. Scope of Approval.

- 1. Sign Development Plan approval allows for alternate design requirements for permitted signs; it does not grant construction approval required for installation.
- 2. Approved Sign Development Plans are subject to the provisions of Section 11.11.01.H.

H. Minor Changes after Approval.

- 1. **Accessibility Improvements.** Any change necessary to facilitate accessibility required by the Americans with Disability Act or the Commonwealth of Virginia are permitted as part of a valid Sign Development Plan.

2. Minor Change.

- a. **Applicability.** The Zoning Administrator may permit the following minor changes to an approved Sign Development Plan:
 1. Sign size, height, number, or other quantitative measurement is increased by less than 10%;
 2. A sign category is added that was not addressed in the approved Sign Development Plan; and
 3. Revision to a sign category that was addressed in the approved Sign Development Plan.
- b. **Initiation.** Requests for approval of minor revisions must be made in accordance with subsection B.
- c. **Notice Requirements.** Minor changes to an approved Sign Development Plan, other than accessibility improvements, require written notice:
 1. Be sent to the last known address of the owners (as shown in the Loudoun County real estate assessment records) of all property abutting and across the street from the site, or portion thereof, which is the subject of the request.
- d. **Approval Criteria.** Such Minor revisions are reviewed for consistency with the approved Sign Development Plan and subsection D.
- e. **Appeal.** See Section 11.15. The Zoning Administrator's decision may be appealed to the BZA.

11.11.04 Special Exception for Errors in Location

Purpose. To provide for deviations from strict Zoning Ordinance requirements due to errors in the location of structures.

- A. **Applicability.** Structure constructed in error that are not eligible for approval under 11.03, are subject to Board of Zoning Appeals (BZA) approval as provided in this Section.
 1. **Special Exception for Errors in Structure Location.** The BZA may hear and approve Special Exceptions for Errors in Structure Location in the case of any structure existing or partially constructed which does not comply with the following:
 - a. Minimum yard requirements,
 - b. Setbacks, and
 - c. Other requirements of the Zoning Ordinance regulating structure location.
 2. **Special Exception for Errors in Very Steep Slopes.** The BZA may hear and approve Special Exceptions for Errors in Very Steep Slopes, when:
 - a. The encroachment does not exceed 2,000 square feet of land-disturbing activity within the Very Steep Slope Area;
 - b. The subject structure or use listed in Table 3.03-1 is attached to a principal residential structure; and
 - c. No portion of the principal structure is located within the Very Steep Slope Area.
- B. **Initiation.**
 1. For any property under consideration, the following may file an application:
 - a. The owner;
 - b. Contract purchaser with the owner's written consent; or
 - c. The owner's duly authorized representative.
 2. Written consent of those with a legal ownership interest in the property under consideration must be provided with the application.
 3. Applications must be filed with the Zoning Administrator after completion of Preapplication [Section 11.01.C].
 4. Only complete applications pursuant to Section 11.01.E will be reviewed in accordance with this Section.

5. **Special Exception for Errors in Very Steep Slopes.** The Zoning Administrator may request additional information, reports, or studies, such as, but not limited to:

- a. Geotechnical study;
- b. Geophysical study;
- c. Preliminary soils review;
- d. Site plan;
- e. Grading plan;
- f. Structural analysis;
- g. U.S. Army Corps of Engineers approved wetland delineation;
- h. Tree cover inventory;
- i. Phase 1 archeological study;
- j. Rare, threatened, and endangered species survey; and
- k. Mitigation plan.

C. Review and Decision.

1. Staff.

- a. At the request of the Zoning Administrator, County staff will review accepted applications for adherence to the Zoning Ordinance and compliance with the Comprehensive Plan.
- b. The Zoning Administrator will provide staff comment and analysis to the BZA for their use at the public hearing.

2. Board of Zoning Appeals.

- a. The BZA will hold a public hearing to decide the proposal.
- b. The BZA will review the request based on the applicable approval criteria listed below.
- c. The BZA will act upon the proposal within 90 business days of receiving a complete application.
- d. The BZA may allow a reduction only as necessary to provide reasonable relief.
- e. The BZA may prescribe conditions to assure compliance with the intent of the Zoning Ordinance.
- f. The BZA has no power to waive or modify the standards necessary for approval.

D. Approval Criteria.

1. **Special Exception for Errors in Structure Location.** The Special Exception for Errors in Structure Location may be approved if the BZA finds that:

- a. The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in location of the structure subsequent to the issuance of a building permit, if such was required;
- b. Such reduction will not impair the purpose and intent of the Zoning Ordinance;
- c. It will not be detrimental to the use and enjoyment of the other property in the immediate vicinity;
- d. It will not create an unsafe condition with respect to both other property and public streets;
- e. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner; and
- f. The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.

2. **Special Exception for Errors in Very Steep Slopes.** The Special Exception for Errors in Very Steep Slopes may be approved if the BZA finds that:

- a. Activities associated with the removal of the attached structure or use would result in a net negative environmental impact, as demonstrated by applicable information, reports, or studies.
 - b. The noncompliance was done in good faith, through no fault of the property owner, or was the result of a good faith error in location subsequent to the issuance of a building permit;
 - c. The noncomplying structure was constructed 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;
 - d. The noncomplying structure was constructed in a manner that does not increase the potential for adverse impacts on water quality due to increased erosion, sedimentation, and surface runoff;
 - e. The noncomplying structure was constructed in a manner that preserves the visual quality of steep slope areas; and
 - f. The noncomplying structure will not be detrimental to the use and enjoyment of other property in the immediate vicinity.
- E. **Limitations after Denial.** After denial of a Special Exception for Errors in Location application, no new application concerning any or all of the same property, which is substantially the same as the one denied, will be accepted for review within 12 months of the date of denial.
- F. **Appeals.** Appeals of the BZA's final decision are to the Loudoun Circuit Court in accordance with the Code of Virginia.
- G. **Scope of Approval.** Upon approval of a Special Exception for Errors in Location, the structure or use subject to the application is deemed to comply with this Zoning Ordinance.

11.11.05 Special Exception for Parking Adjustment

Purpose: To reduce required parking in excess of 35% as provided in Section 7.06.08.

- A. **Applicability.** As provided in Section 7.06.08.A, a Special Exception is necessary to reduce total parking by more than 35%.
- B. **Initiation.**
 - 1. For any property under consideration, the following may file an application:
 - a. The owner;
 - b. Contract purchaser with the owner's written consent; or
 - c. The owner's duly authorized representative.
 - 2. Written consent of all persons with a legal ownership interest in the property under consideration must be provided with the application.
 - 3. Applications must be filed with the Zoning Administrator after completion of Preapplication [Section 11.01.C].
 - 4. Only complete applications [Section 11.01.E] will be reviewed in accordance with this Section, except that application submittal materials must also include the following:
 - a. A statement of justification that addresses the approval criteria listed below;
 - b. Any pertinent information applicable to the specific parking adjustment request. This includes, but is not limited to, the following information below:
 - 1. Parking location;
 - 2. Type of parking (on-street, structured parking, off-street, etc.);
 - 3. Percentage of parking to be provided in a parking structure, on-street, off-street, by shared parking, or by any other means; and

4. Any applicable supplemental data, graphics, or best practices as agreed upon in the signed parking scoping document.
 - c. A plan showing how the parking spaces will be provided on the site.
 - d. A parking study:
 1. Completed by a qualified professional with demonstrated experience in transportation planning, traffic engineering, or comparable field;
 2. Signed and dated as agreed upon with Zoning Administration;
 3. To substantiate the need for an adjusted number of parking spaces.
 - e. A parking scoping meeting held between the Applicant and Staff to specify the parking information required in the applicant's parking study.
- C. Review and Decision.**
1. **Staff.**
 - a. County, Commonwealth, Town, or other agencies, as determined by the Director, will review the application and provide written comments within 20 business days.
 - b. The Zoning Administrator will provide staff comment, analysis, and recommendation to the BZA for their use at public hearings.
 2. **Board of Zoning Appeals (BZA).**
 - a. The BZA will hold a public hearing to decide the proposal.
 - b. The BZA will review the request based on the applicable approval criteria listed below.
 - c. The BZA will act upon the proposal within 90 business days of receiving a complete application.
 - d. The BZA may prescribe conditions to assure compliance with the intent of the Zoning Ordinance.
 - e. The BZA has no power to waive or modify the standards necessary for approval.
- D. Criteria for Approval.** The BZA determines that the parking adjustment:
1. Is appropriate based on the information provided;
 2. Meets the purpose of parking standards provided in Section 7.06.01; and
 3. Does not conflict with the Comprehensive Plan.
- E. Limitation after Denial.** After the official denial of an application, no new application concerning any or all of the same property, which is substantially the same as the one denied, will be accepted for review within 12 months of the date of denial.
- F. Appeals.** Appeals of the BZA's final decision must be made within 30 calendar days to the Circuit Court. See Section 11.15.
- G. Scope of Approval.** Upon approval of such parking adjustment, the new parking ratio will be applicable to the subject proposal.

11.11.06 Stone Quarrying – Additional Requirements

Purpose. To provide additional Special Exception requirements for the establishment or expansion of stone quarrying operations.

- A. Applicability.**
1. A Special Exception is required to establish or expand stone quarrying operations.
 2. The requirements in this Section supplement the requirements of Section 11.11.01. Where there is a conflict, the provisions of this Section apply.

B. Submittal Requirements. In addition to the submission requirements of Section 7.01.B, all applications for stone quarrying uses must be accompanied by the following items:

1. Five copies of a plat prepared by an engineer or surveyor licensed by the State, drawn to a scale of 1" = 200'. Such plat shall show:
 - a. The boundary of the entire tract by metes and bounds.
 - b. Development limits and topography in contour intervals of 5 feet or less, including locations of water courses, of the part of the tract that is proposed to be used for the operations set forth in the application, and of the contiguous area within 500 feet of such proposed limits or such greater distance as may be specified by the Zoning Administrator.
 - c. Means of vehicular and emergency access to the proposed use indicating the proposed type of surface treatment.
2. One aerial photograph, at a scale of 1" = 200' and certified as flown not earlier than 6 months prior to the date on which the application is submitted, which includes:
 - a. All land included in the application and within 2,000 feet of the area covered by the application; and
 - b. All contiguous land which is now, is planned to be, or has been used by the applicant for such use or a related use.
3. A depiction, based on the official zoning records of Loudoun County, of the zoning of all parcels within the same area covered by the aerial photograph required in subsection B.2.
4. A conceptual description of the proposed operation describing the anticipated location, process, equipment, and scale of the proposed operation including all special exception and accessory uses.
5. A transparent overlay, at the same scale and covering the same area as the aerial photograph required in subsection B.2. depicting the location, limits, and approximate square footage of the following items:
 - a. Area of any known previous, currently active, and proposed excavation.
 - b. Area of active and proposed settling ponds and washing facilities.
 - c. Areas of existing and proposed crushing or treatment facilities.
 - d. Areas of existing and proposed storage of extracted material.
 - e. Areas of existing and proposed production facilities or resource related uses.
 - f. Location and type of any existing and proposed erosion control, stormwater management, and BMP facilities.
 - g. Location and type of structures, fencing, and security measures or other appropriate safeguards to prevent access by unauthorized persons.
 - h. Location and type of buffering of adjacent land uses to be provided pursuant to Section 7.04.
6. A plan for operation demonstrating the feasibility of the operation proposed without hazards or damage to other properties by reason of:
 - a. Increased flooding or undesirable rise or reduction in ground water levels;
 - b. Erosion caused by increased rate of flow or redirection of flow in flood channels;
 - c. Deposits of debris from flood or erosion;
 - d. Excessive slopes remaining at cuts or fills; or
 - e. Undermining or creation of settlement in adjoining areas.
7. A plan for restoration of the site, prepared by an engineer or surveyor licensed by the State.
 - a. The plan for restoration must conceptually demonstrate the method by which the property, in its entirety, will be returned to a state suitable for re-use for purposes permissible in the district.
 - b. The plan must include:

1. Vehicular circulation patterns in and around the site;
2. Treatment of exposed soils or subsoil in order to make the property suitable for the proposed re-use;
3. Treatment of slopes to prevent erosion and delineation of floodways and floodplains (if any) to be maintained in open usage.
- c. In such plans for re-use, where conditions are suitable, permanent lakes, water impoundment or recreational facilities may be permitted.
- d. The format and level of detail required by the Virginia Department of Mines and Minerals for a restoration plan is acceptable as an initial submission.
- e. The County shall have the right to request such additional information as it deems necessary.
8. A letter signed by the applicant and by the owner of the property granting the right of entry upon the property to the Zoning Administrator, law enforcement agents, and County inspectors for the purpose of inspecting and bringing law enforcement to the property during the term of any permit which may be issued.
9. A hydrogeological report and a Type II detailed geotechnical report including an assessment of the depth of overburden and the effects of the proposed resource extraction on the water table and local wells.
10. An environmental report describing existing environmental conditions, assessing the environmental impacts of the proposed use on the site and properties within 2,000 feet of the proposed uses, and depicting proposed mitigation measures.
- C. **Condition of Approval.** The Board of Supervisors may condition the Special Exception to post a bond with the County. The condition will include:
 1. The bond amount set by the Board of Supervisors;
 2. Surety to the satisfaction of the Board of Supervisors;
 3. Purpose of the bond is full restoration in accordance with the approved restoration plan within 360 days following the expiration of the Special Exception; and
 4. Require a written instrument granting to the County or its officers, agents, and employees, a right to enter the property which is the subject of the Special Exception for the purpose to inspect of any required restoration.

11.11.07 Very Steep Slope Areas – Additional Requirements

Purpose. *To provide additional requirements for the establishment or expansion of Special Exception or Minor Special Exception uses in Very Steep Slope Areas to ensure conformance with the purpose of Section 6.02.*

- A. **Applicability.** When a proposed Special Exception or Minor Special Exception are located within a Very Steep Slope Area, the requirements in this Section supplement the requirements of Section 11.11.01. Where there is a conflict, the provisions of this Section apply.
- B. **Additional Factors for Consideration.** When considering applications for Special Exception or Minor Special Exception in Very Steep Slope Areas, in addition to the factors for consideration under Section 11.11.01.D, the Board of Supervisors must make findings that all of the following standards have been met:
 1. Land disturbance within very steep slope areas with slopes greater than 50% is not 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% and is not compatible with a site that lacks very steep slope or moderately steep slope areas).
 2. Land disturbance within very steep slope areas with slopes greater than 50% is not permitted for any structure.

3. Clearing of vegetation within very steep slope areas is limited to the minimum necessary to locate the proposed use.
4. Land disturbance within very steep slope areas is 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 must be revegetated.
5. The proposed use, structure, or use and structure must be located and designed to limit its susceptibility to slippage or slope failure, and there are no alternative locations where the proposed use and/or structure may be located that would not be subject to slippage or slope failure.
6. The proposed use must not increase the danger to life and property due to increased destabilization of steep slope areas.

11.11.08 Temporary Special Events – Additional Requirements

Purpose. To allow the Board of Supervisors to permit temporary special events with a Special Exception or Minor Special Exception application.

A. Applicability.

1. An applicant for a Special Exception use or Minor Special Exception use may include in the application a request for authorization of temporary special events that the applicant expects to regularly occur during the life of the Special Exception use or Minor Special Exception use.
2. The requirements of this Section supplement the requirements of Section 11.11.01. Where there is a conflict, the provisions of this Section apply.

B. Initiation. The applicant must be specific about the expected:

1. Types of special events;
2. Number of events per calendar year;
3. Duration of such special events;
4. Number of attendees per event; and
5. Pertinent information necessary to show compliance with the standards and criteria set forth in Section 3.04.D (Temporary Special Events).

C. Review and Decision. Review of the requested temporary special events will occur concurrently with the review of the Special Exception or Minor Special Exception use.

1. All requested temporary special events that are submitted as part of a Special Exception or Minor Special Exception application will be reviewed for compliance with the standards and criteria set forth in both Section 11.11.01 and Section 3.04.D.

D. Scope of Approval. Temporary special events approved as part of a Special Exception or Minor Special Exception application are exempt from the procedural requirements for a Zoning Permit stated in Section 11.04, but are subject to all other applicable standards in Section 3.04.D including without limitation:

1. Minimum standards and criteria in Section 3.04.D.6;
2. Limits on the duration of special events; and
3. Maximum number of special events allowed in one calendar year.

11.11.09 Light and Glare – Additional Requirements

Purpose. To provide additional Special Exception requirements for the lighting that does not comply with the standards of Section 7.05.02.

A. Applicability.

1. As provided in Section 7.05.02.E, a Special Exception is required when development does not conform to light and glare standards.
2. The requirements in this Section supplement the requirements of Section 11.11.01. Where there is a conflict, the provisions of this Section apply.

B. Submittal Requirements. In addition to the submission requirements of Section 11.01.B, all applications for Special Exception to exceed light and glare standards of Section 7.05.02 must include:

1. A Photometrics Plan; and
2. Mitigation measures and supporting calculations to adequately reduce the effects of the proposal on the environment and surrounding properties.

C. Additional Factors for Consideration. In considering applications for a Special Exception, in addition to the factors for consideration under Section 11.11.01.D, the Board of Supervisors must also consider whether:

1. The proposal includes reasonable efforts to mitigate the effects of light on the environment and surrounding properties;
2. Lighting controls are used to appropriately reduce lighting at specific time periods; and
3. The proposed lighting will not create unwarranted glare, sky glow, or light trespass.

11.11.10 Nonconforming Conversion Condominium – Additional Requirements

Purpose. To allow for the approval of conversion condominiums that do not conform to zoning, land use, or site plan regulations.

A. Applicability.

1. As provided in Section 10.02.E, a Special Exception is required for conversion condominiums that do not conform to zoning, land use, or site plan regulations.
2. The requirements in this Section supplement the requirements of Section 11.11.01. Where there is a conflict, the provisions of this Section apply.

B. Factors for Consideration. The Board of Supervisors must grant approval if the applicant can demonstrate to the reasonable satisfaction of the Board of Supervisors that the nonconformities are not likely to be adversely affected by the proposed conversion.

11.12 Zoning Modification

Purpose. To permit the Board of Supervisors to modify specific Zoning Ordinance standards.

A. Applicability.

1. Only those Zoning Modifications expressly authorized as such in the Zoning Ordinance may be considered.
2. No Zoning Modification to uses or density of the zoning district may be considered.
3. Zoning Modifications to the regulations of Chapter 9 will be permitted only in accord with Section 9.01.J.
4. No Zoning Modification for the primary purpose of achieving the maximum density on a site may be considered.
5. Zoning Modifications will be applicable to the entire development or to a defined portion of a development proposed to contain multiple lots.

B. Initiation.

1. For any property under consideration for a Zoning Modification, the following may file an application:

- a. The owner;
 - b. The contract purchaser with the owner's written consent; or
 - c. The owner's duly authorized representative.
2. Written consent of all persons with a legal ownership interest in the property under consideration must be provided with the application.
3. Applications must be filed with the Director after completion of Preapplication [Section 11.01.C] and Pre-review [Section 11.01.D].
4. Only complete applications [Section 11.01.E] will be accepted for review.
5. Applications must include materials demonstrating how the proposed Zoning Modification will be used in the design of the project.

C. Review and Decision.

1. Staff.

- a. County, Commonwealth, Town, or other agencies, as determined by the Director, will review applications and provide written comments within 20 business days (or as necessary for state agency review) of receiving a complete application.
- b. The comments will be provided to the applicant.
- c. The applicant can make changes to the application to address staff comments and resubmit such changes.
- d. Staff will repeat this review for each resubmittal until either the applicant or the Director sends the application to the Planning Commission.
- e. The Director will provide staff comment, analysis, and recommendation to the Planning Commission and the Board of Supervisors for their use at public hearings.

2. Planning Commission.

- a. The Planning Commission will hold a public hearing to consider the proposed Zoning Modification.
- b. The Planning Commission may refer the proposal to 1 work session to further consider the proposal to give the applicant an opportunity to further revise the application in response to comments from staff and the Planning Commission.
 1. Additional work sessions are permitted with the concurrence of the applicant to toll the review period.
- c. After public hearing and if applicable, work session(s), the Planning Commission will forward the proposed Zoning Modification to the Board of Supervisors with a recommendation of approval or denial and, at the Planning Commission's option, recommendations for further amendments to the applicant's proposal.

3. Board of Supervisors.

- a. The Board of Supervisors will hold a public hearing to consider the proposed Zoning Modification.
- b. The Board, at its discretion, may remand the application to the Planning Commission for special attention to specific items, or if it determines that the proposal has materially changed.
- c. After the public hearing, the Board of Supervisors will make a final decision on the proposed Zoning Modification.
- d. The Board of Supervisors may impose conditions necessary to:
 1. Comply with the intent of the Zoning Ordinance;
 2. Implement the Comprehensive Plan; or

3. Avoid or minimize any potentially adverse or injurious effect of the Zoning Modification upon other property in the neighborhood.
- D. **Approval Criteria.** To approve a Zoning Modification, the proposal must further a specific policy, strategy, or action of the Comprehensive Plan, and:
 1. Achieve an innovative design;
 2. Improve upon the existing regulations; or
 3. Otherwise exceed the public purpose of the existing regulation.
- E. **Limitations after Denial.** After the denial of a Zoning Modification, no new application concerning any or all the same property, which is substantially the same as the one denied, will be accepted for review within 12 months of the date of denial.
- F. **Appeals.** Appeals of the Board of Supervisors' final decision are to the Loudoun Circuit Court in accordance with the Code of Virginia.
- G. **Scope of Approval.**
 1. Zoning Modification approval allows for modification of specific zoning regulations as they relate to a specific property; it does not grant other development approvals required by the Zoning Ordinance.
 2. All Site Plan, subdivision plat, building permit, or occupancy permit applications submitted for the development or use of the property in accordance with the Zoning Modification must be in substantial conformance with the approved Zoning Modification. No development or use may be approved by any County official in the absence of such conformance.
 3. Approved Zoning Modifications must be set forth on a Concept Development Plan as set forth in Section 11.10.04.

11.13 Historic Overlay District (HOD) Review

Purpose. To implement Historic Overlay District (HOD) protections of Section 5.08.

- A. **Applicability.**
 1. **Certificate of Appropriateness—Administrative for Minor Actions (CAPA).** CAPA approval is required for any action listed in Section 5.08.C. prior to approval for any Zoning Permit for any parcel within an HOD.
 2. **Certificate of Appropriateness (CAPP).** CAPP approval is required for any action listed in Section 5.08.D prior to approval for any Zoning Permit for any parcel within an HOD, except as provided for in Section 5.08.C.
- B. **Initiation.**
 1. All applications are filed with the Zoning Administrator.
 2. Only complete applications pursuant to Section 11.01.E will be accepted for review.
- C. **Review and Decision.**
 1. **Zoning Administrator.**
 - a. As determined by the Zoning Administrator, County staff will review the application and provide written comments.
 - b. The Zoning Administrator makes all CAPA decisions.
 - c. For CAPP applications, the Zoning Administrator will provide comment and analysis to the HDRC for their use at the public hearing.
 2. **HDRC.**
 - a. The HDRC reviews CAPP applications for conformance with the Historic District Guidelines.

- b. The HDRC must hold at least 1 public meeting at which time any interested party, including the applicant or the applicant's representative, must be heard.
- c. After the public hearing the HDRC must approve or deny the application.
 - 1. **Approvals.** All approvals by the HDRC must include findings stating those aspects of the application that are in conformance with the Historic District Guidelines.
 - 2. **Denials.** All denials by the HDRC must include:
 - a. Findings stating those aspects of the application that are not in conformance with the Historic District Guidelines; and
 - b. Recommendations whereby the application could be brought into conformance with the Historic District Guidelines.
- d. The HDRC may not:
 - 1. Consider interior arrangements; or
 - 2. Vary from the requirements of the Zoning Ordinance, FSM, or Codified Ordinances of Loudoun County.

D. Approval Criteria.

- 1. The Zoning Administrator must approve CAPA applications if they are in conformance with the Historic District Guidelines.
 - 2. The HDRC must base its decision to approve or deny on whether the proposals therein are architecturally compatible with the other structures, sites, or landmarks located within the subject HOD. In applying such standard, the HDRC will consider the following:
 - a. Exterior architectural features, including all signs.
 - b. General design, scale, and arrangement.
 - c. Texture and material.
 - d. The relationship of subsections D.2.a, D.2.b, and D.2.c, above, to other structures and features of the subject HOD.
 - e. The purposes for which the subject HOD was created.
 - f. The relationship of the size, design, and siting of any erected, reconstructed, altered, moved, or restored structure to the landscape of the subject HOD.
 - g. The extent to which the denial of the CAPP would constitute a deprivation to the owner of a reasonable use of his property.
 - h. The extent to which the proposal adheres to the Historic District Guidelines for the subject HOD.
- E. Limitation after Denial.** No reapplication for essentially the same purpose will be accepted for review within 1 year of denial of any applications hereunder except in cases where the application has been brought into compliance with the Historic District Guidelines pursuant to the recommendations set forth in an earlier denial of said application.
- F. Appeals.** See Section 11.15.
- 1. CAPA decisions are appealed to the HDRC.
 - 2. HDRC decisions are appealed to the Board of Supervisors.
- G. Scope of Approval.** CAPA and CAPP approvals do not authorize development or demolition. Any action that occurs after approval will require additional approvals including Zoning Permits and demolition or building permits.
- 1. **Period of Validity.** Approved CAPAs or CAPPs become invalid if the authorized work is not commenced within 5 years of the date of approval.

- a. For the purposes of Section 5.08.C and this Section, commencement of the authorized work is defined as the placing of construction materials in a permanent position and fastened in a permanent manner and work carried on diligently, or, where excavation for, or demolition or removal of, an existing structure has been substantially begun prior to building or rebuilding, such excavation or demolition or removal is deemed to be actual commencement of the work, provided that work is carried on diligently.

11.14 Enforcement

Purpose. *To ensure compliance with the provisions of the Zoning Ordinance.*

- A. **Zoning Administrator.** The Zoning Administrator has the authority and the duty to ensure that all buildings and structures and the use of all land comply with the provisions of the Zoning Ordinance.
- B. **General Provisions.**
 1. Any building or structure erected contrary to any of the provisions of the Zoning Ordinance and any use of any building or land which is conducted, operated, or maintained contrary to any of the provisions of the Zoning Ordinance or the provisions of any approval granted by the County under the Zoning Ordinance is a violation of the Zoning Ordinance and the same is hereby declared to be unlawful.
 2. Any person, whether owner, lessee, principal, agent, employee, or otherwise, who violates any of the provisions of the Zoning Ordinance, or permits any such violation, or fails to comply with any of the requirements hereof, or who erects any building or structure or uses any building, structure, or land in violation of the provisions of the Zoning Ordinance or the provisions of any approval granted by the County under the Zoning Ordinance is subject to the enforcement provisions of this Section.
 3. In addition to the remedies provided in this Section, the Zoning Administrator may initiate injunction, abatement, or any other appropriate action to prevent, enjoin, abate, or remove any violation or attempted violation of the Zoning Ordinance.
 - a. At any time after the filing of an injunction or other appropriate proceeding to restrain, correct, or abate a zoning violation and where the owner of the real property is a party to such proceeding, the Zoning Administrator or governing body may record a memorandum of *lis pendens* [Code of Virginia § 8.01-268].
 - b. Any memorandum of *lis pendens* admitted to record in an action to enforce the Zoning Ordinance expires after 180 days.
 - c. If an enforcement proceeding is initiated against the owner of the real property and such owner subsequently transfers the ownership of the real property to an entity in which the owner holds an ownership interest greater than 50 percent, the pending enforcement proceeding will continue to be enforced against the owner.
 4. Whenever a violation occurs, or is alleged to have occurred, any person may file a written complaint with the Zoning Administrator.
 - a. Such complaint must fully state the cause and basis of the complaint.
 - b. The Zoning Administrator will record such complaint, investigate it, and take action as provided by the Zoning Ordinance.
 5. The Zoning Administrator may present sworn testimony to a magistrate or court of competent jurisdiction in order to obtain an inspection warrant.
 - a. The magistrate or court may grant the Zoning Administrator an inspection warrant to enable the Zoning Administrator to enter the subject dwelling for the purposes of determining whether violations of the Zoning Ordinance exist.

- b. The Zoning Administrator must make a reasonable effort to obtain consent from the owner or tenant of the subject dwelling prior to seeking the issuance of an inspection warrant.
6. Upon becoming aware of any violation, the Zoning Administrator will serve notice of such violation on the person committing, or permitting the same, and the land owner.
 - a. The Zoning Administrator will specify a reasonable time for the violation to cease.
 - b. If such violation has not ceased within such reasonable time, the Zoning Administrator will institute such action as may be necessary to terminate the violation.
7. The person responsible for the alleged violation may appeal the decision of the Zoning Administrator pursuant to the provisions of Section 11.15.

C. Criminal Violations.

1. Any violation of the provisions of the Zoning Ordinance that results in physical harm or injury to any person shall be deemed a criminal misdemeanor and, upon conviction thereof, punishable by fines [*Code of Virginia § 15.2-2286*].
 - a. Each day during which the violation is found to have existed constitutes a separate misdemeanor offense.
 - b. If the violation is uncorrected at the time of conviction, the court will order the violator to abate or remedy the violation in compliance with the Zoning Ordinance, within a time period established by the court.
 - c. Failure to remove or abate a zoning violation within the specified time period constitutes a separate misdemeanor offense punishable by fines [*Code of Virginia § 15.2-2286*].
2. Owners and tenants of affordable dwelling units pursuant to Chapter 9 who falsely swear or who execute an affidavit or certification required by Chapter 9 knowing the statements contained therein to be false are guilty of a Class II misdemeanor and subject to fines totaling up to \$1,000.00.
 - a. Such fines levied against owners will become liens upon the real property and will accumulate interest at the judgment rate of interest, as provided in the Codified Ordinances of Loudoun County.
3. The designation of a particular violation of the Zoning Ordinance as a civil violation precludes criminal prosecution or sanctions provided, however, that after civil penalties for violations rising from the same set of operative facts total \$5,000.00:
 - a. The violation may be prosecuted as a criminal misdemeanor punishable by fines [*Code of Virginia § 15.2-2286*];
 - b. Each day during which the violation is found to have existed constitutes a separate misdemeanor offense;
 - c. If the violation is uncorrected at the time of conviction, the court will order the violator to abate or remedy the violation in compliance with the Zoning Ordinance, within a time period established by the court; and
 - d. Failure to remove or abate a zoning violation within the specified time period constitutes a separate misdemeanor offense punishable by fines [*Code of Virginia § 15.2-2286*].

D. Civil Violations.

1. Any violation of the Zoning Ordinance other than those set forth in subsection C is deemed a civil violation and, upon an admission of liability or finding of liability, is punishable in accordance with the following schedule of civil penalties:
 - a. Owners of affordable dwelling units who fail to submit executed affidavits or certifications, as required by Chapter 9, will be assessed a civil penalty in the amount of \$100.00 per day per ADU unit, until such affidavit or certificate is filed, but only after written notice to the ADU owner at the ADU address and a 10-day compliance period is provided.

1. Such civil penalties levied will become liens upon the real property and will accumulate interest at the judgment rate of interest, as provided in the Codified Ordinances of Loudoun County.
 - b. All other violations of the Zoning Ordinance, other than those set forth in subsection C are subject to a civil penalty in the amount of \$200.00 for the first charge and \$500.00 for each additional charge.
 1. Each day during which the violation is found to have existed constitutes a separate offense.
 2. In no event will specified violations arising from the same operative set of facts be charged more frequently than once in any 10-day period.
 3. In no event may a series of specified civil violations rising from the same operative set of facts result in civil penalties which exceed a total of \$5,000.00.
 4. After such civil penalties total \$5,000.00, violations rising from the same operative set of facts may be prosecuted as a criminal misdemeanor under subsection C.
 5. The Zoning Administrator is particularly authorized to initiate civil injunction procedures in cases of repeat or continuing offenses.
2. The Zoning Administrator will issue a summons and/or ticket personally upon such person or posted in a conspicuous location at the site of the violation upon the following:
 - a. The Zoning Administrator has issued a notice of violation on any person committing or permitting a violation of Zoning Ordinance provisions of subsection D.1; and
 - b. The violation has not ceased within the reasonable time provided in the notice.
3. No further fines will be levied if the person:
 - a. Complies in writing to the notice of violation;
 - b. Agrees to cease said violation; and
 - c. Maintains such agreement.
4. The summons must include:
 - a. At least 72 hours prior to the time and date fixed for trial, the person summoned for a violation:
 1. Appears in person or in writing by mail to the County Treasurer's office;
 2. Enters a waiver of trial;
 3. Admits liability; and
 4. Pays the civil penalty established for the offense charged;
 - b. A signature to an admission of liability will have the same force and effect as a judgment of court; and
 - c. An admission will not be deemed a criminal conviction for any purpose.
5. If a person charged with a violation does not enter a waiver of trial, admit liability, and pay the civil penalty, the violation will be tried in the General District Court in the same manner and with the same right of appeal as provided by law.
 - a. A finding of liability will not be deemed a criminal conviction for any purpose.
6. Whenever the Zoning Administrator has reasonable cause to believe that any person has engaged in, or is engaging in, any violation of the Zoning Ordinance that limits occupancy in a residential dwelling unit, which violation is subject to a civil penalty that may be imposed in accordance with the provisions of subsection D, and the Zoning Administrator, after a good faith effort to obtain the data or information necessary to determine whether a violation has occurred, has been unable to obtain such information, the Zoning Administrator may request that the County Attorney petition the judge of the General District Court for a *subpoena duces tecum* against any such person refusing to produce such data or information.

E. Enforcement of Light, Noise, and Vibration Standards.

1. **Intent Concerning Determinations Involved in Administration and Enforcement of Light, Noise, and Vibration Standards.** Determinations necessary for administration and enforcement of light, noise, and vibration standards set forth in Section 7.05 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 the Zoning Ordinance that:
 - a. 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 will be so made before notice of violation is issued.
 - b. 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 will be available for protecting individuals from arbitrary and capricious administration and enforcement of light, noise, and vibration regulations and for protecting the general public from unnecessary costs for administration and enforcement.
2. **Simple Determinations.** If the Zoning Administrator finds that determinations of the nature indicated in subsection E.1.a are adequate to demonstrate violations of light, noise, and vibration standards in particular cases and if such violations exist, the Zoning Administrator will 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.
3. **Complex Determinations.** If the Zoning Administrator finds that determinations of the nature indicated in subsection E.1.b are required to make precise measurements regarding potential violations of light, noise, and vibration standards set forth herein and that there is a violation of such standards, the following procedures will be followed:
 - a. **Notice and Answer.** The Zoning Administrator will 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 will:
 1. Describe the particulars of the alleged violation;
 2. Provide reasons why the Zoning Administrator believes there is a violation;
 3. Require an answer or correction of the alleged violation to the satisfaction of the Zoning Administrator within a specified time limit, not to exceed 60 days;
 4. Declare that failure to reply or to correct the alleged violation to the satisfaction of the Zoning Administrator within the specified time limit constitutes an admission of violation and cause for the Zoning Administrator to proceed with enforcement, as provided in subsection D.;
 5. State that, upon request of those to whom it is directed, technical determinations, as described in the Zoning Ordinance, will be made and that if violations, as alleged, are found, costs of such determinations will be charged against those responsible for the violation, in addition to such other penalties as may be appropriate.; and
 6. Note that if it is determined that no violation exists, the cost of the determination will be paid by the County.
 - b. **Correction of Violation.**
 1. Once the alleged violation is corrected to the satisfaction of the Zoning Administrator, the Zoning Administrator will:
 - a. Note "violation corrected" on a copy of the notice;
 - b. Retain the annotated notice among the official records;
 - c. Send an updated copy to the alleged violator; and

- d. Take such other action as may be warranted.
2. Provided the alleged violation is corrected to the satisfaction of the Zoning Administrator, a written response is not required.
- c. **Action—Continuation of Violation.** The Zoning Administrator will proceed to take, or cause to be taken, such action as is warranted by continuation of a violation after notice to cease if:
 1. The alleged violator does not reply within the specified time limit (an admission of violation as provided in subsection E.3.a.4); and
 2. The alleged violation is not corrected to the satisfaction of the Zoning Administrator.
- d. **Time Extension.** The Zoning Administrator may grant an extension if:
 1. A request for additional time is received within the specified time limit;
 2. The responsible party agrees to correct the alleged violation; and
 3. The Zoning Administrator deems the extension will not cause imminent peril to life, health, or property.
4. **Costs of Determinations—Responsibility.** If a reply is received within the time limit set requesting technical determination, as provided in the Zoning Ordinance, and if the alleged violations continue, the Zoning Administrator will call in properly qualified experts to make the determinations.
 - a. If expert findings indicate violation of the light, noise, and vibration standards, the costs of the determinations will 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 this Section.
 - b. If no violation is found, the costs of the determinations shall will be paid by the County without assessment against the properties or persons involved.

11.15 Appeals

Purpose. To review whether an order, requirement, decision, or determination was performed correctly when there is a disagreement with the result.

A. Applicability.

1. Appeals are decided based on the actions provided in Table 11.15-1.
2. Comments and opinions that do not result in an order, requirement, decision, or determination are not appealable.
3. The Code of Virginia may also limit who, when, and how appeals can be filed.

Table 11.15-1. Appeals	
Action of	Appealed to
Zoning Administrator	
Administration and enforcement of proffers	Board of Supervisors
Administration and enforcement of Historic Overlay Districts	Historic District Review Committee (HDRC)
All other actions ^{1,2}	Board of Zoning Appeals (BZA)
Planning Commission	Board of Supervisors
Board of Zoning Appeals (BZA)	Loudoun Circuit Court
Historic District Review Committee (HDRC)	Board of Supervisors
Board of Supervisors	Loudoun Circuit Court

Table 11.15-1. Appeals

Action of	Appealed to
<p><i>Notes:</i></p> <p>1. Appeals may be taken by any person aggrieved or by any officer, department, board, or agency of the County affected by any decision of the Zoning Administrator or from any order, requirement, decision, or determination made by any other administrative officer in the administration or enforcement of the Zoning Ordinance.</p> <p>2. Where a building permit has been issued and the construction of the structure for which such permit was issued is subsequently sought to be prevented, restrained, corrected, or abated as a violation of the Zoning Ordinance, by suit filed within 15 days after the start of construction by a person who had no actual notice of the issuance of the permit, the court may hear and determine the issues raised in the litigation even though no appeal was taken from the decision of the Zoning Administrator to the BZA.</p>	

B. Initiation. Complete Appeals must be filed within 30 days from the date of the decision.

1. Exceptions. Appeals must be taken within 10 days after:

- a. Issuance of a Notice of Violation for any violation of the Zoning Ordinance involving temporary or seasonal commercial uses, parking or commercial trucks in residential zoning districts, maximum occupancy limitations of a residential dwelling unit, or similar short-term, recurring violations; or
- b. Commission Permit decision by the Planning Commission.

2. Appeals must be filed with the Zoning Administrator.

3. Appeals must include the following materials within the 30-day filing time frame before the Appeal is considered filed.

- a. Two copies of a completed application form signed by the appellant or appellant's representative, accompanied by the following information:
 1. A copy of the order, requirement, decision, determination, or notice of violation that is the subject of the appeal;
 2. The date upon which the decision being appealed was made;
 3. The grounds for the appeal;
 4. Specification as to how the appellant is an aggrieved person;
 - a. The owner of property affected by the determination;
 - b. An adjacent owner affected by the determination; or
 - c. Other, be specific;
 5. Any additional supportive data, such as:
 - a. Plats;
 - b. Plans;
 - c. Drawings;
 - d. Charts; or
 - e. Other related material desired to be included in the record; and
 6. An application fee in the amount set forth by the Board of Supervisors.

C. Review and Decision. Appeals are decided by the body specified in Table 11.15-1.

1. Zoning Administrator.

- a. The Zoning Administrator must transmit all the papers constituting the record of the action appealed to the appellant body specified in Table 11.15-1.
 1. For appeals to the Board of Supervisors, the Zoning Administrator must forward the materials to the Clerk of the Board.

- b. The Zoning Administrator must serve a copy of the decision on the appellant and upon each other person who was a party of record at the hearing.
2. **Board of Zoning Appeals (BZA).** For Appeals to the BZA:
 - a. Within 90 days of receiving a complete Appeal, the BZA must
 1. Hold a public hearing in accordance with Section 11.01.G;
 2. Decide the appeal; and
 3. File its findings of fact and conclusions with respect to the Appeal with the Zoning Administrator.
 - b. The BZA may reverse or affirm, wholly or partly, or may modify the decision appealed.
 - c. The concurring vote of a majority of BZA members is necessary for the BZA to decide.
 1. If no decision is made, the Appeal is denied.
 - d. If the BZA's attempt to reach a decision results in a tie vote:
 1. The matter may be carried over until the next scheduled meeting at the request of the person filing the appeal.
 2. No further advertisement is required.
 - e. In this capacity the BZA exercises appellate jurisdiction as a quasi-judicial body, and its task is to determine what the Zoning Ordinance means and how it applies to a particular fact situation. The BZA must accept that:
 1. The determination of the Zoning Administrator must be presumed to be correct; and
 2. The appellant has the burden of proof to rebut such presumption of correctness by a preponderance of the evidence.
3. **Historic District Review Committee (HDRC).** For Appeals to the HDRC:
 - a. In considering an appeal of a decision of the Zoning Administrator, the HDRC must review the decision as if the decision had come before it in the first instance.
 - b. The HDRC may consider any information or opinions relevant to the application, including, without limitation, those provided by the Zoning Administrator.
 - c. The HDRC must hold a public hearing in accordance with Section 11.01.G.
 - d. After the public hearing the HDRC may reverse or affirm, wholly or partly, or may modify the decision appealed.
 - e. The concurring vote of a majority of its members is necessary for the HDRC to decide.
 1. If no decision is made, the Appeal is denied.
4. **Board of Supervisors.** For Appeals to the Board of Supervisors:
 - a. Within 90 days after the Appeal has been filed, the Board must:
 1. Hold a public hearing in accordance with Section 11.01.G; and
 2. Decide the Appeal.
 3. **Exception.** Commission Permit appeals must be decided within 60 days and do not require a public hearing.
 - b. The Board of Supervisors may reverse or affirm, wholly or partly, or may modify the decision appealed.
 - c. The concurring vote of a majority of Supervisors is necessary for the Board of Supervisors to decide.
 1. If no decision is made, the Appeal is denied.
5. **Loudoun Circuit Court.** Appeals of the decisions of the Board of Supervisors or the BZA are as provided in the Code of Virginia.

- D. **Approval Criteria.** The appellant bodies must consider the Zoning Ordinance requirements used in the original order, requirement, decision, or determination.
- E. **Further Appeals.** Further appeal may be sought pursuant to this Section.
- F. **Stay of Action.**
 - 1. A notice of appeal properly filed as herein provided stays all proceedings in furtherance of the action appealed from.
 - 2. The appellant is prohibited from taking any action for which approval is sought pending the outcome of the appeal to the Board.
- 3. **Exceptions.**
 - a. Where the Zoning Administrator certifies to the BZA that by reason of facts stated in the certificate a stay would cause imminent peril to life or property. However, the BZA may issue a restraining order for good cause shown and on notice to the Zoning Administrator.
 - b. The decision of the Board to deny the right to raze or demolish a historic landmark or structure is not stayed by filing a petition of appeal with the Loudoun Circuit Court.

11.16 Density Credit for Public Uses

Purpose. *To provide for density credits to a development when portions of the land are dedicated for public uses and facilities.*

- A. **Applicability.** This section applies to determining density credit for public uses and certain public road dedications in any zoning district.
 - 1. For the purposes of this Section, the terms "property" and "property area" includes all adjacent parcels owned in common.
- B. **Review and Decision.** Prior to recordation of the dedication or conveyance, density credit may be granted by:
 - 1. **Board of Supervisors.** The Board of Supervisors in approving Zoning Map Amendment, Zoning Concept Plan Amendment, or Special Exception applications, when included as part of such applications.
 - 2. **Zoning Administrator.** The Zoning Administrator upon approval by the Director of Building and Development of a Site Plan or subdivision plat, when included as part of such applications.
 - 3. **Director.** The Director when such dedication or conveyance is not proposed as part of Site Plan, subdivision plat, Zoning Map Amendment, Zoning Concept Plan Amendment, or Special Exception applications.
- C. **Criteria for Approval.** Density credit approval may be granted when:
 - 1. The conveyance or dedication has not been made to a public body in exchange for monetary compensation;
 - 2. An effective irrevocable dedication in fee simple to public use or conveyance to Loudoun County or to another public instrument has occurred and evidence of such dedication or conveyance is on record among the land records of Loudoun County;
 - 3. The area dedicated or conveyed is suitable in location, size, shape, condition and topography for such needed public use and there are no encumbrances to the title that would interfere with such use; and
 - 4. The area dedicated or conveyed is necessary for the installation or improvement of the public use, including roads shown on the adopted Countywide Transportation Plan, and is in accordance with the adopted Comprehensive Plan.
- D. **Appeals.** Density credit decisions by the Zoning Administrator and the Director may be appealed to the Board of Zoning Appeals (BZA). Decisions by the Board of Supervisors may be appealed as part of the corresponding application. See Section 11.15.

- E. **Scope of Approval.** Density computations for property from which land has been severed for the purpose of constructing or improving any public use or portion thereof, including roads shown on the adopted Countywide Transportation Plan, will be based upon the property area including the land severed for such purpose.

11.17 Parking Adjustments

Purpose: To permit the Zoning Administrator to adjust the parking requirements of Section 7.06.08.

- A. **Applicability.** As provided in Section 7.06.08, the Zoning Administrator may:
1. Reduce the minimum required parking spaces up to a total of 35%;
 2. Increase the maximum amount of parking spaces allowed; and
 3. Determine the required parking ratios for uses that do not have specified parking ratios listed in Table 7.06.02-1.
- B. **Initiation.** Requests for a parking adjustment must include the following information:
1. Any pertinent information applicable to the specific parking adjustment request. This includes, but is not limited to the following information below:
 - a. Parking location;
 - b. Type of parking (on-street, structured parking, off-street, etc.);
 - c. Percentage of parking to be provided in a parking structure, on-street, off-street, by shared parking, or by any other means; and
 - d. Any applicable supplemental data, graphics, or best practices as agreed upon in the signed parking scoping document.
 2. A plan showing how the parking spaces will be provided on the site.
 3. A parking study:
 - a. Completed by a qualified professional with demonstrated experience in transportation planning, traffic engineering, or comparable field;
 - b. Signed and dated as agreed upon with Zoning Administration;
 - c. To substantiate the need for an adjusted number of parking spaces.
 - d. *Exception.* Parking adjustment requests for 10 spaces or less do not require a parking study.
 4. A parking scoping meeting held between the Applicant and Staff to specify the parking information required in the Applicant's parking study.
- C. **Review and Decision.**
1. Upon receipt of all necessary materials, the Zoning Administrator will:
 - a. Review the application materials; and
 - b. Make a decision on the request.
 2. The Zoning Administrator may impose any conditions necessary to comply with the criteria listed in subsection D.
- D. **Criteria for Approval.** The Zoning Administrator determines that the parking adjustment:
1. Does not conflict with the Comprehensive Plan.
 2. Meets the purpose of parking standards provided in Section 7.06.01; and
 3. Is appropriate based on the information provided.
- E. **Limitation after Denial.** There are no limitations on subsequent applications.
- F. **Appeals.** The Decision of the Zoning Administrator may be appealed to the Board of Zoning Appeals (BZA). See Section 11.15.

- G. **Scope of Approval.** Upon approval of such parking adjustment, the new parking ratio will be applicable to the subject proposal.

Draft 8/5/22

CHAPTER 1012: OFFICIALS, BOARDS AND COMMISSIONS

Contents:

1012.01 Zoning Administrator

1012.02 Planning Commission

1012.03 Board of Zoning Appeals

1012.04 Historic District Review Committee

1012.01 Zoning Administrator

- A. ~~Powers and Duties~~ ~~and Powers~~. The Zoning Administrator has the responsibility to ~~admin-ister~~ administer, interpret, and enforce the provisions of ~~this the~~ Zoning Ordinance. The terms, purposes, intent, and spirit of ~~this the~~ Zoning Ordinance guide the Zoning Administrator in all actions pursuant to ~~this the~~ Zoning Ordinance. At the request of the Zoning Administrator and pursuant to their respective fields, the Health Officer, Sheriff, and all other officials of the County assist the Zoning Administrator in the enforcement of ~~this the~~ Zoning Ordinance. Specifically, the Zoning Administrator's ~~powers and~~ duties ~~and powers~~ include:
1. Interpret the Zoning Ordinance.
 2. Issue Determinations of the Zoning Ordinance as provided in Section 11.02.
 3. Grant Administrative Waivers and Modifications as provided in Section 11.03.
 4. Issue Zoning Permits where the requirements of the Zoning Ordinance have been met.
- ~~1-5.~~ 5. Receive and review:
- a. Applications for Variances;
 - b. Notices of appeal to the BZA;
 - c. Applications for certificates of occupancy;
 - ~~d. Applications for zoning permits;~~
 - e-d. Applications for Certificates of Appropriateness; and
 - f-e. All other applications, certifications, or materials required by ~~this the~~ Zoning Ordinance to be submitted to the Zoning Administrator.
- ~~2. Issue zoning permits where the re-quirements of this Zoning Ordinance have been met.~~
- ~~3. Interpret the Zoning Ordinance.~~
- ~~4. Issue determinations of this Zoning Ordinance upon proper application and as provided in Section 10.01.B.~~
- ~~5-6.~~ 6. Conduct inspections of buildings, structures, and uses of land to determine compliance with the provisions of ~~this the~~ Zoning Ordinance.
- ~~6-7.~~ 7. Maintain accurate records of proffered conditions as required by Section ~~7.09~~ 11.10.03 of ~~this the~~ Zoning Ordinance.
- ~~7-8.~~ 8. Enforce the provisions of ~~this ordi-nancethe~~ Zoning Ordinance, the decisions of the BZA and conditions and proffers subject to which approvals of the BZA, Planning Commission, and Board of Super-visors were made.
- ~~8-9.~~ 9. Maintain the inventory of buildings and structures within an Historic Site or Historic and Cultural Conservation dis-tribut as required by Section ~~45.08~~ 8.J.

9.10. Perform such other duties and functions as may be required by ~~this~~the Zoning Ordinance and the Board of Supervisors.

~~10.11.~~ Maintain and make available for public inspection and copying the official Zoning Map, the Zoning Ordinance, and the minimum submission requirements ~~adopted by Board of Supervisors resolution.~~

~~11.12.~~ Maintain a compilation of the interpretations and opinions of the Zoning Administrator for public review.

~~12.13.~~ In specific cases to make findings of fact and, with the concurrence of the County Attorney, conclusions of law regarding determinations of rights accruing under Code of Virginia ~~§§§~~ 15.2-2307 or ~~§~~ 15.2-2311(C).

B. **60-Day Limit for Good Faith Reliance.** In no event is a written order, requirement, decision, or determination made by the Zoning Administrator subject to change, alteration, or reversal by any Zoning Administrator after 60 days have elapsed from the date of the written order, requirement, decision or determination where ~~the person aggrieved~~anyone has materially changed ~~his~~their position in good faith reliance on the action of the Zoning Administrator unless it is proven that such written order, requirement, decision, or determination was obtained through malfeasance of the Zoning Administrator or through fraud. The 60-day limitation period does not apply in any case where, with the concurrence of the County Attorney, change is required to correct clerical errors.

1012.02 Planning Commission

Purpose: *The Planning Commission advises the Board of Supervisors on matters related to the orderly growth and Development of Loudoun County.*

A. **Created.** The Planning Commission is created pursuant to Code of Virginia § 15.2-2210.

B. **Membership.** The Planning Commission consists of ~~nine~~9 members, each appointed by a member of the Board of Supervisors. Eight of the members represent a Loudoun County election district, and ~~one~~1 member serves at-large.

1. **Qualifications.**

- All members must be Loudoun County residents.
- At least one-half of the members must be ~~freeholders~~owners of real property.
- All members must be qualified by knowledge and experience to make recommendations regarding community growth and development.

2. **Terms.** Terms of office are 4 years that run concurrently with those of the Board of Supervisors.

3. **Officers.** The Planning Commission must elect from the appointed members a Chair and a Vice-Chair, whose terms are 1 year.

4. **Vacancies.** Vacancies are filled by appointment by the Board of Supervisors for the unexpired term only.

5. **Compensation.** Members may receive compensation for their services as authorized by the Board of Supervisors.

6. **Removal.** The Board of Supervisors may remove any member for malfeasance in office.

C. **Meetings.**

1. **Regular Meetings.** The Planning Commission must hold regular meetings at a fixed time at least once every two months or as otherwise scheduled by the Planning Commission.

2. **Continued Meetings.** The Planning Commission may, by resolution adopted at a regular meeting, fix the day or days to which any meeting will be continued if the presiding Chair finds and declares that weather or other conditions are such that it is hazardous for members to attend the meeting.
 - a. Such finding must be communicated to the members and the press as promptly as possible.
 - b. All items previously advertised for such meeting will be conducted at the continued meeting.
 - c. No further advertisement is required.
 3. **Special Meetings.** Special Planning Commission meetings may be called by the Chair or by two members upon written request to the Secretary.
 - a. The Secretary will cause to be mailed or delivered to all members, in writing at least 5 days in advance of a special meeting, a written notice setting the time, place, and purpose of the meeting.
 - b. Written notice of a special meeting is not required if:
 1. The time of the special meeting was scheduled at a previous regular meeting;
 2. All members are present at the special meeting; or
 3. They file a written waiver of the required notice.
 4. **Quorum.**
 - a. A majority of the members constitutes a quorum.
 - b. No action of the Planning Commission is valid unless authorized by a majority vote of those present and voting.
- D. **Powers and Duties.** The Planning Commission has the following powers and duties:
1. Prepare and recommend a Comprehensive Plan for the physical development of Loudoun County.
 2. Approve or deny Commission Permit applications.
 3. Review and make recommendations on Zoning Ordinance Amendment, Zoning Map Amendment, Zoning Concept Plan Amendment, Special Exception, ~~and~~ Minor Special Exception, and Zoning Modification applications.
 4. Review and recommend amendments to the Land Subdivision and Development Ordinance- (LSDO).
 5. Conduct public hearings as required by the Code of Virginia.
 6. Adopt rules, bylaws, and procedures, consistent with the ordinances of the County and the general laws of the Commonwealth for the administration of its affairs and exercise the general supervision of the administration of its own affairs.
 7. Supervise its fiscal affairs and responsibilities, under rules and regulations as prescribed by the Board of Supervisors.
 8. If deemed advisable, establish an advisory committees or committees.
- E. **Records.** The Planning Commission must keep written records and minutes of all its proceedings, including the names and addresses of all persons giving testimony, the Planning Commission findings of fact, and the vote of each member upon each question, or if absent or failing to vote, such fact.
- F. **Reports.** Prepare an annual report to the Board of Supervisors concerning Planning Commission operations and the status of planning within the county. Prepare, publish, and distribute reports, ordinances, and other materials relating to its activities.

1012.03 Board of Zoning Appeals

Purpose: The Board of Zoning Appeals (BZA) hears and decides Appeals of the Zoning Administrator's orders, requirements, decisions, or determinations as provided in ~~this~~the Zoning Ordinance, and Variance, and Special Exception for Errors in Location applications.

- A. **Created.** The BZA is created pursuant to Code of Virginia § 15.2-2308.
- B. **Membership.** The BZA consists of 7 members appointed by the Loudoun Circuit Court. To assist with the membership appointment process, the County Administrator or his designee will accept applications, screen candidates, and forward applications to the Chief Judge of the Loudoun Circuit Court for consideration.
 - 1. **Qualifications.**
 - a. All BZA members must be Loudoun County residents.
 - b. Members must hold no other public office in Loudoun County, except:
 - 1. One member may be a Planning Commission member;
 - 2. Any member may be appointed to serve as an officer of election; and
 - 3. Any elected official of an incorporated town.
 - 2. **Officers.**
 - a. **Chair.** The BZA must elect, from its own membership, a Chair to serve a 1-year term. Successive terms are permitted.
 - b. **Secretary.** The County may designate a staff member to serve as Secretary to the BZA. The Secretary prepares minutes of meetings, keeps all records, and conducts official correspondence. The BZA may employ a court stenographer to record BZA proceedings.
 - 3. **Terms.** Term of office is 5 years, with the term of 1 member expiring each year.
 - a. The Secretary of the BZA must notify the Loudoun Circuit Court at least 30 days in advance of the expiration of any term of office.
 - b. The Secretary of the BZA must notify the Loudoun Circuit Court promptly of any vacancy. Appointments to fill such vacancies are only for the unexpired portion of the term.
 - c. A member whose term expires continues to serve until a successor is appointed.
 - d. Members may be reappointed to successive terms.
 - 4. **Removal.** Any member of the BZA may be removed for malfeasance, misfeasance, or nonfeasance in office, or for other just cause, by the court that appointed the member, after a hearing held after at least 15 days notice to the member sought to be removed.
- C. **Meetings and Hearings.**
 - 1. Meetings or hearings of the BZA are held at the call of the Chair, or acting Chair, or at the request of any 2 members, provided that notice thereof has been mailed or delivered to each member of the BZA at least 7 days before the time set or a waiver or notice is obtained from each member.
 - 2. All BZA hearings are open to the public.
 - 3. In all BZA hearings, the BZA must offer an equal amount of time on the case to the applicant, appellant or other person aggrieved, and staff.
 - 4. Any BZA member is disqualified to act upon a matter before the BZA with respect to their own property.
 - 5. Only members of the BZA may vote on matters before the BZA.
 - 6. For the conduct of a hearing, the taking of any action, or the transaction of any official business, a quorum is necessary. No less than a majority of all members of the BZA constitutes a quorum.

7. Except for Appeals pursuant to Section ~~7-1411.15~~, no action of the BZA is valid unless authorized by a majority vote of those present and voting. On Appeals pursuant to Section ~~7-1411.15~~ the concurring vote of a majority of the membership of the BZA is necessary to reverse any order, requirement, decision or determination appealed from.
8. If the BZA's attempt to reach a decision results in a tie vote, the matter may be carried over until the next scheduled meeting at the request of the person filing the appeal.
9. **Witnesses and Speakers.**
 - a. All witnesses and speakers presenting facts and evidence before the BZA, including the Zoning Administrator when a party, must give oath or affirmation regarding the truth of their statements.
 - b. The presiding Chair may administer oaths, for the benefit of the BZA, and compel the attendance of witnesses.
 - c. Every person before the rostrum must abide by the order and direction of the presiding Chair. Discourteous, disorderly, or contemptuous conduct will be regarded as a breach of the privileges extended by the BZA and will be dealt with as the presiding Chair deems proper.
10. **Ex Parte Communications.**
 - a. The non-legal County staff may have *ex parte* communication with a BZA member prior to a hearing but may not discuss the facts or law relative to a particular case.
 - b. The applicant, landowner or his agent, or attorney may have *ex parte* communications with a BZA member prior to a hearing but may not discuss the facts or law relative to a particular case.
 - c. If any *ex parte* discussion of facts or law in fact occurs, the party engaging in such communication must inform the other party as soon as practicable and advise the other party of the substance of such communication.
 - d. For purposes of this Section, regardless of whether all parties participate, *ex parte* communications do not include discussions:
 1. As part of a public meeting; or
 2. Prior to a public meeting to which County staff, the applicant, landowner, or his agent or attorney are all invited.
 - e. This Section does not apply to special exception applications before the BZA as authorized by Section ~~7-1011.11.04~~.
11. **Rehearing.**
 - a. A request for a rehearing of a BZA decision must:
 1. Be in writing;
 2. Recite the reasons for the rehearing; and
 3. Be delivered to the Zoning Administrator within 15 days after the date of the relevant decision.
 - b. A rehearing may then be granted by the Chair or upon the affirmative vote of any 2 members.
 - c. If granted, the rehearing stays the finality of the decision until a decision is rendered on rehearing.
12. **Continued Meetings.**

- a. The BZA may, by resolution adopted at a regular meeting, fix the day or days to which any meeting is continued if the presiding Chair finds and declares that weather or other conditions are such that it is hazardous for members to attend the meeting.
- b. Such finding must be communicated to the members and the press as promptly as possible.
- c. All hearings and other matters previously advertised for such meeting must be conducted at the continued meeting and, notwithstanding any other provision of ~~this~~the Zoning Ordinance, no further advertisement is required.

D. Powers and Duties. The BZA has the following powers and duties:

1. Hear and decide appeals from decisions of the Zoning Administrator regarding interpretation of the official Zoning Map where there is uncertainty as to the location of a zoning district boundary.
 - a. After notice to the owners of the property affected by any such interpretation, and after a public hearing thereon, the BZA must interpret the map in such a way as to carry out the purpose and intent of ~~this~~the Zoning Ordinance for the particular district in question and must be guided by the provisions of Section ~~11.13.02.B~~11.13.02.B of this Ordinance.
 - b. The BZA does not have the power to rezone property or to change the location of zoning district boundaries established by ~~this~~the Zoning Ordinance.
2. Hear and approve applications Special Exception for Errors in Location in accordance with Section ~~7.10~~11.11.04.
3. Hear and decide all other matters referred to and upon which it is required to pass by ~~this~~the Zoning Ordinance.
4. Make, alter, and rescind rules and forms for its procedures, consistent with the ordinances of the County and the general laws of the Commonwealth.
5. Prescribe procedures for the conduct of its public hearings.

E. Records. The BZA must keep a full public record of its proceedings. Such record must be filed with the Zoning Administrator.

F. Reports. The BZA must submit a report of its activities to the Board of Supervisors, at intervals of not greater than 12 months, summarizing all appeals and applications made to it and its decisions thereon since its previous report. At the same time that each such report is filed with the Board, copies thereof must also be filed with the Zoning Administrator, the Planning Commission, the County Attorney, and the Director.

G. Limitations. All provisions of ~~this~~the Zoning Ordinance relating to the BZA must be strictly construed. The BZA, as a body of limited jurisdiction, must act only in full conformity with all provisions and definitions in ~~this~~the Zoning Ordinance and in strict compliance with all limitations contained therein.

H. Decisions Subject to Judicial Review. All decisions and findings of the BZA are final decisions and are, in all instances, subject to judicial review in ~~the following manner:~~ accordance with Code of Virginia § 15.2-2314.

- ~~1. Any person or persons jointly or severally aggrieved by any decision of the BZA, or any taxpayer or any officer, department, board, or bureau of the County, may present to the Loudoun Circuit Court a petition specifying the grounds on which aggrieved within 30 days after the filing of the decision in the office of the BZA.~~
- ~~2. Upon the presentation of such petition, the Loudoun Circuit Court must allow a writ of certiorari to review the decision of the BZA and must prescribe therein the time within which a return thereto must be made and served upon the relator's attorney, which shall not be less than 10 days and may be extended by the Loudoun Circuit Court. The allowance of the writ shall not stay proceedings upon~~

the decision appealed from, but the Loudoun Circuit Court may, on application, on notice to the BZA and on due cause shown, grant a restraining order.

3. The BZA must not be required to return the original papers acted upon by it, but it must be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return must concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and must be verified.

4. If, upon the hearing, the Loudoun Circuit Court determines that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take such evidence as it may direct. Said commissioner must report the evidence, their findings of fact and conclusions of law to the Loudoun Circuit Court. This report must constitute a part of the proceedings upon which a determination of the Loudoun Circuit Court is made. The Loudoun Circuit Court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

5. In the case of an appeal from the BZA to the Loudoun Circuit Court of an order, requirement, decision, or determination of the Zoning Administrator in the administration or enforcement of this Ordinance, the BZA's findings and conclusions on questions of fact must be presumed to be correct. The appealing party may rebut that presumption by proving by a preponderance of the evidence, including the record before the BZA, that the BZA erred in its decision.

6. In the case of an appeal by a person of any BZA decision that denied or granted an application for a variance, the BZA decision must be presumed to be correct. The petitioner may rebut that presumption by proving by a preponderance of the evidence, including the record before the BZA, that the BZA erred in its decision.

I. ~~Costs for Judicial Review.~~ Costs against the BZA are not allowed, unless the Loudoun Circuit Court finds that the BZA acted in bad faith or with malice in making the decision appealed from. In the event the BZA's decision is affirmed and the court finds that the appeal was frivolous, the court may order the person or persons who requested the issuance of the writ of certiorari to pay the costs incurred in making a return of the record pursuant to the writ of certiorari.

1012.04 Historic District Review Committee

Purpose: The Historic District Review Committee (HDRC) administers the provisions of ~~this~~the Zoning Ordinance relating to Historic Overlay Districts and advise the Board of Supervisors in its efforts to preserve and protect historic places and areas in the County.

- A. **Created.** The HDRC is created pursuant to Code of Virginia ~~Section §~~ 15.2-2306.
- B. **Membership.** The HDRC is composed of a minimum of 5 and a maximum of 7 voting members who must be residents, at least 3 of whom must be ~~freeholders~~owners of real property, of the County with a demonstrated knowledge of and interest in the preservation of historical and architectural landmarks.
 1. **Qualifications.** Members are appointed by the Board of Supervisors and should include the following:
 - a. An architect with experience dealing with historic Structures;
 - b. An architectural historian;
 - c. An owner of property listed on either the state or national register of historic landmarks; or
 - d. Owners of property within an historic district established pursuant to Section ~~7.09~~11.10.08 of ~~this~~the Zoning Ordinance.
 2. **Terms.** Members are appointed to serve a term of 3 years or until their successor has been appointed. Terms are staggered such that 2 members are appointed every year.

3. **Vacancies.** An appointment to fill a vacancy is only for the unexpired portion of the term. Members may be reappointed to succeed themselves.
4. **Officers.** A chair, vicechair, and any other officers of the HDRC will be elected by majority vote of the entire membership.
5. **Removal.** The Board of Supervisors may remove any member for malfeasance in office.
- C. **Meetings.**
 1. **Regular Meetings.** Meetings of the HDRC are held on a regular basis as the work of the HDRC may require. Meetings are held at the time and place designated by the Chair.
 2. **Quorum.** A quorum of the members of the HDRC is required for consideration of any matter.
 3. **Voting.**
 - a. Any action of the HDRC requires the affirmative vote of a majority of the members present and voting.
 - b. Members must exempt themselves from voting on any action in which their financial interests or those of their immediate family are directly involved.
- D. **Powers and Duties.** The HDRC has the following powers:
 1. Hear and decide applications for Certificates of Appropriateness, and Appeals, pursuant to Section 7-1211.13 and Section 7-1411.15;
 2. Adopt Historic Overlay District Guidelines for any Historic Overlay District in regard to the design criteria to be employed in assessing applications for Certificates of Appropriateness;
 3. Review and make recommendations on all applications for Site Plan, Subdivision, Variance, Zoning Map Amendment, Zoning Concept Plan Amendment, Special Exception, Minor Special Exception, or Zoning Modification in any Historic Overlay District;
 4. Review and make recommendations on the establishment of new Historic Overlay Districts, or any addition to, or removal from, any existing Historic Overlay District;
 5. Assist and advise the Board of Supervisors, the Planning Commission, and other County departments and agencies in matters involving historically significant sites, buildingsstructures, and areas, such as land usage, parking facilities, and signage;
 6. Advise the Zoning Administrator in enforcement action for actions performed without HDRC approval;
 7. Advise owners of historic landmarks, buildings, or Structures on issues of preservation;
 8. Make recommendations concerning the establishment of a system of markers for selected historic sites and buildings, including proposals for the installation and care of such historic markers;
 9. Cooperate with and enlist assistance from local historical societies, the Virginia Department of Historic Resources, the National Trust for Historic Preservation, and other interested parties, both public and private, in its efforts to preserve, restore, and conserve historic landmarks, buildings, sites, or areas of the County; and
 10. Make annual reports to the Board of Supervisors reviewing the activities of the previous year, and upon request, to disseminate these reports to other agencies within the State and nearby states which are responsible for historical preservation activities.
- E. **Records and Reports.**
 1. The HDRC will keep records of all its proceedings.
 2. HDRC records will be made available upon request for public inspection.

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3. The HDRC will file, as soon as practicable, copies of its annual reports to the Board of Supervisors with the Zoning Administrator, the Director, the County Attorney, and the Planning Commission.

Draft 8/5/22

13.01 Interpretation of Zoning Ordinance.

- A. ~~1-201~~ **Provisions are Minimum Requirements.** In their interpretation and application, the provisions of this Zoning Ordinance ~~shall be held to be~~ the minimum requirements for the promotion of the public health, safety, comfort, morals and general welfare, as set forth in the provisions hereof establishing the intent and purpose of this Zoning Ordinance in general and its various sections in particular.
- B. ~~1-202~~ **Interpretation of Terms.** For the purpose of this Zoning Ordinance, certain words and terms are to be interpreted as follows:
1. Words used in the present tense include the future; words used in the masculine gender include the feminine and neuter; words in the singular number include the plural; and words in the plural include the singular, unless the obvious construction of the wording indicates otherwise.
 2. The word "~~shall~~must" is mandatory.
 3. Unless otherwise specified, all distances ~~shall~~must be measured horizontally and at right angles or radially to the line in relation to which the distance is specified.
 4. Unless otherwise specified, the term "day" ~~shall mean~~means a working day.
 5. The word "lot" includes the word plot; the word "used" shall be deemed also to include designed, intended, or arranged to be used; the term "erected" ~~shall~~must be deemed also to include constructed, reconstructed, altered, placed, relocated, or removed.
 6. The terms "land use" and "use of land" ~~shall~~must be deemed also to include building use and use of building.
 7. ~~1-203~~ The phrase "such as" means "including, but not limited to."
- C. **Unspecified Uses.** Subject to the Zoning Administrator's interpretive powers as provided for herein, no uses are permitted unless included in a district use list or accessory use list.
- D. ~~1-204~~ **Adding Unspecified Uses to the District Regulations.** Uses other than those allowed in the applicable district may be added to a district upon adoption of a text amendment approved by the Board of Supervisors.

Zoning

13.02 Interpretation of Map and District Boundaries.

E. ~~A.~~ **Zoning Map.**

1. ~~1-~~The County is hereby divided into the zoning districts listed in ~~Articles II, III & IV Chapter 2~~ of this Zoning Ordinance and as shown on the map entitled "Zoning Map, Loudoun County, Virginia", which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this ~~Ordinance~~Zoning Ordinance. The represented locations and boundaries derive from the authoritative data source as maintained by the Office of Mapping and Geographic Information.
2. ~~2-~~For Zoning Districts, Overlay Districts, and other mapped features subject to this Zoning Ordinance, the official Zoning Map is the County mapping data in digital form as displayed on WebLogis and publicly available County GIS data. The Zoning Map ~~shall be located in the office of the Zoning Administrator and shall be~~ the final authority as to the current zoning status of land and water areas, buildings, and other structures in the County save for subsequent amendments enacted by the Board of Supervisors and not yet officially recorded on said map.

3. ~~3.~~ No changes of any nature ~~shall~~may be made on said Zoning Map or any matter shown thereon except in conformity with the procedures and requirements of this Zoning Ordinance. It ~~shall be~~is unlawful for any person to make unauthorized changes on the Zoning Map.

F. ~~B.~~ **Zoning District Boundaries.** Where uncertainty exists as to the boundaries of zoning districts as shown on the Zoning Map, the following rules ~~shall~~ apply:

1. ~~1.~~ Boundaries indicated as approximately following the center lines of streets, highways, or alleys ~~shall~~must be construed to follow center lines of rights-of-way or prescriptive easements. In case of closure of a street or alley, or vacation of an easement, the boundary shall be construed as remaining at its prior location unless ownership of the closure or vacated area is divided other than at the center, in which case the boundary shall be construed as moving to correspond with the ownership, but not beyond any previous right of way or easement line.
2. ~~2.~~ Boundaries indicated as approximately following platted lot lines ~~shall be~~are construed as following lot lines.
3. ~~3.~~ Boundaries indicated as following County limit lines ~~shall~~must be construed as following such County limits.
4. ~~4.~~ Boundaries indicated as following railroad lines ~~shall~~must be construed to be midway in the right-of-way.
5. ~~5.~~ Boundaries indicated as following scarlines of bodies of water ~~shall be~~are construed to follow such scarlines. Boundaries indicated as approximately following the center lines of creeks, streams, rivers, canals, or other predominately linear bodies of water shall be construed to follow such center lines.
6. ~~6.~~ Boundaries indicated as parallel to or concentric with, or extensions of features indicated in Paragraphs (1) through (5) above shall be so construed. Distances and dimensions not specifically indicated on the Zoning Map shall be determined from the Zoning Map by the Zoning Administrator and as so noted on the map.
7. ~~7.~~ Where areas appear to be unclassified on the Zoning Map, and classification cannot be established by the above rules, such areas shall be considered to be classified AR-1 until action is taken to amend the Zoning Map.
8. ~~8.~~ Where territory is added to the jurisdictional area, it ~~shall~~must be considered to be classified as AR-1 until action is taken to amend the Zoning Map.
9. ~~9.~~ Where natural or man-made features actually existing on the ground are at variance with those shown on the Zoning Map, the Zoning Administrator shall interpret the district boundaries as so noted on the map.
10. ~~10.~~ Where uncertainties continue to exist and/or further interpretation is required beyond that presented in the above paragraphs, the question shall be presented to the Zoning Administrator for interpretation and as so noted on the map.

G. **Map Interpretations and Boundary Determination.** The environmental overlay districts and steep slope maps are intended to show the location of environmental resources in the County, including the following:

1. Mountainside Development Overlay District (MDOD) Map, described in Section 5.04;
2. Floodplain Overlay District; described in Section 5.03; and
3. Loudoun County Steep Slopes Map, described in Section 6.02.
4. Limestone Overlay District; described in Section 5.05.
5. River and Stream Corridor Resources; described in Section 6.01

The Zoning Administrator, in consultation with the Department of Building and Development, is charged with making necessary cartographic interpretations of those maps at the request of the applicant or on his/her own initiative. The Zoning Administrator is authorized to interpret the exact location of the boundaries if there appears to be a conflict between mapped resource boundary, elevations, and actual physical conditions. The Zoning Administrator may require information from the applicant, including, but not limited to a topographic survey and/or engineering studies in conformance with the provisions of the Facilities Standards Manual.

In the case of the Limestone Overlay District the applicant shall be required to submit a report based upon geologic logs from borings completed to a minimum depth of 45 feet and such borings shall be sufficient in number and lateral spacing to accurately define the geologic characteristics of the area sought for exclusion from the LOD requirements. Borings shall include, at a minimum, at least three borings, with one boring required for each geologic formation, as identified on United States Geologic Survey Maps, and one boring required for each land form. All borings must be properly abandoned with either bentonite or neat cement. Geophysical testing may be used to supplement the boring data. The report shall include a map (1" = 200' minimum scale) showing the area requested for exclusion, locations of test borings and geophysical survey lines (if used), and the extent of the area, if any, where carbonate rocks or calcereous material is found to be absent. The report shall be prepared and sealed by a Virginia Certified Professional Geologist and state that, based on their professional experience of karst geology and their observations of site characteristics and field data, the area proposed for exclusion from the LOD requirements is not underlain by carbonate rocks or calcereous material to the tested depth.

H. **Appeals.** The applicant may appeal interpretations to the Board of Zoning Appeals in accordance with appeals provisions in Chapter 7 of the Zoning Ordinance.

ARTICLE 813.03 Definitions

Words and terms set forth ~~below shall within this Zoning Ordinance, and not defined elsewhere in this Zoning Ordinance,~~ have the meanings ascribed to them ~~in this Section.~~ Any word, term, or phrase used in this Zoning Ordinance ~~not defined below shall but left undefined will~~ have the meaning ascribed to such word, term or phrase in ~~the most recent edition of~~ Random House Webster's Unabridged Dictionary, Second Edition (revised July 12, 2002), unless in the opinion of the Zoning Administrator, established customs or practices in Loudoun County, Virginia justify a different or additional meaning. ~~For the purpose of this Ordinance, certain words and terms are herein defined as follows:~~

Notwithstanding the forgoing, words and terms set forth within Appendix A: Legacy Zoning Districts have the meanings ascribed to them in the Revised 1993 Loudoun County Zoning Ordinance. Any word, term, or phrase used in Appendix A: Legacy Zoning Districts but left undefined in Article 8 of the Revised 1993 Loudoun County Zoning Ordinance will have the meaning ascribed to such word, term or phrase in Random House Webster's Unabridged Dictionary, Second Edition (revised July 12, 2002), unless in the opinion of the Zoning Administrator, established customs or practices in Loudoun County, Virginia justify a different or additional meaning.

A

Abattoir: A commercial slaughterhouse.

Abutting: Touching, contiguous, or adjoining at the border or immediately across a road.

Access: A means of approach or admission.

Accessory Building: A non-habitable building located on a lot, the use of which is associated with the principal building and which is located upon the same lot as the principal building. The maximum size of an accessory building is based on the size of the lot on which it is located as follows: up to 5 acres: 2,500 sq. ft., more than 5 acres up to 10 acres: 5,000 sq. ft., more than 10 acres up to 20 acres: 7,500 sq. ft., more than 20 acres: 10,000 sq. ft.

Accessory Dwelling: A secondary, independent living facility located in, or on the same lot as, a single-family dwelling. Includes guest house.

Active channel: The area of the stream channel that is subject to frequent flows (approximately once per one and one-half years), and that includes the portion of the channel below where the floodplain flattens.

Active recreational uses: ~~Recreational uses requiring constructed facilities for organized activities, such as playing fields, ball courts, and playgrounds.~~

Adaptive Reuse: Repurposing of an existing structure to accommodate new uses while preserving the structure. This often involves improving existing structures to allow for modern design and programming them for the new use.

Adjacent: Having a common boundary or edge; abutting; touching. For the purposes of zoning may also be directly across the street from the subject property.

Adjacent Steep Slopes: Surface formations with a vertical incline greater than 25% located within the first 50 feet from the edge of a stream or floodplain, which is sufficient steepness to cause problems such as erosion or increased flooding when land is disturbed. Also referred to as Very Steep Slopes when located outside of River and Stream Corridor Resources.

Adult Day Care Center: A licensed facility establishment for four or more aged, infirmed infirm, or disabled adults which is operated during a part of the day only, which provides supplementary care and protection of individuals who reside elsewhere, except a facility or portion of a facility. This does not include:

- Establishments licensed by the State Board of Health or the Department of Mental Health, Mental Retardation and Substance Abuse Service, ~~and the home or residence of an individual who cares for only persons related to him by blood or marriage or~~
- Dwelling units where an individual cares only for persons related to them by blood or marriage.

Adult Entertainment: ~~Adult entertainment is any medium used for presenting~~An establishment that presents material or performances distinguished or characterized by an emphasis on matter depicting, describing, or relating to 'Specified Sexual Activities' or 'Specified Anatomical Areas' for observation by its patrons ~~therein;~~ or limits the presentation of ~~such~~those materials to persons over 18 years of age. This definition ~~shall~~does not apply to a legitimate theatrical performance where nudity is only incidental to the primary purpose of the performance. For the purposes of this definition, ~~"Specified Sexual Activities" is defined as:~~

- ~~Human~~ "Specified Sexual Activities" are defined as: (1) human genitals in a state of sexual stimulation or arousal; (2) acts of human masturbation, sexual intercourse or sodomy; (3) fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.
- ~~And, "Specified Anatomical Areas" is~~Areas" are defined as: (1) less than completely and opaquely covered: (a) human genitals, pubic region, (b) buttock, and (c) female breast below a point immediately above the top of the areola; and (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Adverse Impact: An impact that creates, imposes, aggravates, or leads to inadequate, impractical, unsafe, or unhealthy conditions on a site or degrades or damages environmental or cultural resources on a site proposed for development or on off-site property or facilities.

Affordable Dwelling Unit—: A dwelling unit for rent or for sale that is regulated pursuant to Section 9.01 and Chapter 1450 of the provisions contained in ARTICLE 7, as adopted by the Board of SupervisorsCodified Ordinances.

Affordable Housing Unit—: A dwelling unit for rent or for sale developed pursuant to ~~a~~ one of the following programs:

- A. Virginia Housing Development Authority (VHDA) (VH) Low Income Housing Tax Credit (LIHTC) program ~~or a;~~
- A.B. U.S. Department of Housing and Urban Development (HUD) 221(d)(4) program that meets the Definition of Affordable Housing included in the HUD Multifamily Accelerated Processing (MAP) Guide, Revised January 29, 2016Revision March 19, 2021, as amended, from the Office of the Assistant Secretary for Housing – FHA Commissioner ("HUD 221(d)(4) Affordable");
- C. HUD Section 202 Supportive Housing for the Elderly Program;
- D. HUD 811 Supportive Housing for Persons with Disabilities Program,
- E. United States Department of Agriculture (USDA) Section 515 Multifamily Housing Direct Loan program;
- F. USDA Section 538 Multifamily Guaranteed Rural Rental Housing program; and
- G. Virginia Department of Housing and Community Development (DHCD) programs administering National Housing Trust Fund monies, State Housing Trust Fund monies, or federal HOME funds.

Agricultural Cultural Center: ~~A facility established for the purpose of educating~~ An establishment that educates the public about agricultural activities ~~, and/or the heritage and culture of agricultural activities.~~

Agricultural Education or Research: An establishment that:

- Investigates, tests, and demonstrates agricultural products and processes, including biotechnical agriculture, veterinary, soil, plant, and animal sciences; or
- Trains or educates persons in products and processes related to agriculture, horticulture, or animal husbandry.

Agricultural Processing: The processing, preparation, and/or manufacturing of agricultural products, including ~~but not limited to~~ changes to the physical state or form of the agricultural product, as an accessory use to ~~an~~ a principal agricultural use. ~~A minimum of~~ At least 51% of the agricultural products used for ~~the~~ processing, preparation, and/or manufacturing shall be derived from the agricultural use on-site. Establishments that do not meet this threshold for livestock are considered slaughterhouses.

Agricultural ~~research facility~~ Structure: ~~A facility structure used primarily for agricultural purposes in which the investigation, testing, and demonstration use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural products and processes commodities, including biotechnical agriculture, veterinary, soil, plant and animal sciences the raising of livestock.~~

Agriculture: ~~Uses~~ A use category characterized by general active and ~~on-going~~ ongoing agricultural activities, including agronomy, aquaculture, biotechnical agriculture (including education parks for biotechnical agriculture or a demonstration farm), forestry, fisheries, honey production, silviculture (including the harvesting of timber), and similar uses.

Accessory uses may include offices, storage areas, and repair facilities related to agriculture uses.

"Agriculture" includes:

- A direct market business for sale of products produced onsite-including but not limited to PYO (pick-your-own); and
- "Community supported agriculture" (CSA), defined as an area of land managed and maintained by an individual or group of individuals to grow and harvest food and/or horticultural products for shareholder consumption or for sale or donation.

Agriculture does not include:

- A grocery store or the retail or wholesale sale of products remotely related to the production of agricultural products-
Agriculture does not include; or
- Preparatory functions such as grading or creation of planting beds through stockpiling of dirt or other means ~~when such preparations that~~ do not result in an active and ~~on-going~~ ongoing agricultural activity within 30 days. ~~Accessory uses may include offices, storage areas and repair facilities related to agriculture uses.~~

Agriculture, Bona Fide: Agricultural, horticultural, or animal husbandry uses as defined in this Zoning Ordinance that are located on a parcel that is subject to a farm plan approved by the Loudoun County Soil and Water Conservation District or that is classified by the Office of the County Assessor under the land use tax assessment program as Agriculture.

Agriculture Support and Services Directly Associated with On-going Agricultural Activity, On-Site: A Use Category that includes uses that provide support and services to agricultural, horticultural and animal husbandry activities, which are limited to and that operate in conjunction with and on the site of on-going agricultural, horticultural or animal husbandry uses. These uses include: agricultural processing; agri-education; animal care businesses; commercial wineries; custom operators (haymaking, brush hogging, crop storage, hauling, fencing, barn construction); ~~direct market businesses for the sale of products produced on-site, including but not limited to PYO (pick-your-own);~~ equestrian event facilities; horse trails or networks; farm co-ops; farm based tourism events; farm markets; farm machinery repair; feedlot (for on-going, on-site, animal husbandry activities); nurseries, commercial; pet farms; products combining recreation with consumption of agricultural products; portable sawmills; small business uses; stables; stables, private; wayside stands; wetlands mitigation banks; and similar uses.

Agriculture Support and Services Not Directly Associated with On-Site Agricultural Activity: A Use Category that includes uses and activities that provide support and services to agricultural, horticultural and animal husbandry activities, either on the site of the agricultural, horticultural or animal husbandry activity, or off-site. These uses include: agricultural research facility; animal care businesses; central farm distribution hub for agricultural products; equestrian event facilities; horse trails or networks; farm machinery repair; farm machinery sales, rental and service; feed and farm supply centers; nurseries, commercial; stables, livery; stable, private; and similar uses.

Agriculture Supportive Business: Uses that provide either direct or indirect services to agriculture, horticulture, and/or animal husbandry uses. Such uses include farm machinery sales, rental, and repair services; veterinary services; blacksmithing; agricultural product storage and processing; feed and seed supply; and similar uses.

Agritainment: Events and activities ~~such as corn mazes, hay rides and petting zoos, that that~~ allow for recreation, entertainment, and tourism ~~that is~~ in conjunction with ~~agriculture support and services directly associated with~~ on-going agricultural ~~activity~~activities on-site. ~~(examples include corn mazes, hayrides, and petting zoos).~~

Air Conditioner Condenser: An outdoor appliance or device, including the outdoor component of a heat pump system, that is designed to increase or decrease the thermal temperature of air for building spaces, typically to improve thermal comfort. An air conditioner condenser generally comprises a compressor, cooling fins and tubes, coolant tubes, and a fan, and its performance is dependent on air-flow. The appliance may or may not be a component of a heat pump system.

Airport/Landing Strip: Any area designed and used for the takeoff and landing of small private aircraft, having no more than one air strip.

Airport: ~~(Including Air Park, Flight Strip, Airfield and Heliport): A place where aircraft may take off or land, discharge or receive cargoes and/or passengers, be repaired, take on fuel, and be stored.~~

Airport: Any area of land or water that is used or intended for the landing and taking off of aircraft, and any appurtenant areas that are used or intended for accessory uses. Accessory uses may include runways, taxiways, aircraft storage and tie-down areas, hangers, public terminal buildings and parking, helicopter pads, and support activities such as airport operations, air traffic control, and dusting services. For purposes of this definition, "aircraft" means a device that is used or intended to be used for flight in the air, such as an airplane or helicopter.

Alley: A right-of-way which provides secondary and/or service access for vehicles to the side or rear of abutting properties whose principal frontage is on another street.

All-Terrain Vehicle (ATV): A small motor vehicle with three or four wheels designed for recreational use on various types of terrain.

Alternative Lending Institution: An establishment providing short-term loans to individuals, which may include short-term loans offered online if associated appraisal, application, or other services are provided in-person at the establishment, including short-term loans as regulated by Chapter 18, Title 6.2, Code of Virginia and motor vehicle title loans as regulated by Chapter 22, Title 6.2, Code of Virginia. An alternative lending institution does not include an office, pawnshop, drive-through financial institution, bank or financial institution, or any other state or federally chartered bank, savings and loan institution, or credit union. Examples include payday lending agencies and title loan businesses.

Amend or Amendment: Any repeal, modification, or addition to a regulation; any new regulation; any change in the number, shape, boundary, or area of a district; or any repeal or abolition of any map, part thereof, or addition thereto.

Amphitheater: A place, not enclosed in a building, having a stage and seating for performances, concerts, and the like, with the seating for spectators arranged largely within a natural or artificial grade in the land such as a hillside or depression.

Amusement or Theme Park: A facility, indoor or outdoor, designed for entertainment purposes which may include structures or buildings, motorized or non-motorized rides, games, booths for the conduct of sporting events or games, and constructed land features such as lakes, hills, or trails. Accessory uses may include office, retail and other commercial uses commonly established in such facilities and related parking structures shall be allowed as accessory appurtenances.

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

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

Animal Husbandry: Uses characterized by the active and on-going propagation, rearing, exercising, feeding, milking, housing, controlling, handling, or general care of living animals, including the raising and production of bison, cattle (beef and dairy), pigs, mules, ducks, emus, horses and very small equine, goats, llama, alpaca, poultry, pigeons, sheep, and similar animal husbandry uses. livestock. The conduct of the foregoing activities with respect to animals meeting the definition of "Pet" that are not livestock (e.g., pets or non-domesticated (wild) animals shall) is not be considered animal husbandry.

Animal Services: A Use Category that includes uses related to the provision of services and treatment to animals, including veterinary services, animal hospitals, kennels, and the boarding of animals related to the provision of these services.

Antique Shop: An establishment that sells items such as furniture, household wares and decorations, and related articles, which have value and significance because of factors such as age, rarity, historical significance, design, and sentiment.

Application, Active: Any Zoning Map Amendment application, Zoning Modification application, Concept Plan Amendment application, Special Exception application, Preliminary or Record Subdivision application, or Site Plan application, which has been officially accepted by the County and which is not an inactive application or has not been withdrawn or has not received a final decision.

Application, Inactive: Any Zoning Map Amendment application, Zoning Modification application, Concept Plan Amendment application, Special Exception or Minor Special Exception application, Site Plan application, or Preliminary or Record Subdivision application officially accepted by the County for processing but which has had processing suspended either by request of the applicant or by having no contact or activity occur in regard to the application by the applicant and has been placed on inactive status pursuant to Section 6-405 of this Ordinance or deemed inactive pursuant to the Land Subdivision and Development Ordinance.

Application, Reactivated: Any Zoning Map Amendment application, Zoning Modification application, Concept Plan Amendment application, Special Exception application, Minor Special Exception, Preliminary or Record Subdivision application, or Site Plan application which was classified as inactive and which the applicant subsequently notifies the County in writing of their desire to have the application brought to final decision.

Arboretum: A place where trees, shrubs, or other woody plants are grown, exhibited or labeled for scientific, educational, or passive recreational purposes, not including the harvest of plants or their produce.

Arborist or Urban Forester: A person trained in arboriculture, forestry, landscape architecture, horticulture, or related fields and experienced in the conservation and preservation of native and ornamental trees.

Archery: A structure designed for the use of crossbows, slingbows, arrowguns, bows and arrows, or pneumatic guns as defined by Code of Virginia. [Note: Code of Virginia § 15.2-915.4 defines pneumatic gun as "any implement, designed as a gun, that will expel a BB or a pellet by action of pneumatic pressure" including "a paintball gun that expels by action of pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact."]

Area Median Income (AMI): The annually estimated area median income developed by the United States Census Bureau for the Washington-Arlington-Alexandria, DC-VA-MD HUD Metro Fair Market Rent (FMR) Area (DC-VA-MD FMR Area) as determined by the the Office of Management and Budget (OMB) and used by the Department of Housing and Urban Development (HUD), Virginia Housing and other State agencies, and local governments to determine eligibility for assisted housing programs for an area. Loudoun County is part of the DC-VA-MD FMR Area. The Attainable Housing programs referenced in Chapter 8 use the most current AMI for the DC-VA-MD FMR Area. Also known as Area Median Family Income (AMFI)

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

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

~~**Auction house:** A place~~ **/Auction House:** An establishment where the property of others, such as objects of art, furniture, and other goods (except livestock), are offered by a broker or auctioneer for sale to persons who bid on the items in competition with each other at scheduled sales periods or events.

Auction Facility, Livestock: An establishment where the public may consign livestock for sale by auction open to public bidding or sell livestock on a commission basis, consisting of pens or other enclosures and related facilities where livestock is received, held, and kept for sale at auction and shipment.

Automobile Car Sharing Agency: A motor vehicle sales and accessory service lot use that provides vehicles shared by its members as a means to supplement mass transit facilities.

Automobile Service Station/Automotive Service Station: ~~Buildings and premises where gasoline and/or oil, grease, batteries, tires and automobile accessories are dispensed at retail as a principal use and where, in addition, the following services may be rendered and sales made, and no other. See "Vehicle Service Station."~~

Automobile Sales Lots: See "Vehicle Sales."

- ~~A. Sale and servicing of spark plugs, batteries, and distributor parts.~~
- ~~B. Tire sales, servicing and repair, but not recapping or regrooving.~~
- ~~C. Replacement or adjustment of mufflers and tail pipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors and the like.~~
- ~~D. Radiator cleaning and flushing, provision of water, anti freeze and the like.~~
- ~~B.A. Washing and polishing, and sale of automotive washing and polishing materials.~~
- ~~C.A. Greasing and lubrication.~~
- ~~E. Providing and repairing fuel pumps, oil pumps and lines.~~
- ~~D.A. Servicing and repair of carburetors.~~
- ~~F.A. Emergency wiring repairs.~~
- ~~F.A. Adjusting and repairing brakes.~~
- ~~G.A. Minor motor adjustments not involving removal of the head or crankcase or racing the motor.~~
- ~~H.A. Provision of convenience goods for gasoline supply station customers.~~
- ~~I.A. Provision of road maps and other information material to customers; Provision of restroom facilities.~~
- ~~J.A. Performing State vehicle inspections.~~
- ~~K.A. Car wash.~~

~~Uses permissible at an automobile service station do not include major mechanical and body work, straightening of frames of body parts, steam cleaning, painting, welding, storage of automobiles not in operating condition, or any activity involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in automobile service stations.~~

~~**Automobile Sales Lots:** A lot arranged, designed, or used for the storage and display for sale and/or lease of any motor vehicle or any type of trailer, provided the trailer is unoccupied, and where no repair work is done except minor and incidental repair of automobiles or trailers displayed and sold on the premises.~~

Aviary: A place used for keeping birds for the purposes of commercial breeding or propagation or for display to the public, but not including facilities within and incidental to the operation of a retail pet store.

Aviation: Uses characterized by facilities for the operation and maintenance of aircraft, including airports, hangars, runways and landing strips, flight schools, and fueling facilities.

A-Weighted Sound Level: The sound pressure level in decibels as measured on a sound level meter (SLM) using the A-weighting network.

B

Bankfull: The water level, or stage, at which a stream or river is at the top of its banks and any further rise would result in water moving into the floodplain. It may be identified by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

Bankfull Bench: A flat or shallowly sloped area above bankfull that slows high velocity flows of water during flows above bankfull.

Bank or Financial Institution: A business where the primary occupation is financial services such as banking, savings and loans, loan offices, check cashing, and currency exchange outlets. It does not include financial services that typically occur in an office or storefront (such as investment companies, loan companies, credit and mortgage, insurance services, or brokerage firms), which are classified under "Office," below.

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

Base Flood: The flood having a ~~one~~¹ percent chance of being equaled or exceeded in any given year. Also known as the 100-year flood.

Base Flood Elevation: The water surface elevation of the base flood. The water surface elevation of the base flood is calculated based on the datum specified on Loudoun County's Flood Insurance Rate Map.

Basement: That portion of a building below the first floor joists, at least half of ~~whose~~^{which} clear ceiling height is above the mean level of the adjacent ground.

Bed and Breakfast Homestay: A private, owner-occupied dwelling in which overnight accommodations are provided to the public and which may include a room for meetings and private parties as an accessory use. The frequency and volume of paying guests is intended to be incidental to the primary use of the property as a private residence. Accessory structures may be used for guest lodging.

Bed and Breakfast Inn: A business operated in ~~one~~¹ or more structures ~~which that~~ are used for providing overnight accommodations to the public and ~~which that~~ may include rooms for meetings and private parties as an accessory use.

Bedrock: Rock formation that underlies a surface covering such as soil or extends through the soil as a rock outcrop.

Berm: A landscaped earthen mound intended to screen, buffer, mitigate noise, and generally enhance views of parking areas, storage areas or required yards particularly from public streets or adjacent land uses.

Best Management Practices: Methods and practices that are the most effective and practical means of preventing or reducing the amount of pollution generated by non-point sources (NPS) to a level compatible with established water quality goals. Best management practices may be applied in no-build buffers to protect streams and to control the design and operation of stormwater management facilities, lakes and ponds, silviculture, farming, restoration efforts, and development in and around stream corridors and water supply sources as further defined in the Facilities Standards Manual (FSM).

Biotechnical Agriculture: Agriculture that uses biotechnical methods to modify living cells or organisms to produce substances or perform processes.

Block: That property abutting one side of a street and lying between the two nearest intersecting streets or the nearest intersecting or intercepting street and railroad right-of-way, unsubdivided acreage, river or live stream between any of the foregoing and any other barrier to the continuity of development. A block may contain an alley.

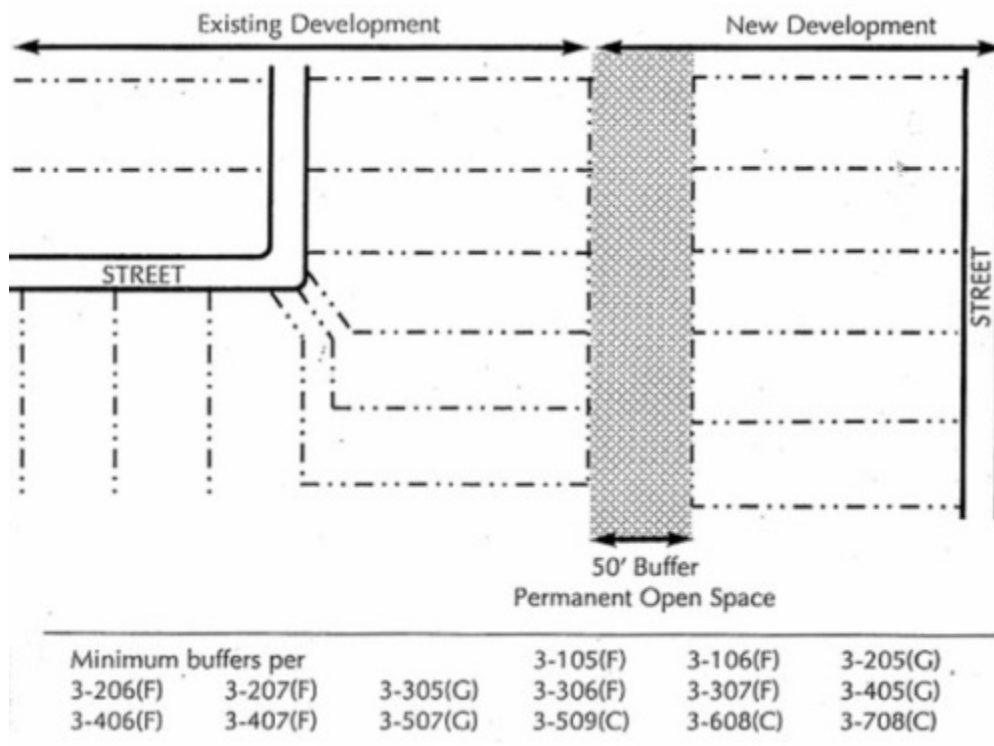
Board of Supervisors or Board: The Board of Supervisors of Loudoun County, Virginia.

Bona Fide Agriculture: See Agriculture, Bona Fide.

Botanical Garden: A garden having documented collections of living plants for the purposes of scientific research, conservation, display or education.

Brewery, Limited: A brewery licensed as a Limited Brewery in accordance with Section 4.1-208 of the Code of Virginia, as amended, and located on a farm in the Commonwealth on land zoned agricultural. For the purposes of this definition, "farm" shall be defined as one or more contiguous parcels of land, totaling a minimum of 10 acres in size, owned or leased by such licensed limited brewery.

Buffering or Screening: Any device or natural growth, or a combination thereof, which shall serve as a barrier to vision, light, or noise between adjoining properties, wherever required by this ordinance and further defined herein and the Facilities Standards Manual (FSM). Whenever used for screening or buffering purposes, "natural growth" shall be taken to mean coniferous or deciduous trees, bushes and shrubbery.



Buildable Area: The area of the lot remaining after required yards have been provided.

Building: A structure having one or more stories and roof, designed primarily for the shelter, support, or closure of persons, animals, or property of any kind.

Building and Landscaping Materials Supplier: A business that sells building materials or landscaping where the majority of sales are wholesale transactions to other firms, not retail sales.

Building, Civic: A structure used for community purposes, such as churches, community/recreation centers, service organizations and libraries, located on a civic-use lot.

Building Coverage: All areas under roof or projections from buildings on a lot.

Building Footprint: The area on the ground surface covered by the building.

Building Height: The vertical distance to the highest point of the roof for flat roofs; and to the average height between eaves and the highest point of the roof in the case of pitched roofs, measured from the curb level, if the building is not more than ~~ten~~(10) feet distant from the front lot line, or from the average finished grade at the front of the building in all other cases.

Building Inspector: An appointed official of Loudoun County who is responsible for certifying building inspections.

Building Maintenance Services: Establishment primarily engaged in carpet cleaning, carpentry, roofing, exterminator, glazing, janitorial services, electrical repair, plumbing, heating and air conditioning (sales and service), upholstery, painting and paper hanging, sign painting, or rug cleaning.

Building, Principal: A building in which is conducted the principal use of the lot on which it is situated. In any residential zone, any dwelling shall be deemed to be a main building on the lot on which the same is located if the lot is used primarily for residential purposes.

Bus or Bus services: As used within the context of the PD-TRC zoning district, “bus” or “bus services” shall mean Bus Rapid Transit or an express bus serving the Dulles Greenway/Toll Road corridor and shall not mean a local bus service. As used within the context of the PD-MUB zoning district, “bus” or “bus services” shall mean Bus Rapid Transit, express bus, circulator bus, commuter bus, feeder bus, or shuttle.

Business Service Establishment: Establishments primarily engaged in rendering services on a fee or contract basis to the business, commercial, industrial, or institutional community, such as advertising and mailing; business maintenance; employment service; management and consulting services; travel agent; protective services; equipment rental and leasing; commercial research; development and testing; photo finishing; quick print shop; and personal supply services.

Business Support Services. Establishments primarily engaged in rendering services on a fee or contract basis to the business, commercial, industrial, or institutional community, such as advertising; typical business maintenance; employment service; management and consulting services; travel agent; protective services; equipment rental and leasing; commercial research; development and testing; photo finishing; printing service; and personal supply services. A "printing service" means a retail establishment, which includes a quick print shop or the operation of offset printing and other related equipment, such as, but not limited to, paper cutters, collating machines, multi-colored press equipment, plate burners, binding, and photographic developing equipment.

Business Vehicle: A vehicle associated with a business. Business vehicles shall not exceed a rated capacity of one and one half (1.5) tons, and ~~shall~~must not have more than two axles.

Draft 8/5/22

C

Camp, Boarding: ~~As for~~ See Campground.

Camp, Day, ~~except:~~ See Campground.

Campground: ~~A use type that uses and structures for the lodging of guests shall be permitted in locations appropriate for extensive~~ means an outdoor facility designed for overnight accommodation of human beings in tents, rustic cabins, and shelters for recreation, education, naturalist, or vacation purposes. Accessory uses include office, retail, and other commercial uses commonly established in those facilities and related parking structures. Includes any of the following:

- **Camp, Day:** A lot, tract, or parcel of land operated as either a commercial or non-commercial ~~enterprise establishment~~ in which seasonal facilities are provided for all or any of the following: camping, picnicking, boating, fishing, swimming, outdoor games and sports, and activities incidental and relating to ~~the foregoing, but those activities~~ (not including miniature golf grounds, golf driving ranges, mechanical amusement ~~device devices~~, or permanent structures for housing guests-).

Campground: ~~An outdoor facility designed for overnight accommodation of human beings in tents, rustic cabins and shelters for recreation, education, naturalist, or vacation purposes. Office, retail, and other commercial uses commonly established in such facilities and related parking structures shall be allowed as accessory appurtenances.~~

- **Camp, Boarding:** ~~same as Day Camp, except that uses and structures for the lodging of guests are provided in locations appropriate for extensive outdoor recreation.~~
- **Glamping:** ~~a transient occupancy facility where guests occupy detached upscale tent units or similar units but which are not conventional hotel, motel, or cabin facilities. For purposes of this definition, "upscale" means permanent or semi-permanent shelters (such as cabins, safari tents, outfitter-style wall tents, yurts, or tipis) furnished with beds, seating areas, climate control, and appliances for preparing meals.~~

Capital Improvements Program (CIP): The Loudoun County plan for expenditures for physical facilities of government, such as costs for acquisition of land or interests in land; construction of buildings or other structures, including additions or major alterations; construction of highways or utility lines; fixed equipment; landscaping; and similar expenditures.

~~**Caretaker's residence:** A residential structure~~ **Caretaker or Guard Residence:** A dwelling unit on a site intended for use as a dwelling for a caretaker in connection with accessory to the particular purpose of the principal use on the same site. The caretaker's residence shall must be accessory to the that principal residential structure-use. This includes a single-family dwelling accessory to a permitted or special exception use.

Carport: Any space outside a building and contiguous thereto, wholly or partly covered by a roof, and used for the shelter of motor vehicles. A carport may have a side enclosure that is more than eighteen inches in height, exclusive of required supports and the side of the building to which the carport is contiguous.

Car Wash: ~~A structure, or portion thereof, containing facilities for use consisting of an establishment engaged in the commercial washing of motor vehicles by hand or by using production-line, automated, or semi-automated methods for washing, whether or not employing a chain conveyor, blower, steam-cleaning, or similar mechanical devices.~~

Cellar: That portion of a building below the first floor joists, at least half of whose clear ceiling height is below the mean level of the adjacent ground. Such a portion of a building shall not be used for habitation.

Cemetery: ~~A place-use consisting of any land or structure used or intended to be used for the interment of human remains or pet animal remains and dedicated or designated for that purpose, including columbariums columbaria, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such the cemetery. A "cemetery" includes and excludes all activities listed in Code of Virginia §§ 15.2-2288.5.C.~~

This use also includes any land or structure used or intended to be used for the interment of pet animal remains.

[Reference: Code of Virginia §§ 15.2-2288.5, 54.1-2310.]

Central Farm Distribution Hub for Agricultural Products: A place where farmers can deliver agricultural products for pick-up by consumers or wholesalers, but not including a central place operated by a farm co-op where farmers can deliver products for pick-up by consumers (see “Farm Co-op”). Central farm product distribution hub does not include such uses as trucking operation, stockyard, auction house, slaughterhouse, or cannery or other processing facility.

Channel Letter: A fabricated or formed three-dimensional letter, number, logo or symbol.

Channel Scarline: The sloping margin of, or the ground bordering, a stream and serving to confine the water to the natural channel during the normal course of flow. It is best marked where a distinct channel has been eroded to the valley floor or where there is a cessation of land vegetation.

Child ~~Day Care~~ Center: A use consisting of a licensed establishment other than a child ~~care~~ day home, ~~which that~~ offers care, protection, and supervision of children for compensation ~~during any twenty-four (24) hour period, and then only for part of any twenty-four (24) hour day.~~ This includes nursery schools, kindergartens, or other facilities for which the purpose is primarily educational, recreational, or medical treatments.

Child ~~Care~~ Day Home: A use consisting of a licensed establishment located in a ~~single-family detached, duplex or townhouse~~ dwelling ~~which unit that~~ offers care, protection, and supervision for compensation to more than ~~four (4) non-resident children at a time during any twenty-four (24) hour period, and then only for part of any twenty-four (24) hour day.~~ For the purpose of this definition, “non-resident children” means children that are not the child care providers’ own children and children not residing in the home. Pursuant to the Code of Virginia, an establishment that offers care, protection, and supervision for compensation to ~~four (4) or less fewer~~ non-resident children is ~~regulated the same as considered accessory to~~ a dwelling unit. .

~~Church, synagogue, temple or mosque:~~ ~~A structure or group of structures that is intended for regular gatherings of people to attend, participate in, or conduct religious services and other related activities and associated accessory uses. Associated accessory uses may include religious instruction classrooms, church offices, counseling programs, private school, youth programs, parking, child and adult day care facilities, summer camps, recreational facilities, caretaker’s quarters, food bank, thrift shop, sale of religious items, and cemeteries.~~

Civic, Social, or Fraternal Association Meeting Place: An establishment of a private non-profit organization, including fraternal organizations, ~~which that~~ provide social, physical, recreational, educational, agricultural or benevolent services. Such establishment ~~shall must~~ not be operated for the purpose of carrying on a trade or business, and no part of the net earnings shall inure to the benefit of any members of such organization or any other individuals; provided, however, that ~~regular~~ employees may be paid reasonable compensation for services rendered.

Civic Uses: ~~Such as~~ A use category that includes government offices, public meeting halls, libraries, art galleries or museums, post office, and churches, and like uses which generate pedestrian activity and act as visual focal points.

Civic Space: Public or quasi-public uses in residential or business areas that are accessible to the public and primarily serve as gathering or meeting areas for the immediate community or reserved as open space that provides a community amenity or promotes environmental or ecological functions. Civic spaces may be public buildings; defined space in residential, commercial, or mixed-use buildings; or outdoor space constructed to accommodate community gatherings. They can be the settings where celebrations are held, where social and economic exchanges take place, where friends run into each other, and where cultures mix.

Civic spaces include active or passive recreational uses, nature and recreation trails, nature preserves (such as wildlife sanctuaries, conservation areas, and game preserves), cultural amenities (e.g. fountains, ice rinks, reflecting pools), open spaces, parks, squares, plazas, playgrounds, or memorial parks. Includes any of the following as defined below:

- Community space: Buildings or facilities that provide gathering places, such as community centers, property owner association meeting spaces, or clubhouses.

- Open space: Areas of trees, shrubs, lawns, grass, pathways and other natural and man-made amenities not within individual building lots, (except in rural village developments), set aside for the use and enjoyment of residents, visitors and other persons, unoccupied by buildings or facilities unless related to recreational activities. Generally, open space is intended to provide light and air and is designed for either scenic or recreational purposes. For the purpose of this Ordinance, open space includes active recreation space, common open space, and dedicated open space.
- Park or plaza: An open space which may be improved and landscaped; usually surrounded by streets and buildings.

Closed Depression: In a limestone area, a distinctive bowl-shaped depression of varied sizes in the land surface. It is characterized by internal drainage, and an unbroken ground surface.

Cluster Development (AR Districts Only): A type of development design that allows for the subdivision of a tract of land with a more compact residential design plus one or more large lots suitable for rural economy uses or common open space. Land not included within lots or required for public or private streets shall be maintained as common open space. Communal water and/or sewer systems are permitted under this development type within the common open space.

Cluster Development (CR and Suburban Zoning Districts Only): An arrangement of structures on adjoining lots in groupings allowing closer spacing than would be generally permitted under ordinance requirements, where at least 20% of the lots have less than the required minimum lot area which is compensated by maintenance of equivalent open space, either elsewhere on the lot or in the form of common open space. All land not included within lots or required for public or private streets shall be maintained as common open space. Common open space shall be designed to constitute a continuous and cohesive unit of land which may be used for active or passive recreation by residents and shall be reasonably accessible to all permitted uses and all residential units within the development.

Code: ~~The Code of Loudoun County, Virginia.~~

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

~~**Co-housing:** A residential arrangement on the site of an active agricultural, horticultural or animal husbandry operation consisting of more than one individually owned dwelling unit and extensive common facilities, such as a large dining room, kitchen, lounges, meeting rooms, recreation areas, library, workshops, childcare, laundry, greenhouse, or other facilities for use by the organized group of residents living in the co-housing who participate in the planning, design, ongoing management and maintenance of the residential arrangement and in the routine activities of household living.~~

College, or University: An institute of higher education authorized by the State Commonwealth to award baccalaureate or higher degrees, which may include on-site student, faculty, and/or employee housing facilities. For junior college or other educational institutions refer to definition of "Educational Institution".

Commercial: A use category that collectively defines workplace, office, retail, and restaurant uses.

Commercial Repair Garage: Any building, premises and land in which, or upon which, a business, service or industry involving the maintenance, servicing, repair or painting of vehicles is conducted or rendered.

Commercial Strip Development: A linear, commercial development pattern along a road that includes three or more of the following characteristics: predominance of single-story buildings, either standalone or connected; parking between the building and the road; limited reliance on shared access points; broad road frontage; a lack of connection to an existing settlement, (e.g., village centers or neighborhoods) except by road; lack of coordination with surrounding land uses; and lack of connection to a pedestrian and bicycle network/limited access for pedestrians.

Commonly Owned Open Space: Open space that is owned and managed by a condominium or homeowner association and that is restricted for the use and enjoyment of association members.

Communications Facility: Broadcasting and other communication services accomplished through wired or wireless electronic mechanisms, except for uses defined as telecommunications facilities or testing stations. Examples include radio and television recording studios; radio, radar and/or television towers (defined as structures for the transmission of broadcasting of radio, TV, or radar signals); switching centers; and cable transmitting stations.

Community Center: A place, structure, area, or other facility used ~~for and providing to provide~~ fraternal, cultural, social, educational, or recreational programs or activities, ~~or. This includes~~ swimming pools, tennis courts, and similar facilities ~~of a homeowners association~~, open to the public or a designated part of the public, and which may be publicly or privately owned.

Community Garden: A site gardened collectively by a group for producing herbs, fruits, vegetables, flowers, or other ornamental foliage for personal use, consumption, or donation.

Commuter Parking Lot: An off-street, ground level area, usually surfaced and improved, for the parking, on a daily basis, of commuter vehicles. Often established in conjunction with mass transit arrangements and car-pooling programs.

Composting: The manipulation of the natural aerobic process of decomposition of organic materials to increase the rate of decomposition, which produces compost.

Composting Facility: A Solid Waste Management Facility which is located, designed, constructed, and operated to compost yard waste as defined by Section 10.1-1400, Code of Virginia to a stabilized organic product so that it does not pose a present or potential hazard to human health or the environment.

Comprehensive Plan: The official document, commonly referred to as the General Plan and Countywide Transportation Plan, or elements thereof, adopted by the Board of Supervisors, intended to guide the physical development of the County or a portion thereof. Such plan, including maps, plats, charts, policy statements and/or descriptive material, shall be that adopted in accordance with Section 15.2-2226 of the Code of Virginia.

Concept Development Plan (CDP): Part of a rezoning application (ZMAP) or of a zoning concept plan amendment application (ZCPA). The concept development plan may consist of both a visual and a written representation depicting the layout and/or design of the development, and all associated proffers. When the concept development plan is approved through the legislative process, the plan then becomes binding on the developer and his successors in interests.

Conference and Training Centers: Facilities used for business or professional conferences, seminars, and training programs, which may include accommodations for sleeping, eating and recreation.

Congregate Housing: Establishments primarily engaged in providing any of the following housing services:

- A. Short term emergency shelter for victims of domestic violence, sexual assault, or child abuse;
- B. Temporary residential shelter for the homeless, runaway youths, and patients and families in medical crises;
- C. Transitional housing for low-income individuals and families;
- D. More than 8 individuals with mental illness, intellectual disability, or developmental disabilities reside, with 1 or more resident or nonresident staff persons;
- E. More than 8 aged, infirm, or disabled persons reside, with 1 or more resident counselors or other staff persons;
or
- F. Special care, treatment, training or similar purposes not listed above, on a temporary or permanent basis, including orphanages.

Congregate Housing Facility: A structure other than a single-family dwelling where more than ~~four (4)~~ unrelated persons reside under supervision for special care, treatment, training or similar purposes, on a temporary or permanent basis.

Conservancy Lot: A lot, excluding the hamlet/cluster 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 may be designated a building area.

Contiguous: ~~Touching, abutting, or adjoining at the border or immediately across the street~~ See Abutting.

Continuing Care Facility: This type of facility may consist of ~~three (3)~~ types of care, or any ~~one~~1 or ~~two~~2 types:

- Congregate Living Facility:** a facility which provides independent living which may be affiliated with, or located near health care facilities.
- Adult Assisted Living:** a facility for people who cannot live independently and who need assistance with daily chores and housekeeping.
- Nursing Home:** a facility for individuals who require specialized nursing care on a regular basis but who do not need to be hospitalized.

Contractor ~~Service Establishment:~~ ~~Establishment for:~~ An establishment engaged in:

- The installation and servicing of ~~such~~ items such as air conditioners, electrical equipment, flooring, heating, painting, plumbing, roofing, tiling, or ventilation, ~~establishment for~~ or
- The planting and maintenance of gardens, grounds and yards, such as landscape contractors and lawn maintenance services, ~~and construction and demolition services. Retail sales to the general public are not permitted except as an accessory use.~~ or
- Convenience Food Store:** A commercial establishment designed Construction and ~~intended~~ demolition services.

Retail sales to serve daily the general public are not permitted except as an accessory use.

Contributing: Helping, assisting, or frequent trade needs adding to the historical integrity, historic architectural qualities, or archaeological qualities of the surrounding population, characterized by the subject Historic Overlay District and/or the said Historic Overlay District's historic associations. The Zoning Administrator, or the Zoning Administrator's designee, establishes what is considered contributing to an HOD.

See also Non-contributing.

Convenience Store: Establishments that retail ~~sale~~ a limited line of goods that generally includes milk, bread, soda, beer and wine, packaged food and other snacks, and household products, ~~the but not fuel sales for vehicles.~~ Characterized by the rapid turnover of customers and a high traffic/trip generation. Accessory uses include food preparation for carry-out or on-site consumption (with seating).

Convenience Store (with Gasoline Sales): Establishments that include the activities listed in the definition of "Convenience Store," and that may include fuel for vehicles, electric vehicle charging stations, and/or a car wash.

Convent: A structure used for the purpose of housing persons on a permanent basis who are not members of a family as defined in this Zoning Ordinance and who constitute a religious community typically consisting of nuns, priests, monks, or other similar religious personnel. For the purpose of this definition the terms convent and monastery are interchangeable and shall have the same meaning. Assembly for worship services may be conducted in conjunction with the convent use but only for the residents of the convent. A convent is a permitted accessory use where incidental to a religious assembly use (church, synagogue, temple, mosque).

Convention or Exhibition Facility: An enclosed or semi-enclosed building, tent, or structure designed to accommodate large gatherings of ~~human beings~~ persons, either with or without display collections of animals, machines, or objects. Accessory uses include office, retail, and other commercial ~~uses~~ activities commonly established in ~~such~~ those facilities, and ~~related~~ parking structures ~~shall be allowed as accessory appurtenances.~~

Covered Activities: For the purposes of Sections 5.04, 5.05, and 6, Covered Activities includes all of the following:

A. Land Development Applications:

1. Legislative: All Zoning Amendments, Special Exceptions, Minor Special Exceptions, Commission Permits, Certificates of Appropriateness, Variances and Zoning Modifications reviewed for approval by the Planning Commission, Board of Supervisors, Board of Zoning Appeals, or Historic District Review Committee.
2. Administrative: All Subdivisions (including preliminary subdivision plats), Site Plans, grading permits, construction plans and profiles, and zoning permits and building permits that involve land disturbing activities, modifications reviewed for approval by the Zoning Administrator.

B. Land Disturbances or Land-Disturbing Activity: Land Disturbances or Land-Disturbing Activities include but are not limited to: cutting; filling; clearing; excavation; grading; construction; reconstruction; investigations (such as test wells); and the location, sourcing, and construction of water supply systems under Chapter 1040 of the Loudoun County Codified Ordinances.

C. Uses in Chapter 3.

Conversion Condominium: A condominium containing structures that before the recording of the declaration were wholly or partially occupied by persons other than those who have contracted for the purchase of condominium units and those who occupy with the consent of such purchasers.

Corporate Training Center: A facility used for business or professional conferences, seminars, and training programs, primarily by incorporated organizations, which may include accommodations for sleeping, eating and recreation by participants.

Country Club: A land area and structures containing a club house, dining and/or banquet facilities, conference rooms, spa, fitness facilities, or recreational facilities, available to members and their guests for a membership fee. A Country Club shall include an equestrian facility and/or a golf course and may include swimming pools, tennis courts, squash courts, stables and riding facilities.

Country Inn: A business operated in ~~one~~¹ or more structures ~~which-that~~ offers overnight accommodations and may include rooms for meetings and private parties in a predominately rural area. A Country Inn may include a full-service restaurant for overnight guests, the general public, meetings, and private parties.

Countryside Village Core: A compact, pedestrian-scaled area of predominantly non-residential uses which provides the main organizing feature of the Planned Development-Countryside Village (PD-CV) district. It consists primarily of civic and institutional uses, and may include commercial office, retail, service, as well as some above-street level residential uses. It is generally surrounded by the Countryside Village Neighborhood.

Countryside Village Neighborhood: Land within the Planned Development-Countryside Village (PDCV) district designated primarily for residential uses consisting of a mix of single-family detached, single-family attached and multi-family units. It generally surrounds the Countryside Village Core and is generally surrounded by the Countryside Village Conservancy.

Countryside Village Conservancy Area: Land within the Planned Development-Countryside Village (PDCV) district designated primarily as open land which provides a visual and physical distinction between the development and surrounding countryside, and significant buffering of neighboring properties while allowing for limited residential use. It generally surrounds the Countryside Village Neighborhood.

Countryside Village Satellite Conservancy Area: Land within the Planned Development-Countryside Village (PDCV) district which does not adjoin other portions of the district and which is placed in an open space easement. It's area shall be included in calculating the total development potential of the proposed Countryside Village.

Countryside Village Greens, Parks and Squares: Public open spaces at least 10,000 square feet in size, located within the Countryside Village ~~which-and that~~ primarily contain well defined, generally permeable green space with landscaped areas, pedestrian ways and passive recreational areas or any combination thereof.

Countryside Village Plaza: An open, generally impervious, public space at least 3,000 square feet in size, which may contain landscaped areas and street furniture.

County: Loudoun County, Virginia.

Court: An open, unoccupied space, other than a yard with a building or group of buildings, which is bounded on two or more sides by such building or buildings, and every part of which is clear and unobstructed from its lowest point to the sky, except for landscaping, if any.

Covered Activities. For the purposes of Sections 5.04, 5.05, and 6, Covered Activities includes all of the following:

A. Land Development Applications:

1. Legislative: All Zoning Amendments, Special Exceptions, Minor Special Exceptions, Commission Permits, Certificates of Appropriateness, Variances and Zoning Modifications reviewed for approval by the Planning Commission, Board of Supervisors, Board of Zoning Appeals, or Historic District Review Committee.
2. Administrative: All Subdivisions (including preliminary subdivision plats), Site Plans, grading permits, construction plans and profiles, and zoning permits and building permits that involve land disturbing activities, modifications reviewed for approval by the Zoning Administrator.

B. Land Disturbances or Land-Disturbing Activity: Land Disturbances or Land-Disturbing Activities include but are not limited to: cutting; filling; clearing; excavation; grading; construction; reconstruction; investigations (such as test wells); and the location, sourcing, and construction of water supply systems under Chapter 1040 of the Loudoun County Codified Ordinances.

C. Uses in Chapter 3.

Craft Beverage Manufacturing: A small-scale brewery manufacturing no more than 15,000 barrels of beer per calendar year licensed in accordance with Section 4.1-208 of the Code of Virginia, as amended, or a small-scale distillery manufacturing no more than 36,000 gallons of distilled spirits, licensed in accordance with Section 4.1-206 of the Code of Virginia, as amended. Accessory uses shall include tasting rooms at which the consumption of beer or distilled spirits manufactured on-site occurs, accessory food sales occur, and beer and/or distilled spirits manufactured on-site are sold.

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

Crematorium: A building with a furnace for cremating dead bodies, either animal or human.

Crest. The uppermost line of a mountain or chain of mountains from which the land falls away on at least two sides to a lower elevation or elevations.

Cross-Country Ski Business: A facility ~~which-that~~ offers to members of the public cross-country ski recreation opportunities, including the rental of non-motorized ski equipment, changing facilities, and access to maintained trails or trail shelters.

Cross Section: Shape and dimensions of a channel and valley of the floodplain perpendicular to the line of flow.

Cultural and Government Facilities: Public or nonprofit facilities displaying or preserving objects of interest or providing facilities for one or more of the arts or sciences or provision of government services. Accessory uses may include parking and storage areas.

Cultural Center-Facility: Establishments such as museums, art galleries, botanical and zoological gardens of an historic, educational, or cultural interest which are not operated commercially. (other than retail sales related to the facility's purpose). These facilities may, as an accessory use, include related office, retail sales, hosting of events, or scheduled classes in the same subject matter as is permitted for exhibits. Includes the following:

- **Botanical garden:** A place where documented collections of living plants are grown, exhibited, or labeled for the purposes of scientific research, conservation, display, education, or passive recreational purposes. This includes (1) an arboretum, which is a botanical garden that specializes in trees, shrubs, or other woody plants, or (2) a nature study area, which is a botanical garden preserved as natural place set aside to observe or study flora or fauna, and where structures and changes to the landscape are limited to facilities that enable study or observation (such as benches, trails, markers or observation platforms). A botanical garden does not include the harvest of plants or their produce.
- **Interactive science and technology center:** A facility (indoors, outdoors, or both) that provides access for members of the public to interactive exhibits that promote an understanding of science, nature, engineering, architecture, technology, or any mixture of these subjects. Access may be granted on a scheduled or unscheduled basis, or both, for a fee or for free.
- **Zoo:** A facility, indoor or outdoor, where animals are kept for viewing by the public.

Cultural Tourism: Land areas used for visitation for cultural, natural, or agricultural education. This includes the following as defined below:

- **Agritourism or farm-based tourism:** A commercial enterprise that links agricultural production and/or processing with tourism in order to attract visitors to a farm, ranch, or other agricultural business for the purposes of entertaining and/or educating the visitors and generating income for the farm, ranch, or business owner.
- **Eco-tourism:** Establishments that focus on tourism, visitation and observation of or education about natural history, indigenous ecosystems, native plant or animal species, natural scenery, or other features of the natural environment. Eco-tourism may include cultural activities related to those activities or work projects that tend to conserve or safeguard the integrity of a natural feature, habitat or ecosystem. Facilities for eco-tourism may include recreational outfitters. Eco-tourism tends to result in a minimal or positive impact on the features observed or visited or tends to produce economic benefits from conservation.

Custom Operator: An establishment in which a contractor or other operator agrees to perform all or some machine operations, providing equipment and labor, for production and related activities on agricultural sites in exchange for a payment or a payment along with a percentage of profits. Field operations performed by a custom operator may include field preparation, planting, cultivating, harvesting, tilling, haymaking, bush hogging, crop storage, hauling, fencing, and barn construction.

D

~~**Custom Operator:** An enterprise in which a contractor or other operator agrees to perform all or some machine operations, providing equipment and labor, for production and related activities on agricultural sites in exchange for a payment or a payment along with a percentage of profits. Field operations performed by a custom operator may include field preparation, planting, cultivating, harvesting, tilling, haymaking, bush hogging, crop storage, hauling, fencing, and barn construction.~~

D

Data Center: ~~A facility used primarily for~~An establishment engaged in the storage, management, processing, and transmission of digital data, which houses computer and/or network equipment, systems, servers, appliances and other associated components related to digital data operations. ~~Such~~This facility may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support sustained operations at a data center.

Day Care Facilities: Facilities for the care, protection, and supervision of children or adults on a regular basis away from their primary residence for less than 24 hours a day. Accessory uses may include offices, recreation areas, and parking.

Decibel: A unit for measuring the volume of sound using the A-weighting network on a sound level meter. Decibel may be expressed as dB, dB(A), dBA, dba, or db(A).

Decommission, Solar Facility: The removal and proper disposal of solar energy equipment, facilities, or devices on real property. It shall include the reasonable restoration of the real property upon which such solar equipment, facilities, or devices are located, including (i) soil stabilization and (ii) revegetation of the ground cover of the real property disturbed by the installation of such equipment, facilities, or devices.

Density: For purposes of this Zoning Ordinance, the amount of development allowed on a lot or parcel, expressed in residential districts as the number of dwelling units per acre and in commercial districts as the gross floor area of buildings per acre.

Density, Gross Residential: The number of units divided by the total area of the tract.

Density, Net Residential: The total number of residential units in a PD-H zoning district divided by the net land area of land devoted to uses other than commercial and employment uses in such district.

Density, Net Residential Parcel: The maximum number of residential dwelling units per acre allowed on any lot, parcel, or tract of land in a PD-H zoning district.

Developable Land: Any vacant land areas capable of being developed with buildings and infrastructure.

Development Permit: Written approval issued by an authorized official, empowering the holder thereof to do some act not forbidden by law, but not allowed without such authorization. Examples include, but are not limited to, building, zoning, occupancy and grading permits.

Diabase Rock: A fine-to medium-grained dark-colored igneous rock that is a good source for crushed stone for road and building construction.

Dinner Theatre: Establishments engaged in producing live theatrical productions, and in providing food and beverages for consumption on the premises.

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

Director of Planning: An appointed County official who serves as the Director of the Department of Planning and Zoning for Loudoun County, Virginia, or his or her designee.

Distribution Facility: The intake of goods and merchandise, individually or in bulk, the short-term holding or storage of such goods or merchandise, and/or the breaking up into lots or parcels and subsequent shipment off-site of such goods and merchandise. Distribution may be provided to an entity with an identity of interest with the distribution facility or to businesses and individuals unrelated to the distributor. The term "Distribution Facility" shall also include a transshipment facility for the temporary holding, storage and shipment of goods or vehicles.

Dog Park: A park that provides a variety of recreational amenities for dogs and persons that may include benches, parking, restrooms, and water fountains. If dogs are to be unleashed, the area must be fenced.

Donation Center: A collection site for the acceptance by contribution, offering, or redemption of charitable or for-profit donated items by the general public. A donation center does not contain permanent structures, and typically consists of donation drop-off boxes which can be emptied and readily moved.

Donation Drop-off Box: An unattended portable container, receptacle, or similar device or structure that is located outside of a building and intended or used for the holding of charitable or for-profit donated items by the general public which may include, but not limited to clothing, shoes, furniture, books, or other salvageable personal property with the collection of donated items made at a later date or time. This term shall not include recycling drop-off centers or mobile containers that require licensing for transport on authorized roadways.

Dormitory, Seasonal Labor: A structure located on the same property as an active agricultural, horticultural or animal husbandry operation, used for the purpose of housing persons on a seasonal basis who are not members of a family as defined in this Ordinance and who derive all or part of their income during their occupancy from labor performed on the active agricultural, horticultural or animal husbandry operation.

Downstream Bedload Movement: Downstream movement of silt, sand, coarse-grained gravels and cobbles in a river or stream.

Driveway: A space or area specifically designated and reserved on a lot for the movement of vehicles within a lot or from a lot to a street.

Dry Cleaning Plant: Establishments primarily engaged in supplying, on a rental or contract basis, laundered industrial work uniforms and related work clothing (such as protective (flame and heat resistant) and clean room apparel), dust control items (such as treated mops, rugs, mats, dust tool covers, and cloths), and shop or wiping towels. Also known as "industrial launderers."

Dustless Surface: A surface with a minimum of either two applications of bituminous surface treatment, concrete, bituminous concrete, or equivalent paving material approved by the County and to be maintained in good condition at all times.

Dwelling, Accessory: A dwelling or apartment within or detached from the principal dwelling of not more than 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 (iii) 2,500 square feet of gross floor area, the use of which is associated with and subordinate to the principal dwelling and which is located upon the same lot as the principal dwelling ~~in the Non-Suburban Districts under Article 2; or (ii) 1,200 square feet in gross floor area in the Suburban Districts under Article 3 and the Planned Development Districts under Article 4. Accessory dwellings shall not be included in calculations of density.~~

Dwelling, Ancillary: ~~A dwelling, the use of which is associated with and subordinate to the principal dwelling and which is located on the same lot as the principal dwelling.~~

Dwelling, Duplex: One of ~~two~~ 2 buildings, arranged or designed as dwellings, located on abutting walls without openings and with each building having a separate lot with minimum dimensions required by district regulations.

Dwelling, Live/Work: A principally residential building that includes an office, studio, or other commercial use and a single dwelling unit occupied by the building owner.

A live-work dwelling allows a broader range of commercial and production-type uses and more nonresidential floor area than a home occupation. In addition, a live-work dwelling may be designed as a townhouse or with a storefront or other commercial design configuration at the ground level, while a home occupation occurs in a building that is designed as a residence.

Dwelling, Multifamily: One of a group of dwelling units in an attached multifamily or stacked multifamily residential structure. For purposes of this Zoning Ordinance, multifamily dwelling includes any unit that does not meet the definition of single-family attached or single-family detached.

Dwelling, Attached Multifamily: One of a group of dwelling units contained within a building, where each dwelling unit in the building is separated from other dwelling units within the building by a vertical wall and a ceiling/floor, with each dwelling unit generally consisting of a single floor or level, and each such unit being accessed by one or more common entrances leading directly from the outdoors at ground level, except that a ground floor dwelling unit may have its own ground floor external entrance. The dwelling unit may be separately transferable and capable of being individually owned, such as a condominium, or offered for rent. Each such dwelling unit within the multi-family building may be referred to as a “Multifamily dwelling unit” or “attached multifamily dwelling unit”, and such dwelling units may include various floor plans, such as studio/efficiency units, and floor plans with one or more bedrooms. Attached Multi-family dwelling units are commonly referred to as garden style, mid-rise, and high-rise condominiums/apartments.

Dwelling, Stacked Multifamily: A vertical and horizontal grouping of dwelling units, where at least one dwelling unit within the grouping contains 2 or more stories and is situated over or under another dwelling unit. Each unit has its own ground floor external entrance or shares its entrance with only an adjacent unit. Stacked Multifamily dwelling units are commonly referred to as stacked townhomes, one over twos, and two over twos.

Dwelling, Portable: A modular unit built on a chassis, having wheels or designed to be transported on wheels, with body width exceeding ~~eight (8)~~ feet or body length exceeding 32 feet and designed to be used as a dwelling when attached to a permanent foundation and when connected to the required utilities.

Dwelling, Quadruplex: One of ~~four (4)~~ buildings, arranged or designed as dwellings, located on abutting walls without openings and with each building having a separate lot, with minimum dimensions required by district regulations.

Dwelling, Single-Family Attached: A duplex, triplex, quadruplex, or townhouse dwelling unit.

Dwelling, Single-Family Detached: A residential dwelling unit, other than a portable dwelling, designed for and occupied by one family only and not structurally connected or attached to any other dwelling.

Dwelling, Temporary: A portable dwelling, but not necessarily attached to a permanent foundation.

Dwelling, Tenant: A dwelling occupied by a person or persons other than the owner of the lot on which it is located. Tenant dwellings may include freestanding dwellings, portable dwellings, or apartments.

Dwelling, Townhouse: One of a group of ~~three (3)~~ or more attached single-family dwelling units, each of which may be located on a single, undivided lot or all of which may be located on the same lot. Each townhouse dwelling unit is attached to at least ~~one~~ 1 other townhouse dwelling unit by a wall that serves as a generally vertical boundary for both units, with each such unit extending from ground to roof, with no dwelling unit directly above another dwelling unit. Each townhouse dwelling unit consists of multiple floors or levels, with each unit having its own ground floor external entrance or sharing its entrance with only an adjacent unit.

Dwelling, Triplex: One of ~~three (3)~~ buildings, arranged or designed as dwellings, located on abutting walls without openings and with each building having a separate lot, with minimum dimensions required by district regulations.

Dwelling, Unit: One room, or rooms connected together, constituting a separate unit for a single-family owner occupancy or rental or lease, and physically separated from any other rooms or dwelling units ~~which that~~ may be in the same structure, and containing independent cooking, sanitation, and sleeping facilities.

E

Easement: A grant of interest in real property by the owner to, or for the use by, an abutting landowner, the public, or another person or entity, including both easements appurtenant and easements in gross.

Ecological Integrity: Maintenance of the structure and functional attributes characteristic of a particular locale, or ecosystem, including normal variability.

Ecosystem: A complex network of organic communities and their interaction with their environment.

~~**Eco-tourism:** Tourism activities and facilities which focus on visitation and observation of or education about natural history, indigenous ecosystems, native plant or animal species, natural scenery, or other features of the natural environment. Eco-tourism may include cultural activities related to such~~
Eco-tourism: See "Cultural Tourism."

~~activities or work projects that tend to conserve or safeguard the integrity of a natural feature, habitat or ecosystem. Facilities for eco-tourism may include recreational outfitters. Eco-tourism tends to result in a minimal or positive impact on the features observed or visited or tends to produce economic benefits from conservation.~~
Education: Facilities for the education of students, including public and private schools at the primary, elementary, middle, or high school level, vocational and technical schools. Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, and before- or after-school day care.

Educational Institution: Any college, university, secondary, or higher educational facility beyond high school ~~without an on-campus housing facility which~~ that meets applicable State Commonwealth requirements to award degrees and primarily teaches usable skills that prepare students for employment in a profession or trade. An educational institution does not have an on-campus housing facility.

Educational or Research Facilities Use Related to the Agriculture, Horticulture and Animal Husbandry Uses in the District: A facility for the investigation, testing, or demonstration of, or for training or educating persons in, products and processes related to agriculture, horticulture, or animal husbandry, including biotechnical agriculture, veterinary, soil, plant and animal sciences.

Electric Energy Storage, Utility Scale: One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, greater than 600kWh in nameplate capacity.

Electric Generating Plant and Transmission Facility/Utility Generating Plant or Transmission Facility: A plant for the production of electricity, including appurtenant yards, equipment and facilities for the storage of fuels, water, transmission lines, exhaust stacks, and/or utility substation. This use also includes ground-mounted solar energy generation facilities and other types of solar energy generating panels that provide service for on-site use and to off-site users.

Emergency: Any occurrence or set of circumstances involving actual or imminent physical trauma, property damage, or loss of electric or phone services that require immediate action.

Energy Storage: A fixed installation where the following are stored, either for subsequent transshipment to a smaller fixed installation or for pick-up by truck for transport to the site where the product will be used by the consumer:

- Oil and gas storage,
- Petroleum products,
- Natural gas, or
- Electric/battery/hydrogen fuel cells.

Materials may be stored in one or more tanks or cells on the site, with tank or cell size and specifications subject to Federal and State construction and safety standards. These facilities do not include retail sales. This use does not include accessory tanks or cells for agriculture, temporary construction, or personal use.

Enfront: To face or to be opposite across a street.

Entertainment Facility: An establishment where the primary source of revenue is derived from live or recorded performances shown or played for the amusement of an audience. Examples include music clubs and dance halls. Does not include "adult entertainment."

Equestrian Event Facility: ~~A commercial facility for~~ An establishment engaged in equine activities and events including teaching equestrian skills, participating in equestrian competitions, exhibitions, or other displays of equestrian skill- (such as polo, dressage, and show jumping.) Accessory uses may include offices, storage areas, caretaker's quarters, and caring for, breeding, boarding, riding, or training horses associated with the Equestrian Event Facility use.

Erected: ~~Shall be taken to mean~~ Constructed, reconstructed, moved or structurally altered.

Establishment: A business, institution, place or entity that operates or hosts a use, including any business, trade or occupation. This includes all buildings, structures, land, facilities, or equipment engaged in operating the use.

Extractive Industries: The excavation, mining, dredging, or stripping of land or earth, including quarrying, or borrow pits. "Quarrying" means commercial or industrial stone quarries or operations involving removal from a site of natural accumulations of sand, rock, soil, or gravel. "Stone quarrying" includes appurtenant structures such as crushers, screeners, and washers. Accessory uses include: (1) crushing, treating, washing, and/or processing of materials, accessory to a quarry operation, when conducted on the same property; (2) manufacturing of concrete block, cinderblock or pre-formed concrete products, accessory to an approved quarry use; (3) retail sales of crushed stone or architectural stone products, accessory to an approved quarry use; and (4) concrete batching plants or asphalt mixing plants consistent with section 4.06.03 (Extractive Industries).

F

Façade: The exterior wall of a building exposed to public view or a wall viewed by persons not within the building.

Facilities Standards Manual (FSM): The Facilities Standards Manual of Loudoun County.

Facility for lessons in dance, gymnastics, judo and sports training: ~~A school primarily devoted to giving instructions in, musical, dramatic, artistic, terpsichorean, martial arts or similar sports or other special subjects, but not including (a) a child care center or family day care home; or (b) a riding school, however designated.~~

Facility: A building, structure, place, amenity, or piece of equipment that is provided or reserved for a particular use or purpose.

Fairground: A parcel or tract of land used as the site of any fair, exposition or public display.

Family: A group of people living together consisting of:

- One or more persons related by blood or marriage together with any number of natural, foster, step or adopted children, domestic servants, nurses and therapists and no more than two roomers or boarders; or
- No more than 4 unrelated persons;
- Any group identified in Section 15.2-2291 of the Code of Virginia.

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

Farm: An agricultural use of one or more parcels of land, whether abutting or not, having a minimum of 5 acres and operated under the same ownership or stewardship, used for the production, cultivation, growing or harvesting of agricultural or horticultural products or for animal husbandry purposes. Also reference "Agriculture, Bona Fide."

Farm-based Tourism: See "Cultural Tourism."

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

Farm Distribution Hub: A place where farmers can deliver agricultural products for pick-up by consumers or wholesalers, but not including a central place operated by a farm co-op where farmers can deliver products for pick-up by consumers (see "Farm Co-op"). Central farm product distribution hub does not include such uses as trucking operations, stockyards, auction houses, slaughterhouses, or canneries or other processing facilities.

Farm Machinery Repair: A commercial enterprise for the repair of equipment normally or routinely used on farms and gardens, and related parts, tools and accessories, but not of non-farm equipment or materials.

Farm Machinery Sales, Rental and Service: An establishment for the sale, rental, and/or service of equipment normally or routinely used on farms and gardens, and related parts, tools and accessories, but not of non-farm equipment or materials.

Farm Market: A principal use ~~which that~~ includes the sale of aquacultural, horticultural₂ or agricultural₂ or agriculturally processed products, including nursery stock, perennial, annuals, bulbs, mulch, compost, dried flowers, Christmas trees that are grown and greens, fresh produce, honey, cider, and similar agricultural products processed on-site.

Farm Market (Off-Site Production): A principal use ~~which that~~ includes the retail sale of aquacultural, horticultural₂ or agricultural products, including nursery stock, perennial, annuals, bulbs, mulch, compost, dried flowers, Christmas trees and greens, fresh produce, honey, cider, and similar agricultural products. A Farm Market (off-site production) may or may not be located on the site of ongoing agricultural, horticultural₂ or aquacultural activity. This use may include the sale of products from ~~one~~1 or more vendors.

Fee Simple Ownership: The complete ownership interest in real property; the ownership of the entire "bundle" of rights attached to real property.

Feed and Farm Supply Center: A commercial ~~enterprise~~establishment engaged in the provision of animal feed, bedding and accessories, and farm and garden supplies (such as seed, fencing, hardware, pesticides, and fertilizer) to agricultural, horticultural, and/or animal husbandry operations, ~~but not an enterprise where more than 10% of the floor area or display or storage area utilized for the enterprise is devoted to heavy equipment and machinery; a "feed-and-seed" store. Also known as a "feed-and-seed" store.~~

Feedlot: An enclosure (including a lot, yard, building, or corral) in which animals fed for slaughter are confined, that is used for more than 30 days in ~~one~~a 1-year period, with or without an area for the raising of crops, forage₂ or other vegetation and ~~upon which where~~ animals fed for slaughter are allowed to graze or feed. A "feedlot" does not include any area where animals are held for slaughter by a processor for a period of 30 days or less.

Final Development Plan: A required submission following the approval of a Concept Development Plan and rezoning application for a PD-CV district, and for a PD-TRC district prepared and approved in accordance with the provisions of Section 4-1103 (C), which further details the planned development of the subject lot(s). This Plan may be approved by the Planning Commission simultaneously with its review of the Concept Development Plan but must be approved prior to the approval of a site plan.

Fire and/or Rescue Station: Facilities for the provision of local rapid response emergency services such as firefighting and mobile medical emergency services, including areas for the storage and maintenance of emergency vehicles and equipment and housing and feeding of emergency personnel.

Fiscal: Of or relating to public revenues, public expenditures and public debt; public financial matters.

Flex Building: A category of building that generally includes a compatible mix of warehouses, light manufacturing, and related accessory uses. These facilities are typically used for product production and service and the storage and distribution of goods.

Flood Insurance Rate Map (FIRM): An official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated areas in the floodplain subject to inundation of the base flood and the risk premium zones based on the technical data in the Flood Insurance Study.

Flood Insurance Study: The official report provided by the Federal Emergency Management Agency (FEMA) that includes flood profiles and the water surface elevation of the base flood.

~~**Floodplain:** Any land area susceptible to being inundated by water from the base flood and having a drainage area greater than one hundred (100) acres. For purposes of regulation under this Ordinance, a distinction is made between floodplains in watersheds of greater than 640 acres (Major Floodplain, corresponds to Zones AE and A as shown on the FIRM, as may be subsequently revised or amended by FEMA, considered to be the Special Flood Hazard Area by FEMA) and those in watersheds of 640 acres or less (Minor Floodplain).~~

Floodplain: A low, usually flat terrain on either side of a river or stream that is normally dry but submerged at times of high water, and where accumulations of silt and sand are deposited away from the main channel. See also, Major Floodplain, Minor Floodplain, and Section 5.03 Floodplain Overlay District.

Floodplain, 100-year: Any land area susceptible to being inundated by water from the base flood and having a drainage area greater than ~~one hundred (100)~~ acres.

Floodplain Alteration: A development action which will change the cross section of the floodplain and will increase either: 1) the erosive velocity or 2) the height of floodwaters either on-site or off-site. Alterations include, but are not limited to, land disturbing activities such as clearing, grading, excavating, transportation, and filling of land.

Floodplain, Major: The floodplain created by flooding from a stream that drains greater than 640 acres.

Floodplain, Minor: The floodplain created by flooding from a stream that drains less than 640 acres but greater than 100 acres.

Floor Area, Gross: The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls. The term "floor area" shall include basements; elevator shafts and stairwells at each story; floor space used for mechanical equipment with structural headroom of six (6) feet, six (6) inches or more; penthouses; attic space, whether or not a floor has actually been laid, providing structural headroom of six (6) feet, six (6) inches or more; interior balconies and mezzanines. The term gross floor area shall not include cellars or outside balconies which do not exceed a projection of six (6) feet beyond the exterior walls of the building. Parking structures below or above grade and rooftop mechanical structures are excluded from gross floor area.

Floor Area, Net: The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls and from the centerline of walls separating ~~two (2)~~ or more buildings. The term "net floor area" shall include outdoor display areas for sale, rental and display of recreational vehicles, boats and boating equipment, trailers, horticultural items, farm or garden equipment and other similar products, but shall exclude areas designed for permanent uses such as toilets, utility closets, malls (enclosed or not), truck tunnels, enclosed parking areas, meters, rooftop mechanical structures, mechanical and equipment rooms, public and fire corridors, stairwells, elevators, escalators, and areas under a sloping ceiling where the headroom in ~~fifty percent (50%)~~ % of such area is less than ~~six (6)~~ feet, ~~six (6)~~ inches.

Floor Area Ratio (FAR): A number or percentage, derived by dividing the gross floor area of the buildings on any lot by the lot area in square feet. The floor area ratio multiplied by the lot area in square feet produces the maximum amount of floor area that may be constructed on such lot.

Food and Beverage: Facilities for serving prepared food or beverages for consumption on the premises, other than in a private residence or ~~as an~~ accessory to a principal use.

Food Preparation: An establishment that prepares food and beverages for off-site consumption, including delivery services. Examples include catering shops, commercial bakers (i.e., bakeries with on-site retail sales), and the small-scale production of specialty foods (such as sweets). This classification excludes food production of an industrial character.

Food Store: A retail establishment primarily selling food, as well as other convenience and household goods. Examples include grocers/supermarkets, specialty food stores, fruit and/or vegetable stands, butcher shops, delicatessens, dairy product sales, food cooperatives, or convenience markets. This category also includes large-scale stores that sell food items and beverages in bulk.

Foot Candles: A unit of illumination; technically, the illumination at all points ~~one~~ (1) foot distant from a uniform point source of ~~one~~ (1) candle power.

Forestry: The planting, growing and harvesting of trees, but not including sawmilling or other processing of trees or parts thereof.

Freight: Establishments that provide over the- road transportation of cargo using motor vehicles, such as trucks and tractor trailers, including general and specialized freight trucking. General freight transportation establishments handle a wide variety of commodities, generally palletized, and transported in a container or van trailer, for local or long distance trucking. Specialized freight transportation requires specialized equipment due to the size, weight, shape, or other inherent characteristics of the cargo. This use includes moving and storage companies.

Frontage: Lot width, as represented by the horizontal distance between the side lot lines when measured at the front property line. (See Article I for calculations of lot width.) along an abutting street or improved right-of-way.

Funeral Home Services: An establishment used primarily for human funeral services, which may or may not include facilities on the premises for embalming, ~~performance of and performing~~ autopsies or other surgical procedures. Examples include funeral homes, mortuaries, or columbaria.

G

Garden: A plot of cultivated ground adjacent to a dwelling, devoted in whole or in part to the growing of herbs, fruits, flowers or vegetables for consumption by the household residing in the dwelling.

General Business Service: See Business Service Establishment.

Geotechnical Report: A study of bedrock and soils used to help determine potential safe development that is prepared according to standards in the Facilities Standards Manual (FSM).

Golf Course: A tract of land laid out with at least ~~nine~~ 9 holes for playing the game of golf and improved with tees, greens, fairways, and hazards and that may include a clubhouse and shelter.

Golf Driving Ranges: A limited area on which golf players do not walk, but onto which they drive golf balls from central driving tees. A golf driving range may contain outdoor lighting. A golf driving range may have, as an accessory use, a putting or chipping green, miniature golf course, baseball batting cages, a refreshment stand, and/or equipment rental of items pertaining to golf and baseball.

Government (General): Any area, building, or structure held, used, or controlled exclusively for public purposes by any department or branch of the Federal Government, Commonwealth of Virginia, or the Loudoun County government. For purposes of the Use Tables, "government (general)" includes only uses defined above that are not otherwise listed in the Use Tables.

Greenway: A network of natural corridors that connect areas of open space. It follows natural land or water features, like ridges or rivers, canals, or human landscape features like abandoned railroad, historic sites etc.

Ground Passenger Transportation (e.g. Taxi, Charter Bus): Establishments that provide passenger transportation by bus, charter bus, automobile, limousine, van, or shuttle. Some services (such as taxi) are not operated over regular routes and on regular schedules. Examples include charter bus, special needs transportation, taxicab owner/operators, taxicab fleet operators, or taxicab organizations. This use includes fleet services that store, maintain, repair, fuel, and service two or more vehicles owned by a single commercial or public entity. This use does not include publicly operated bus or transit systems.

Groundwater: Any water, except capillary moisture, beneath the land surface in the zone of saturation or beneath the bed of any stream, lake, reservoir or other body of surface water, whatever may be the subsurface geologic structure in which such water stands, flows, percolates or otherwise occurs.

Groundwater Extraction, Commercial: The prospecting and extraction of groundwater for the purpose of supplying customers for on-site or off-site consumption.

Group Living: Uses characterized by the residential occupancy of a structure by a group of persons that does not meet the definition of Household Living. Tenancy is arranged on a weekly or longer basis, and the size of the group may be larger than a single family. Generally, Group Living structures have a common eating area for residents. The residents may receive care, training, or treatment at the place of residence, and caregivers may or may not also reside at the site. Accessory uses commonly associated with Group Living are recreational facilities and vehicle parking for occupants and staff.

Guest Farm or Ranch: A farm which offers transient accommodations associated with an active agricultural use to paying guests along with meals and participatory recreational and/or work experience working on the farm.

Guest House: ~~A dwelling or lodging unitsunit for temporary non-paying guests in an accessory building of not more than 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. [See Use-Specific Standards in Section 3.05.02.02.]~~

H

Habitat: The place or environment where animals or plants naturally or normally live and grow.

Halo Lit: Illumination created by concealing the light source behind three-dimensional opaque letters, numbers, or other characters of a sign, resulting in the nighttime perception of a halo around the silhouette of each character. This is also referred to as "reverse channel" or "reverse lit" illumination. A halo lit sign is not considered an internally illuminated sign.

Headwaters: The source of a stream or river.

Hazardous Substance: Any material that poses a threat to human health and/or the environment. Typical hazardous substances are toxic, corrosive, ignitable, explosive, or chemically reactive. Such substances shall include any substance designated by the United States Environmental Protection Agency to be reported if a designated quantity of the substance is spilled in the waters of the United States or is otherwise released into the environment.

Health and Fitness Center: ~~An establishment ,including saunas and steambaths, offering or providing facilities for, and instruction in, general health, physical fitness and controlled exercises such as, but not limited to, including weight lifting, calisthenics and aerobic/slimnastic dancing. Such use may provide massages, provided theaerobics. A health club occupiesand fitness center may include a spa or sauna as an area greater than 5,000 square feet and not more than five percent (5%) of the gross floor area is used for massagesaccessory use.~~

Health Care: Facilities principally engaged in providing services for health maintenance and treatment of mental or physical conditions. Accessory uses may include offices, meeting areas, on-site eating facilities for employees, laboratories, parking, and maintenance facilities.

Health Official: The Director of the Loudoun County Department of Health, or his designated deputy; Health Officer.

Heavy Equipment: Bulldozers, dump trucks and similar pieces of large equipment and their accessories. The term includes any vehicle associated with a business not included in the definition of business vehicle. A trailer used for transporting heavy equipment is considered accessory to the equipment.

Heavy Equipment and Specialty Vehicle Sales and Accessory Service: Buildings and premises for the sale, rental and servicing of trucks, buses, boats, recreational vehicles, taxicabs, ambulances, mobile homes, trailers, and farm and construction machinery or equipment. This category shall not be deemed to include automobile sales and accessory service establishment.

Heliport- or Helistop: An area, either at ground level or elevated on a structure, licensed or approved for the landing and takeoff of helicopters and ~~which that~~ may include ~~auxiliary facilities such as~~ accessory parking, waiting room, fueling, and maintenance equipment- ~~(heliport)~~. This includes an area designed to accommodate touch-down and lift-off of helicopters to pick up and discharge passengers or cargo. This use does not include operation facilities other than 1 tie-down space and additional facilities required by law, ordinance, or regulation (helistop).

~~**Helistop:** An area designed to accommodate touch-down and lift-off of helicopters for the purpose of picking up and discharging passengers or cargo. Such an area shall contain no operation facilities other than one (1) tie-down space and such additional facilities as are required by law, ordinance or regulation.~~

Historic Setting: The exterior portion of a historic property that contributes to the historic significance or character of the property. Examples include walls, walkways, trees, relationship of a structure to the road, gardens, etc.

Home Occupation: A business, profession, occupation or trade conducted for gain or support within a residential building or its accessory buildings which use is incidental and secondary to the use of the buildings for dwelling purposes and which does not change the residential character of such buildings. (See [Section 5-400](#) for Home Occupation standards).

Homeowners' Association: A ~~non-profit~~ nonprofit organization operating under recorded land agreements through which: (a) each lot and/or homeowner in a clustered or planned development is automatically a member, and (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property, and (c) the charge if unpaid becomes a lien against the property. This includes a property owner's association as defined in section § 55.1-1800, Code of Virginia.

Home Service Establishment: Establishment primarily engaged in rendering services whose principal function is to enhance, beautify, maintain or restore residences such as, but not limited to decorators, exterminators, plumbing, electrical, appliance service, carpet and tile, lawn maintenance, and roofing. All storage for these establishments shall be enclosed.

Horse Trails or Networks: Paths or trails maintained for the purpose of horseback or other animal-mounted recreational riding, but not including racetracks.

Horticulture: The active and ~~on-going~~ ongoing cultivation and production of orchard, garden, or nursery crops on a small or large scale, including the production of Christmas trees, field-grown crops, specialty crops, flowers, fruit, grapes, ~~(vineyard)~~, market gardening, nursery stock, nuts, ornamental plants, sod, vegetables, and similar horticultural uses; and the cultivation of ~~such that~~ produce by means of biotechnical or genetic engineering techniques. Horticulture does not include preparatory functions such as grading or creation of planting beds through stockpiling of dirt or other means when ~~such those~~ preparations do not result in an active and ~~on-going~~ ongoing horticultural activity within 30 days.

Hospital: Any licensed and Commonwealth of Virginia accredited health care institution with an organized medical and professional staff and with inpatient beds available around-the-clock whose primary function is to provide inpatient medical, nursing, and other health-related services to patients for both surgical and nonsurgical conditions and that usually provides some outpatient services, particularly emergency care.

Hotel/Motel: Any single building or group of dwelling-lodging units, combined or separated, containing 20 or more guest rooms used for the purpose of housing transient guests, ~~each unit of which is provided with~~. Each guest room has its own toilet, washroom, and off-street parking facility, ~~and which~~. This use may include features such as conference rooms, a restaurant or snack bar, or swimming pool or exercise room that would attract clientele other than transient guests.

Hours of Operation: The time period during which an activity or enterprise is active, including any times during which the activity is open to customers or other members of the public, employees are present and working, deliveries are made, or equipment (other than utilities or ordinary indoor appliances) is being actively operated on the site.

Household Living: Uses characterized by the residential occupancy of a dwelling unit by a household, whether owned by the occupant or otherwise where tenancy is arranged on a month-to-month or longer basis. Accessory uses may include recreational activities, caring for pets, gardens, personal storage structures, hobbies, and parking of occupants' vehicles.

Hydrogeological Report: A study of groundwater, its location and prevalence that is prepared according to standards in the Facilities Standards Manual (FSM).

I

Illumination, External: Illumination by a light source that is external to object or structure that contains the illuminated surface.

Impervious Surface: Any material such as paved parking areas, sidewalks, or trail surfaces, which prevents absorption of storm water in or through such surface but shall not include permeable or "pervious" paving materials.

Impulsive Sound: Sound of a short duration, usually less than ~~one~~1 second, with an abrupt onset and rapid decline. Examples of sources of impulsive sound include, but are not limited to, punch press, discharge of firearm, and explosive blasting.

Industrial, Scientific or Technical Exposition: A place, structure, area or other facility used for temporary or permanent display or exhibit of industrial or scientific equipment, machinery, tools, or other merchandise. Such activities could include trade shows, conventions, merchandise marts, or industrial or scientific fairs or displays. Activities categorized as wholesale trade establishments shall not be deemed to be industrial, scientific or technical expositions.

~~Industrial Use:~~ Non-residential and non-commercial**Storage:** The holding or storage of coal, lumber, building material, construction equipment, empty solid waste vehicles and containers, or building materials.

Industrial/Production Use: A use category that includes nonresidential and noncommercial employment uses such as, but not limited to, mining, milling and manufacturing.

Infrastructure: A use category that includes the basic installations and facilities on which new development depends. The public infrastructure includes roads and water and sewer lines.

Inner Core Subarea: A Planned Development Transit Related Center district subarea that includes the total gross land area located generally within a ~~one-quarter~~(1/4) mile from the outer edge of the planned rail station platform, as shown on the approved Concept Development Plan. The highest land-use intensities will be located close to the planned transit stop. The primary focal point of the development will be located in this subarea. Retail, office, service, commercial and high density residential uses are located in this subarea, with a vertical mix of uses, public gathering places, and a predominance of pedestrian oriented uses.

Inoperable Vehicle: A motorcycle or motor vehicle, trailer, or attachment thereto which is required by the Commonwealth of Virginia to display current license plates and/or meet safety standards, as evidenced by display of an approved inspection sticker, which motorcycle, vehicle, trailer, or attachment therefore does not display said license plates and/or approved inspection sticker.

Institutional Use: A use category that includes public or private health, recreational or educational uses such as parks, schools, libraries, hospitals and camps.

Interactive Science & Technology Center: A facility, indoors, outdoors, or both, providing access for members of the public to interactive exhibits that promote an understanding of science, nature, engineering, architecture, technology, or any mixture of these subjects. Access may be granted on a scheduled or unscheduled basis, or both, for a fee or for free. Such facilities may, as a subordinate use, include related retail sales, may host or allow events, and may offer scheduled classes in the same subject matter as is permitted for exhibits.

J-K

~~**Junk Yard:** Any land or building used for the abandonment, storage, keeping, collecting, or bailing of paper, rags, scrap metals, other scrap or discarded materials or for the abandonment, demolition, dismantling, storage, or salvaging of automobiles or other vehicles or machinery not in running condition, or parts thereof.~~

Junkyard: Any "automobile graveyard" or "junkyard" as defined by § 33.2-804, Code of Virginia, excluding sanitary landfills or garbage dumps.

Karst/Sensitive Environmental Feature Setback: An area established from the edge of a karst/sensitive environmental feature, in which land disturbance is restricted.

Karst Features or Karst/Sensitive Environmental Features: Karst landforms including but not limited to caves, sinkholes, rock outcrops, perennial sinking streams, significant fissures/cracks, vadose shafts, or other karst anomaly associated with calcerous geologic formations.

Karst Terrain: A type of terrain characterized by closed depressions and/or sinkholes, caves, rock pinnacles, and underground drainage, and which results from solution of limestone and dolomite bedrock.

~~**Kennel:** See Section 5-606.~~

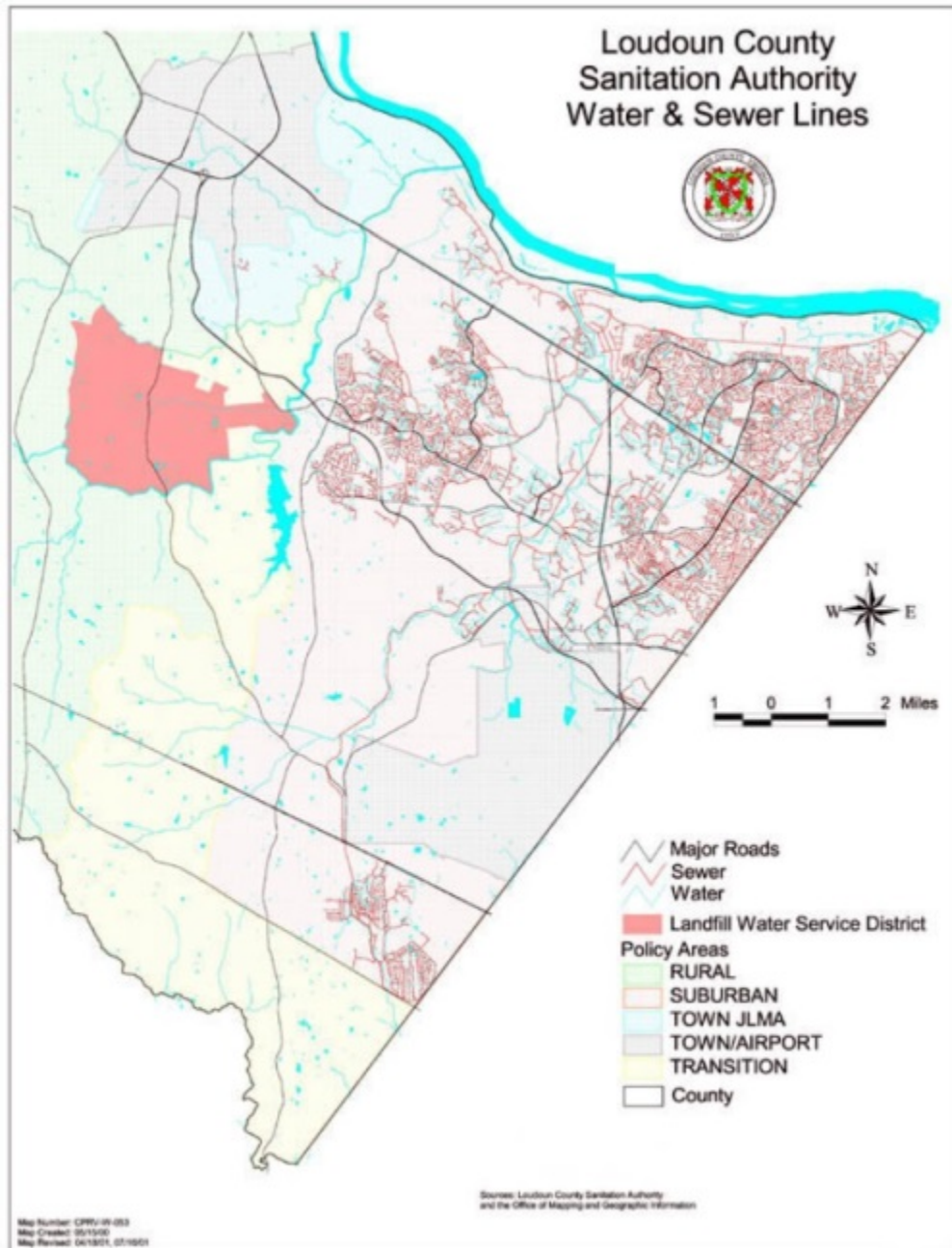
Kennel: Any commercial establishment in or at which, for a fee, 5 or more dogs, cats, or other household pets over the age of 6 months are trained, fostered, or boarded (including day care services), or handled.

Kennel, Indoor: See Section 5-606 Any kennel that is within a completely enclosed commercial facility with no outdoor activity.

L

Land-Disturbing Activity: Any grading, scraping, excavating, trenching, filling of land, dumping of fill materials (including but not limited to dumping of soil, concrete, and construction debris), bulk outdoor storage, clearing of trees or vegetation, and any construction in preparation for development, reconstruction, or significant alteration of a structure.

Landfill Water Service District: A specific area designated for water service by central water supply system, the boundaries of which are determined by the County of Loudoun as shown on the Loudoun County Sanitation Authority Water and Sewer Lines map, incorporated into this definition by reference, and found on the following page.



Landfill, Sanitary: A publicly owned and controlled, engineered land burial facility for the collection, source separation, storage, transportation, transfer, processing, treatment or disposal of solid waste. Associated uses may include a debris landfill, a transfer station, Materials Recovery Facility (MRF), vegetative waste management facility, and/or an incinerator. It shall mean a facility so located, designed and operated that it does not impose a present or potential hazard to human health or the environment, including pollution of air, land, surface water or ground water.

Landscape Architect: An individual who is recognized by the State and who is registered with the state department of professional and occupational registration as a "landscape architect".

Landscaped Open Space: An area which shall include appropriate grassing of the area, placement of shrubbery and trees, walkways, and appropriate grading such as to render the required open space area aesthetically pleasing.

Land Subdivision and Development Ordinance (LSDO): The Land Subdivision and Development Ordinance of Loudoun County, adopted by the Board of Supervisors to establish subdivision and site development plan standards and procedures for the unincorporated areas of Loudoun County.

Ldn: The symbol for "yearly day-night average sound level," which means the 365-day average, in decibels, for the period from midnight to midnight, obtained after the addition of 10 decibels to sound levels for the periods between 10 p.m. and 7 a.m., local time.

45 db(A) Ldn: The symbol for the required level of noise attenuation in residential structures constructed within the area between airport noise contour 60 and airport noise contour 65, expressing a required yearly interior day-night average sound level of 45 decibels or less.

Legacy Zoning District: Existing zoning districts that do not align with Place Types of the 2019 General Plan that are retained to continue implementing the zoning district prior to adoption of this Zoning Ordinance and avoid using more than one Zoning Ordinance. These districts exist as the result of a proffered rezoning and do not translate to the 2019 General Plan Place Types, such as PD-AAAR or PD-TC, or are districts that are anticipated to rezone to a denser district such as R-1, R-2, or R-3. Legacy Zoning Districts are not allowed to expand beyond their current footprints or be modified. Legacy Zoning Districts are located in Appendix A.

Library: Establishments that maintain collections of documents (e.g., books, journals, newspapers, music, and recorded information regardless of its physical form and characteristics) and facilitate their use to meet the informational, research, educational, or recreational needs of the general public or their user. These establishments may also acquire, research, store, preserve, and generally make accessible to the public historical documents, photographs, maps, audio material, audiovisual material, and other archival material of historical interest. All or portions of these collections may be accessed electronically.

Limestone: Geologic formation that is highly water-soluble and is characterized by numerous underground caves and surface sinkholes; it is a natural groundwater aquifer and good water supply source. Limestone consists of a conglomerate of various small rocks cemented together with a carbonate matrix and containing calcareous geologic formations. In appearance, it is very similar to concrete.

Livestock: Animals, especially farm animals, raised for use, profit or enjoyment including horses and very small equine, bison, cattle, pigs, mules, sheep, goats, alpacas, llamas, emus, and other similar domesticated animals. Livestock does not include animals meeting the definition of "Pet".

Live/Work Dwelling: See "Dwelling, Live/Work."

LOD- (Limestone Conglomerate Overlay District): Limestone Overlay District, as defined in ~~Section Chapter 4-1900 .05.01~~ of the Zoning Ordinance.

Lodging Unit: ~~Living quarters~~ Rooms or connected group of rooms forming a single habitable unit used or intended to be used for a family which do not living and sleeping only on a transient basis. Lodging units may contain independent kitchen facilities, ~~provided, however, that dwelling units. However, rooms~~ available for occupancy on a rental or lease basis for ~~periods of less than one (1) week shall beare~~ considered lodging units even ~~thoughif~~ they contain independent kitchen facilities.

Lot: A parcel of subdivided land occupied, or to be occupied, by one or more buildings and accessory buildings, and open space, and other requirements of the provisions of this Ordinance. "Lot" shall include the words "plot" and "parcel". The term "lot" does not include land identified on a legally recorded subdivision plat filed among the land records of Loudoun County as an "outlot" as referenced in Section ~~1-404(B)(3)-10.04.A.4.~~

Lot Area: The total horizontal area included within the rear, side and front lot lines or street lines of the lot, excluding any streets or highways, whether dedicated or not dedicated to public use, but including off-street automobile parking areas and other accessory uses. "Lot area" ~~shall~~**does** not include portions under water, except where the total area of a body of water is within the lot or where the width included as part of the area of the lot does not exceed 30 feet.

Lot, Civic Use: Land area within a Rural Village Center or Countryside Village development, so designated on the Village Concept Development Plan, upon which structures may be erected for community use, enjoyment and benefit.

Lot, Concave: A lot that has one side curving inward from the street on which the lot fronts.

Lot, Convex: A lot that has one side curving outward toward the street on which the lot fronts.

Lot, Corner: A lot abutting on ~~two~~**2** or more streets at their intersection, where the interior angle of the intersection does not exceed ~~one hundred thirty five~~**135** degrees.

Lot Coverage: The percentage of a lot area occupied by the ground area of principal and accessory buildings or structures, excluding uncovered decks, on such a lot. Multifamily and nonresidential parking structures below or above grade and stand-alone mechanical structures are excluded from lot coverage.

Lot, Depth of: The average horizontal distance between the front lot line and the rear lot line, measured along a straight line. If no rear lot line exists, the depth shall be measured between the front lot line and the rear setback line.

Lot, Interior: Any lot other than a corner lot, but including a through lot.

Lot, Irregular: A lot, usually but not always with sole access from a Class III road or private access easement, which is so located, shaped or oriented to adjacent lots that application of general measurement methods or dimensional yard requirements of the district in which located serve no significant public purpose, and/or with location of yards by type (front, side and rear) not logically determined by nor related to yard patterns on nearby regular lots. Yard requirements for regular lots shall be followed where possible.

Lot Line: ~~Any boundary line of a lot as defined herein.~~ Where applicable, a lot line ~~shall coincide~~**coincides** with a street line. Where a lot line is curved, all dimensions related to said lot line ~~shall be~~**is** based on the arc.

Lot, Outlot: A parcel of land identified on a legally recorded subdivision plat, subject to a permanent open space easement or dedicated to a homeowner's association, which does not meet lot area and lot width requirements.

Lot, Record: The land designated as a separate and distinct parcel recorded among the land records of Loudoun County.

Lot, Regular: A lot with direct access to a Class I, Class II, or Class III road, so located, shaped and oriented to adjacent lots as to be reasonably adapted to application of general measurements indicated in Article I, and with location of yards by type (front, side, rear and special) logically determined by, and related to, adjacent street or streets and adjacent yard patterns. A regular through lot has frontage on two Class I, Class II, or Class III roads.

Lot, Through: An interior lot fronting on ~~two~~**2** parallel, or approximately parallel, streets or private access easements.

Lot Width: See Frontage.

M

Machinery and Equipment Sales and Services. An establishment engaged in the sale, rental and servicing of trucks, buses, boats, recreational vehicles, taxicabs, ambulances, mobile homes, trailers, and farm and construction machinery or equipment. This does not include automobile sales and accessory service activities.

Maintenance and Repair Services. An establishment providing repair services for personal and household goods, such as household appliances, computers, television, audio or video players or equipment, office machines, furniture and leather goods, and knife sharpening. This classification excludes building maintenance services and maintenance and repair of automobiles and other vehicles and equipment.

Major Recreational Equipment: Recreational vehicles (RVs), travel trailers, pickup campers, motorized dwellings, tent trailers, boats and boat trailers, houseboats, and the like, and cases or boxes used for transporting ~~such that~~ recreational equipment, whether occupied by ~~such that~~ equipment or not.

Management Buffer: An area designed to protect a stream or river and its associated floodplain from adverse upland development impacts. The "50-foot management buffer" is included within the Protected River and Stream Corridor, as shown on the RSCOD Map.

Maneuvering Space: An area directly related to required parking areas and designed to permit easy vehicular movement. "Maneuvering space" shall not be considered as part of any required "parking space" or "loading space".

Manufactured Housing: Home: A structure constructed and subject to ~~federal regulation, the National Manufactured Home Construction and Safety Standards (42 U.S.C. §§ 5401 et seq.),~~ which is:

- Transportable in one or more sections; ~~is eight body~~
- 8 feet or more in width and ~~forty body~~40 feet or more in length in the traveling mode, or is 320 or more square feet when erected on site;
- ~~is~~ Built on a permanent chassis; ~~is and~~
- Designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; ~~and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. A manufactured home shall not include units built prior to June 15, 1976.~~

A manufactured home includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. A manufactured home does not include units built prior to June 15, 1976 (known as "mobile homes").

[References: National Manufactured Home Construction and Safety Standards, 42 U.S.C. §§ 5401 – 5426]; 24 C.F.R. Parts 3200–3279 (the "HUD Code")]

Manufactured Housing Land Lease Community: Any plot of ground on which 2 or more manufactured homes are located for long-term occupancy (for periods of 30 days or more) for use as dwelling units. These are not occupied by travel trailers. Includes customary accessory buildings or uses such as clubhouses, laundries, or management and sales units.

Manufacturing and Production: Facilities for the processing, fabrication, packaging, or assembly of goods, including small-scale production and production by hand. Accessory uses may include offices, in some instances eating facilities for employees, outdoor storage associated with the use, repair facilities, and caretaker's quarters.

Manufacturing, General: Manufacturing of products, from extracted, raw, recycled or secondary materials, including bulk storage and handling of those products and materials, or crushing, treating, washing, and/or processing of materials. This includes similar establishments, and businesses of a similar and no more objectionable character. It also includes incidental finishing and storage. Goods or products manufactured or processed on-site may be sold at retail or wholesale on or off the premises. This does not include any activity listed under Intensive Manufacturing.

Examples of general manufacturing include the manufacture or production of the following goods or products:

- apparel (including clothing, shoes, dress making, and leather products);
- appliances;

- communication or computer equipment;
- drugs, medicines, pharmaceutical;
- electronic and computer products (including communication or computer equipment);
- electrical equipment or machinery;
- fasteners and buttons;
- food/baking (including coffee roasting, creameries, ice cream, ice, frozen food, confectionery, and beverage);
- food and beverage processing, canning and storage;
- gaskets;
- household appliances;
- industrial controls;
- machinery (including farm and industrial machinery);
- mattresses;
- medical equipment and supplies;
- mill work and similar woodwork;
- manufactured and modular homes and components;
- office supplies;
- optical goods;
- photographic equipment;
- 3-D printing;
- textiles (including dyeing, laundry bags, canvas products, dry goods, hosiery, millinery); and
- tobacco products.

Manufacturing, Intensive: Manufacturing or industrial enterprises with significant external effects, or which pose significant risks due to the involvement of explosives, poisons, pesticides, herbicides, or other hazardous materials in the manufacturing or other process.

Examples of intensive manufacturing include the manufacture or production of the following goods or products:

- batteries;
- chemicals (including chlorine, corrosive acid, cosmetics, disinfectants, fertilizer, insecticides, poisons);
- explosives;
- industrial gases (such as acetylene);
- lime and gypsum products;
- medicines and pharmaceuticals;
- nonmetallic mineral products (such as concrete and concrete products, glass);
- paint (including lacquer and varnish);
- paper;
- primary metals;
- petroleum products; and

- plastic, rubber, and synthetic resins.

Manufacturing, Light: An establishment used to create, assemble or repair using production activities and techniques that result in fewer adverse impacts on their surroundings than general or intensive manufacturing (such as table-mounted electrical machinery or artisanal equipment). Accessory uses may include the retail sale of products manufactured on the premises, but do not include outdoor storage.

Examples of light manufacturing include the manufacturing or production of the following goods or products:

- baked goods, tea and coffee production with a floor area of up to 5,000 square feet (may include onsite consumption)brooms;
- caskets;
- converted paper products (such as die-cut paperboard, cardboard, and sanitary paper products);
- fasteners and buttons;
- furniture;
- glass products made of purchased glass;
- jewelry;
- printed products (including printing plants, meaning facilities devoted to printing or bookbinding, including related large-scale storage and transshipment);
- signs;
- toys, sporting and athletic goods;
- transportation equipment; and
- watches and clocks.

Marina: A facility that includes docks, piers, floats, mooring devices, fingers, stalls, gridirons, canals, a harbormaster structure, or other appurtenances designed and used to secure, store, service, fuel, berth, and launch ships, barges, boats, vessels, and other watercraft used to provide water transportation of cargo or passengers. This may include the sale of fuel and incidental supplies for boat owners, crews, and guests, servicing and repair of boats, and sale and charter of boats. Examples include pier, dock, wharf, or jetty facilities including port and harbor terminals, marine cargo handling and dry dock services, port warehouses, and port fuel facilities. This definition applies whether or not the Marina/Port is available for use by the general public.

Market Area: The area from which an enterprise draws its customers on a regular and anticipated basis. Influencing the size of the area are variables such as, but not limited to, type of product being marketed, surrounding land uses and neighboring road network.

Market Rate Dwelling Unit: A dwelling unit in which the sale or rental price is not controlled by the Affordable Dwelling Unit (ADU) Program or the Unmet Housing Needs Units (UHNU) Program.

Market Study: A study that measures the supply and demand for a particular product within a defined area.

Material Recovery Facility (MRF): A solid waste management facility which collects mixed solid wastes and manually or mechanically separates recyclable materials to be marketed and disposes of all non-recyclable wastes to a permitted facility, or a solid waste management facility for the collection, recovery and processing of materials, such as metals, paper or glass, from solid waste for the production of a fuel from solid waste, including a solid waste transfer station.

Mausoleum: A building or vault containing niches or other designated places intended to be a final resting place for human or pet animal remains as an alternative to land burial.

Maximum Extent Feasible: No feasible and prudent alternative exists, as determined by County staff, and all possible efforts to comply with the regulation or minimize potential harmful or adverse impacts have been undertaken by an applicant. Economic considerations may be taken into account but ~~shall~~must not be the overriding factor in determining "maximum extent feasible."

MDOD: ~~MOD (Mountainside Development~~Overlay District): Mountainside Overlay District, as defined in ~~Section 4-1600-4.04.01~~ of the Zoning Ordinance.

Media Production: Establishments that produce, manufacture, arrange for the manufacture, or distribute motion pictures, videos, television programs, television commercials, or music and sound recordings. This includes specialized motion picture or video postproduction services, such as editing, film/tape transfers, titling, subtitling, credits, closed captioning, and computer-produced graphics, animation and special effects, and developing and processing motion picture film. Examples include motion picture film laboratories, stock footage film libraries, postproduction facilities, teleproduction services, and sound recording studios.

Medical Care Facility, Outpatient Only: ~~Any institution, place, building, or agency. An establishment, whether or not licensed or required to be licensed by the State Board of Health or the State Hospital Board, by or in which facilities are maintained, furnished, conducted, operated, or offered for the prevention, diagnosis or treatment of to prevent, diagnose, or treat human disease, pain, injury, deformity or physical condition, whether medical or surgical, of two or more non-related mentally or physically sick or injured persons; or for the care of two or more non-related persons requiring or receiving medical, surgical, or nursing attention or service as acute, chronic, convalescent, aged, or physically disabled, including but not limited to intermediate care facility, mental retardation facility, outpatient surgery centers, chiropractic, birthing, diagnostic imaging, radiation therapy, dialysis, medical/physical rehabilitation and trauma units, and other related institutions and facilities offering treatment on an outpatient basis, whether operated for profit or nonprofit and whether privately owned or operated by a local government unit (this term shall not include a physician's or medical office).~~

This use includes an intermediate care facility, mental retardation facility, outpatient surgery center, birthing facility, diagnostic imaging facility, radiation therapy facility, dialysis facility, medical/physical rehabilitation and trauma unit, or related institution or facility that offers treatment on an outpatient basis.

This use may be operated for profit or nonprofit, privately owned, or operated by a local government unit.

A medical care facility does not include a medical office or a hospital.

Metes and Bounds: A method of describing the boundaries of land by courses and distances.

Micro-Grid Energy System: See "Utility, Minor."

Minimum Stream Buffer: A 100-foot area on both sides of a stream, measured from each stream bank, designed to be a natural riparian forest and filtration area that will ensure the maintenance of water quality and the ecological integrity of the protected corridor.

Mini-Warehouse: A building consisting of individual, small, self-contained units that are leased or owned for the indoor storage of business and household goods or contractors' supplies.

Minor Utilities: ~~Above and below ground electrical transmission lines, except for overhead electrical transmission lines and distribution feeder lines that collect and transmit over 110 KV of power; above and below ground natural gas lines; flood control or drainage facilities; transportation or communications utilities, and similar facilities of public agencies or public utilities; utilities that are necessary to support legally established uses and involve only minor structures such as electrical distribution lines, poles, or cables; switch boxes; transformer boxes; cap banks; and underground water and sewer lines. Such "minor utility" facilities generally do not have employees on site, and the services may be publicly or privately provided. "Minor utility" does not include uses more specifically defined in this Ordinance, including but not limited to "telecommunication use and/or structures."~~

Mitigation Measures: Methods used to alleviate or lessen the adverse impacts of development.

Mixed-Use Residential: For purposes of Section 7.05.03, is any dwelling unit located in any of the following zoning districts listed in Chapter 2: UT/UM, SM, PD.

Mobile Vending: The sale, display, solicitation or offer for sale, barter, exchange, gift or otherwise of food prepared within a self-contained vehicle, trailer or cart. Mobile vending does not include catering vehicles or ice cream trucks in continuous operation within the public right-of-way.

Mobile Vendor: An establishment, including any employee or agent of another, who sells or offers to sell, barter, or trade from a mobile vehicle, trailer, or cart.

Model Home: A building having the physical characteristics of a residential dwelling which exists for the purpose of display or advertising in connection with the sale of units in a residential development. The ultimate intended use for such a model is as a dwelling.

Moderately Steep Slope Area: Naturally occurring land areas with slopes from 15% to 25%. The Steep Slope Standards do not apply to slopes created by permitted land disturbing activities, such as, but not limited to, building and parking pad sites; berms; temporary construction stock-piles; and road-side ditches.

Motorcycle: A motor vehicle designed to travel on not more than three wheels in contact with the ground. The operator must hold a valid driver's license with a Class M designation or a motorcycle driver's license.

Motor Vehicle Sales and Accessory Service: Any use of land whereon the principal occupation is the sale, rental and accessory service of vehicles in operating condition such as automobiles, motorcycles, All Terrain Vehicles (ATV), and trucks stored on site. For the purpose of this Ordinance, vehicle sale, rental and ancillary service establishments shall not be deemed to include heavy equipment and specialized vehicle sale, rental and service establishments; however, specialized vehicles may be sold, rented and serviced as an accessory use.

Motor Vehicle Sales Limited to Racecars: Any business establishment intended for the sale of racecars.

Motor Vehicle Service and Repair, Heavy: Buildings and premises wherein major mechanical and body work, repair of transmissions and differentials, straightening of body parts, painting, welding or other similar work is performed on vehicles. Light vehicle service establishments may be permitted as an ancillary use: however, motor vehicle service establishments shall not be deemed to include heavy equipment and specialized vehicle sale, rental and service establishments. Motor vehicle service and repair shall be conducted within a building and shall not include on-site storage of inoperable vehicles. All areas containing vehicles under repair shall be screened.

Motor Vehicle Service and Repair, Light: Buildings and premises wherein the primary use is the sale, servicing, repair and/or installation of motor vehicle accessories, such as the following: Spark plugs, batteries, distributors and distributor parts, tires, brakes, brake fluid, mufflers, tail pipes, water hoses, fan belts, light bulbs, fuses, floor mats, windshield wipers, wiper blades, grease retainers, wheel bearings, and mirrors. Light vehicle service establishments may also include greasing, lubrication and radiator flushing, minor servicing and repair of carburetors, fuel pumps, oil pumps, water pumps and lines, electrical systems, and minor motor adjustments not involving removal of the head or crankcase or racing the motor, except that 10% of the floor area may be used for heavy motor vehicle service and repair as defined in Motor Vehicle Service and Repair, Heavy. Uses permissible at a vehicle light service establishment shall not include major mechanical and body work, the repair of transmissions or differentials, straightening of body parts, painting, welding, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in service stations. Motor vehicle service and repair ~~shall~~must be conducted within a building and ~~shall~~must not include on-site storage of inoperable vehicles. All areas containing vehicles under repair shall be screened.

Motor Vehicle Storage and Impoundment Yard: An area designed for the temporary storage of wrecked and/or inoperable and/or abandoned motor vehicles, but not to include the dismantling, wrecking or sale of said vehicles or parts thereof.

Municipal Drinking Water Supply Reservoir: See "Utility, Major."

N

~~**Municipal drinking water supply reservoir:** A dam and impoundment area created, owned and operated by a municipality to store water as part of a public water utility, including necessary or customary appurtenant facilities such as access roads and transmission pipes.~~
Natural Heritage Resources: Natural Heritage Resources are rare, threatened, and endangered plant and animal species; exemplary natural communities, habitats, and ecosystems; which are listed under the Natural Heritage Resources database provided by the Virginia Department of Conservation and Recreation (DCR), Division of Natural Heritage Resources.

National Historic Landmark: A district or structure listed on the National Register of Historic Places and considered to be of unusual importance to American history, architecture, archaeology, and/or culture.

~~Water storage tanks and water treatment plants are separate uses not included as part of a water supply reservoir.~~

N

National Register of Historic Places: A register of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology and/or culture that is maintained by the Federal Secretary of the Interior.
~~National Historic Landmarks are districts or structures listed on the Register that are considered to be of unusual importance to American history, architecture, archaeology and/or culture.~~

Naturally Occurring: Areas of land, landforms, slopes, and features existing in nature and not made or caused by human manipulation.

Nature Study Area: A natural place set aside for the observation or study of flora or fauna, where structures and changes to the landscape are limited to facilities that enable study or observation, such as benches, trails, markers or observation platforms.

Neon: A source of light supplied by a glass tube that is filled with neon gas, argon, mercury or other inert gas that produces ultraviolet light, and bent to form letters, symbols, or other shapes. Neon includes all tubular light sources that employ a charged gas to illuminate a tube that glows, similar gas-activated tubular light systems that emit colors, and other tubular light sources (including fiber optics) that are used to form letters and shapes.

Natural, Environmental, and Heritage Resources. All natural, environmental, and heritage resources as identified under Chapter 3 of the Loudoun County General Plan, as well as those protected by overlay districts and development standards of this Zoning Ordinance.

Nonconforming Use: Any use lawfully being made of any land, building or structure, other than a sign, on the effective date of this [Zoning Ordinance](#), or any amendment to it rendering such use nonconforming which does not comply with all of the regulations of this ordinance, or any amendment hereto, governing use for the zoning district in which such land, building or structure is located.

Non-Contributing: Not helping, no assisting, or adding to the historical integrity, historic architectural qualities, or archaeological qualities of the subject Historic Overlay District and/or the said Historic Overlay District's historic associations. The Zoning Administrator, or the Zoning Administrator's designee, establishes what is considered non-contributing to an HOD.

See also Contributing.

Non-Habitable: Space in a structure that is not used for living, sleeping, eating, or cooking, such as, but not limited to, garages, toilet compartments, closets, utility spaces or similar areas. Commercial and industrial structures do not have habitable space.

Non-Point Source Pollution (NPS): Pollutants carried in stormwater runoff, including but not limited to sediments, nutrients, animal waste, pesticides, salt and toxins, that cannot be traced to a specific point source and whose point of entry into a stream cannot be determined.

Non-Profit Organization: An incorporated organization or group whose charter prohibits profit-making endeavors and which enjoys tax exemption privileges.

Nonresidential: A property, building, structure, or use that is not categorized under or used in association with any use identified in the Residential heading of the use tables in Chapter 3 of this Zoning Ordinance.

Non-Store Retailers: Establishments that retail merchandise through online, mass media, telephone, mail, or similar methods (infomercials, direct-response advertising, paper, and electronic catalogs, door-to-door solicitation, in-home demonstration, selling from portable stalls, vending machines, and similar methods). This definition includes the location where merchandise is stored in preparation for sale, and not to the point of delivery to the customer. Examples include mail-order houses, vending machine operators, home delivery sales, door-to-door sales, party plan sales, electronic shopping, and storage of equipment or merchandise for sales through portable stalls (such as by street vendors).

Non-Vehicular Open Space: See Open and Useable Space.

Nursery, Commercial: An agricultural/commercial ~~enterprise establishment~~ where plants, landscape materials, soils, and accessory products are sold on a retail basis.

Nursery, Production: An agricultural ~~enterprise establishment~~ where plants are grown for resale on a retail or wholesale basis for only those plant materials grown on-site.

Nursing Home: A place devoted primarily to the maintenance and operation of facilities for the treatment and care of any person suffering from illnesses, diseases, deformities or injuries not requiring extensive and/or intensive care that is normally provided in a general hospital or other specialized hospital.

O

Office: Any room, studio, clinic, suite or building wherein the primary use is the conduct of a business such as, but not limited to: accounting, correspondence, research, editing, administration or analysis; or the conduct of a business by salesman, sales representatives or manufacturers' representatives; or the conduct of a business by professionals, such as engineers, architects, land surveyors, artists, musicians, lawyers, accountants, real estate brokers, insurance agents, dentists or physicians, urban planners and landscape architects. An office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair or storage of materials, goods and products; or the sale and/or delivery of any materials, goods or products which are physically located on the premises. An office shall not be deemed to include a veterinary service or animal hospital.

Office, Administrative: Any room, studio, clinic, suite or building wherein the primary use is the conduct of a business such as accounting, correspondence, research, editing, administration, or analysis.

Office, Business or Sales: Any room, studio, clinic, suite or building wherein the primary use is the conduct of a business by salesmen, sales representatives, or manufacturers' representatives.

Office, Medical: An establishment (including any room, studio, clinic, suite, or building ~~wherein~~ where individuals licensed in the State practice medicine, osteopathy, dentistry, chiropractic, podiatry, physical therapy, psychiatry, clinical psychology, or other health-related professions on an out-patient basis. A medical office shall ~~This does not be deemed to~~ include a hospital, veterinary service, or animal hospital.

Office, Professional: Any room, studio, clinic, suite or building wherein the primary use is the conduct of a business by professionals such as, but not limited to, engineers, architects, land surveyors, artists, musicians, lawyers, accountants, real estate brokers, insurance agents, dentists or physicians, urban planners, and landscape architects.

Official Notice: A sign that provides the general public, property owner or other interested parties of government actions, orders, or directions such as a public hearing, stop-work orders on a property that is non-compliant or in violation of the Zoning Ordinance, or similar items.

Officially Accepted: The date that all required submissions have been made and the Director has signed the application. This date shall be deemed that date upon which a plan or other application has been officially submitted.

Off-Site: Describing a location or an area of land which is proximate to a parcel of land defined as "on-site". Off-site means not on site; that is, outside the lot or parcel that is the subject of a given land use application.

Off-Street Parking Facility, Free-Standing: A lot, or portion thereof, other than an automobile sales lot, held out or used for the storage or parking of ~~six (6)~~ or more motor vehicles for consideration, where service or repair facilities are not permitted. Such parking lot ~~shallis~~ not ~~be~~ considered an accessory use; ~~nor shall it be~~ and used for the storage of dismantled or wrecked motor vehicles, parts thereof, or junk.

Oil and Gas Storage: A tank farm or outdoor facility to store oil and gas. Includes a bulk plant (petroleum).

On-Site: "On-site" ~~shall be construed to be describing~~ describes a location on all, or a portion, of a parcel of land ~~which that~~ is the subject of an application for approval by the Board of Supervisors, Planning Commission, or Board of Zoning Appeals, and ~~which that~~ parcel of land is in single ownership or under unified control. In general, "on-site" ~~shall mean~~ means within a lot or parcel.

Open and Usable Space: Areas of trees, shrubs, grass, pathways and other natural and man-made amenities not within individual building lots, set aside for the use and enjoyment of residents, visitors and other persons, unoccupied by buildings or facilities unless related to recreational activities, and accessible to and adequate for the persons and functions it is designed to serve.

Open Space: Areas of trees, shrubs, lawns, grass, pathways and other natural and man-made amenities not within individual building lots, (except in rural village and Countryside Village developments), set aside for the use and enjoyment of residents, visitors and other persons, unoccupied by buildings or facilities unless related to recreational activities and in the TR and JLMA districts HOA facilities, and accessible to and adequate for persons and functions it is designed to serve. Lot coverage in the open space shall be limited to 0.01 of the lot. Generally, open space is intended to provide light and air and is designed for either scenic or recreational purposes. For the purpose of this Ordinance, open space shall include and be qualified as active recreation space, common open space, and dedicated open space.

- a. **Open space, active recreation:** That open space that is designed for recreational purposes, to include, but not to, be limited to such uses as ballfields, multi-purpose courts, swimming pools, tennis courts, golf courses, play lots and playgrounds, camping, picnicking, boating, fishing, equestrian activities, walking and biking trails, and activities incidental and related to the foregoing. (In the TR and JLMA districts, these recreational facilities may include HOA facilities.) Recreational facilities may be open to the public for a fee, provided the intent of the open space requirements is maintained. Examples of acceptable for-fee facilities include golf courses and sports pavilions where such facilities are utilized and enjoyed by the development but that must secure outside users for economic viability.
- b. **Open space, common:** Land within, or related to, a development not individually owned or dedicated for public use which is designed or intended for the common use or enjoyment of the residents of the development and may include such complementary structures and improvements as are necessary and appropriate. In only the Planned Development Housing (PD-H) Zoning District, uses of common open space may also include a dog park provided that the following conditions are met: 1) the dog park is non-commercial in nature; and 2) the

homeowners' association (HOA) for such PD-H Zoning District owns and operates the dog park and owns the common open space upon which the dog park is located. Such dog park may be open to the public for a fee, provided the intent of the open space requirements is maintained.

- c. **Open space, dedicated:** All open space which is to be dedicated or conveyed to the County or an appropriate public agency, board, or body for public use as open space. For the purposes of this definition, twenty-five percent (25%) of all dedicated school sites shall be considered as dedicated open space.

d. **Open space, passive:** Uses of land characterized primarily by natural areas and not requiring constructed facilities, large areas consisting mostly of woodlands or vegetation. Passive open space is typically used for that involve less energetic activities than those occurring with active recreation, such as walking, sitting, picnicking, card games or table games. Structural improvements are generally limited to those structures that facilitate the use of the land as park and open space. Accessory uses may include benches, maintenance facilities, restrooms and dressing rooms, concessions, caretaker's quarters, and parking. Examples include hiking, community gardens, fishing, hunting, camping, nature observation, forests, meadows, hedgerows, wetlands or wetlands mitigation banks, and hiking, biking, walking, or equestrian trails.

Optional Overlay: See paragraph 2 of the definition of "Overlay District," below.

Originating Tract: A lot or parcel of land in the ~~AR-1~~ARN or ~~AR-2~~ARS Zoning District which is to be the subject of a subdivision through either the "Principal/Subordinate" or "Cluster" subdivision options as identified in the Zoning Ordinance. This designation is for the purpose of establishing a base density of development in order to implement these two subdivision options.

Ornamental Grass: Grasses that are grown for their aesthetic value and are generally low maintenance plants resilient to harsh conditions, but does not include turf grasses.

Outdoor Amphitheater: A place, not enclosed in a building, having a stage and seating for performances, concerts, and the like, with the seating for spectators arranged largely within a natural or artificial grade in the land such as a hillside or depression.

Outdoor Sales, Accessory: An unenclosed area where the primary purpose of the area is for the retail sale of merchandise. Such sales and or display area shall be accessory and subordinate to a permitted principal use.

Outdoor Storage: The holding or storage, in an unroofed area, of any goods, junk, materials, ~~or merchandise, or vehicles~~ in the same place for more than ~~twenty-four (24)~~ hours. ~~All outdoor storage shall be required to be enclosed by a fence, wall, landscaped berm, or other suitable and appropriate method.~~

Outdoor Storage/Storage Yard, Accessory: The holding or storage of merchandise, goods, vehicles, equipment or materials as an accessory use to the permitted business. All outdoor storage shall be required to be enclosed by a fence, wall, landscaped berm, or other suitable and appropriate method.

Outdoor Storage, Construction Materials: The holding or storage of materials utilized in off-site construction, to include machinery, tools or construction equipment and/or supplies including, but not limited to, lumber, prefabricated structural elements, forms, jigs, or other articles utilized in the fabrication of structural elements, structural steel, steel wire rods, concrete beams, or other materials utilized in construction.

Outdoor Storage, Vehicles: The holding or storage of operable new or used automobiles, trucks, buses, snowmobiles, motorcycles, all-terrain vehicles, boats, light aircraft, mobile homes, trailers, farm machinery, major recreational equipment, or construction machinery or equipment. The storage of inoperable ~~equipment shall be deemed to be a motor vehicle storage and impoundment yard~~ vehicles or equipment is considered a vehicle storage and impoundment yard. This definition includes the storage of fleet vehicles, or vehicles owned or operated by the business on the site, on a lot for more than 24 hours. This does not include the incidental storage of less than ten vehicles owned by a business on the site for up to 48 hours or on Saturdays and Sundays.

Outer Core Subarea: A Planned Development Transit Related Center district subarea that includes the total gross land area located outside the Inner Core subarea, but generally within one-half (1/2) mile from the outer edge of the planned rail station platform, as shown on the approved Concept Development Plan. Densities are high, yet increase in distance from the transit stop. Major retail, office, service commercial and high density residential uses are located in this subarea, with a vertical mix of uses and a predominance of pedestrian-oriented uses.

Other Protected Resources. Wetlands, forests, historic and cultural resources, and archaeological sites that are located partially within or within River and Stream Corridor Resources.

Overlay District: A zoning district superimposed on another. There are two types of overlay districts:

1. **Standard Overlay.** This is an overlay district that is superimposed on a base (or "underlying") district, and where the regulations of both districts apply to the use the use and development of the property. In other words, the land subject to the overlay district may be used as permitted in the underlying district only if, and to the extent that, the use is also permitted in the overlay district. Unless otherwise provided, overlay districts are standard overlay districts unless otherwise provided in the regulations applicable to that district. Standard overlay districts are established in Chapter 4 of this ordinance.
- ~~both districts have validity in governing the use of the property, or~~
2. **Optional Overlay.** An "optional overlay" is where the property owner may elect to proceed under the regulations of the overlay district rather than the other district, and the other district no longer governs the use or development of the property after this election is made (see [ARTICLE 4](#), Division D).

P-Q

Parcel: A contiguous lot or tract of land that is owned and recorded as property of the same person or controlled by a single entity.

Park and Open Space: Uses of land that are characterized primarily by natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, or community gardens in which persons not owning or residing on the property grow plants or flowers for personal consumption. Structural improvements are generally limited to those structures that facilitate the use of the land as park and open space. Accessory uses may include playgrounds, maintenance facilities, swimming pools, restrooms and dressing rooms, concessions, caretaker's quarters, and parking.

Park, Countryside Village Community: A park that provides recreational facilities for the community and is at least ~~three (3)~~ acres minimum.

Park, Countryside Village Neighborhood: A neighborhood park at least 40,000 square feet minimum in size.

Park, Neighborhood: A park that provides a variety of small-scale, localized recreational facilities, such as playgrounds and tot lots or volleyball, basketball and tennis courts, and designed to be within walking distance of the primary users.

Parking Area: The area on a lot or site used for the parking of motor vehicles that meets the minimum standards of this Ordinance and the Facilities Standards Manual (FSM) and that is an accessory use to the principal use or structure on the lot or site.

Parking Facility: A lot or Structure that offers public parking and that is the principal use of the premises. This includes any part of a lot held out or used to store or park 6 or more motor vehicles other than as an accessory use to a principal use on the premises, or as part of a shared parking arrangement approved pursuant to Section 5.05.09. A parking facility is not considered an accessory use. A parking facility is not used to store dismantled or wrecked motor vehicles, vehicle parts, or junk, or as an automobile sales lot. This use includes commuter parking facilities.

Parking Lot: A lot on which the parking of motor vehicles is the principal use.

Parking Lot/Valet Service: A lot or structure on/in which the parking of motor vehicles for a fee on a daily, weekly, or monthly basis is the principal use and accessory services, such as washing and polishing, are provided.

Parking, Off-Site: Any space that is off-site and specifically allotted to the parking of motor vehicles. Such space shall not be in a public right-of-way.

Parking Space, Off-Site: A space suitable for parking one automobile and including adequate driveways, if necessary, to connect such space with a public right-of-way. Space within a building or upon a roof, allocated for parking shall be included and considered a part of the required spaces.

Passive Recreational Uses: Recreational uses (such as hiking, nature observation, and picnicking) not requiring constructed facilities, but making use of areas which are largely left in their natural state except for basic facilities as bathrooms, benches, picnic tables, and trails.

Pedestrian and Bicycle Network: A pedestrian and bicycle network may also be referred to or include sidewalks, shared use paths, pedestrian walkways, on-street bicycle facilities, and/or Non-motorized User Circulation Systems (NUCS) pursuant to the Facilities Standards Manual (FSM).

Pedestrian-Oriented Uses: Uses located at street level that are visible and accessible from the street.

Pedestrian Walkway: A right-of-way developed for use by pedestrians, including sidewalks, walking trails, and plazas.

Pedestrian Way: A right-of-way developed for use by pedestrians, including sidewalks, bicycle paths and jogging trails.

Perennial: Ornamental herbaceous plants that persist for many growing seasons.

Perennial Headwaters: Perennial headwaters are Perennial Streams of the Catoctin Creek and the Goose Creek originating in the Blue Ridge, Short Hill, and Catoctin Mountains.

Perennial Sinking Stream: A stream which flows year round on the surface with an established flora and vegetation which sinks underground. Groundwater is the primary source of water for stream flow. Perennial stream “means a body of water depicted as perennial on the most recent U.S. Geological Survey 7-1/2-minute topographic quadrangle map (scale 1:24,000) or identified by a method, established in guidelines approved by the Virginia Department of Conservation and Recreation, that does not require field verification.”

Performing Arts Center: A facility for the viewing of performing arts with a seating capacity of 8,000 persons or greater. A Performing Arts Center is a type of theater.

Performance Standards: A set of criteria or limits relating to nuisance elements which a particular use or process may not exceed.

Permeable: Describes materials that permit water to enter the ground by virtue of their porous nature or by large spaces in the material.

Perennial Stream: A stream with flowing water year-round during a typical year, including the Catoctin Creek, Goose Creek, Limestone Branch, Piney Run, Broad Run and their tributaries, as well as any unnamed streams discharging into the Potomac River. The water table is located above the stream bed for most of the year. Groundwater is the primary source of water for stream flow. Runoff from rainfall is a supplemental source of water for stream flow.

~~Personal Service Establishment~~ Instructional Services: A school primarily devoted to giving instructions in musical, dramatic, artistic, dance, martial arts, sports, or other special subjects. This does not include a child day care, child day home, or riding school, however designated.

Personal Services: Establishments primarily engaged in providing services, including the care of ~~a person~~persons or ~~his or her~~their apparel, ~~such as, but not limited to,~~ This includes cleaning and garment services, ~~which are deemed to be establishments for the mechanical cleaning of garments, articles or goods of fabric for retail customers, containing no more than 3,000 square feet of gross floor area,~~repair services (not otherwise listed), linen supply, diaper service, coin-operated laundries, ~~carpet and upholstery cleaning,~~ photographic studios, beauty shops, barber shops, shoe repair, ~~steam baths, reducing salons and health clubs, travel agents~~spas, clothing rental, locker rental, ~~porter service, optician~~opticians, and ~~tailor~~tailors.

Pet: An animal kept for pleasure rather than utility, not included within the animals listed in the definition of Animal Husbandry, such as dogs; cats; birds; non-poisonous spiders; chameleons and similar lizards; non-poisonous snakes; pot-belly pigs; hamsters; ferrets; gerbils; guinea pigs; pet mice and pet rats; turtles; fish; domesticated rabbits; miniature horses; and other similar domesticated animals. The keeping of such animals is permitted as an accessory use to a dwelling unit.

Pet Farm: A facility in which livestock, farm animals and other animals are kept for public exhibition, viewing and contact, regardless of compensation, and which may include related accessory uses and activities such as gift shops ~~not exceeding 600 square feet in area,~~ picnic areas and recreational activities. ~~For the purpose of this Ordinance, a~~ related to animals such as petting (but not including outdoor or major recreation.) A pet farm ~~shall~~does not include retail pet stores and kennels, horse races, and ~~such~~ activities such as State and County fairs, livestock shows, rodeos, field trials, and horsing events.

Photovoltaic (PV): Materials and devices that absorb sunlight and convert it directly into electricity.

Planned Development: An area of a minimum contiguous size, as specified by this Ordinance, developed according to plan as a single entity and containing one or more structures with appurtenant common areas. (See Section 6-1502 for the Purpose of Planned Development districts.)

Planning Commission or Commission: The Planning Commission of Loudoun County, Virginia.

Playground: An area of land where recreational equipment for children is installed out of doors.

Play Space: An off-street space available and usable for play by children; a "tot-lot", a playground.

Plaza: An open space which may be improved and landscaped; usually surrounded by streets and buildings.

Police Station or Substation: Any building or part of a building which is designated by a chief of police or sheriff to be used as a police or sheriff's station or substation and at which duly authorized officers perform law enforcement functions.

Porch: The term "porch" shall include any porch, veranda, gallery, terrace, portico, deck, patio, or similar projection from a main wall of a building, covered by a roof, other than a carport, as defined in this Article. An "unenclosed porch" is a porch with no side enclosure (other than the side of the building to which the porch is attached) that is more than ~~eighteen~~ 18 inches in height, exclusive of screens.

Portable Dwelling/Trailer During Construction of Primary Residence: A structure that is installed temporarily for use as a dwelling while a residence is being constructed. The portable dwelling/trailer ~~shall~~must be removed within ~~one~~ 1 month of the completion of construction on the primary residence.

Postal Services: Retail sales or business services establishment to facilitate the transmittal and receipt of letter, bulk, and package mail.

Principal Lot: One of the types of lots permitted within the Principal/Subordinate Subdivision Development Option. Permitted density is assigned to the Principal Lot for purposes of tracking the number of lots which can be subdivided within the development. The Principal Lot may be further subdivided up to the maximum number of lots assigned to the Originating Tract of the subdivision.

Principal/Subordinate Subdivision Option: A division of land in which a maximum lot yield is calculated for an Originating Tract based on the gross acreage of such tract. The Principal/Subordinate Subdivision Option results in the creation of one Principal Lot and one or more Subordinate Lots. Lots are served by individual well and septic systems located on the subject lot.

Printing Plant: A commercial/light industrial use devoted to printing or bookbinding, including related large-scale storage and transshipment.

Printing Service: A retail establishment, which includes a quick print shop or the operation of offset printing and other related equipment, such as, but not limited to, paper cutters, collating machines, multi-colored press equipment, plate burners, binding and photographic developing equipment.

Private Access Easement: A private road built to standards in locations as permitted in the Land Subdivision and Development Ordinance (LSDO).

Private Club or Lodge: A structure or facilities owned or operated by an organization of persons for special purposes, such as the promulgation of sports, arts, literature, politics, but not operated for profit, and excluding churches, synagogues, other houses of worship, and also excluding structures and uses associated with commercial or non-commercial outdoor recreation. Adult entertainment shall not be permitted at a private club or lodge.

Private Parties: Events that are not open to the public and are by invitation only.

Property Line, Front: A line running along the front of a lot, from side lot line to side lot line, separating the lot from any street right-of-way or street easement. ~~(See Article I.)~~

Protected Corridor: (also "Protected River and Stream Corridor.") A Protected Corridor is an area of natural or established vegetation along a stream or river that may be sensitive to changes.

Public Hearing: Meetings of the Board of Supervisors, Board of Zoning Appeals and Planning Commission held expressly for the purpose of soliciting comments from the general public in accordance with requirements of the State Code.

Public Safety: Uses for the provision of public safety and emergency response services. Typically, these uses need to be located near the area where services are provided. In some instances, employees are present on site around the clock. Accessory uses may include offices, parking, and areas for maintenance of emergency vehicles.

Public Transit: Any vehicular or rail transportation system owned or regulated by a government agency, used for the mass transport of people.

Public Utilities/Facilities: Public parks, playgrounds, trails, paths and other recreational areas and other public open spaces; scenic and historic sites; schools and other public buildings and structures. Any water or sewer system serving more than ~~two (2)~~ lots, and any building or structure owned by a public utility as defined in Section 56-232 of the Virginia State Code, all building and facilities owned by a public service corporation as defined in Section 56-1 of the Virginia State Code.

Public Utility Service Center and Storage Yard: A facility owned by a public utility company that may include business offices, a dispatching center, and fenced yard for the storage of vehicles and materials related to the maintenance, construction, and repair of a utility transmission line, substation service line and other such facilities. ~~Such~~ The service and storage yard may include shop facilities for the servicing and repair of equipment. Similar facilities owned by a public agency or private road company for maintenance of roads and interchanges are included in this definition.

Public Use: A use category that includes any area, building or structure held, used or controlled exclusively for public purposes or deemed essential for a public purpose, such as housing at affordable prices for the workforce, by any department or branch of the Federal Government, Commonwealth of Virginia, or the Loudoun County government.

Qualified Professional: A professional who is accredited by or registered with a professional group operating within the scope of his/her license that is acceptable to the County.

R

Racecars: Any vehicle manufactured for the sole purpose of competitive motor vehicle racing on a track in accordance with the rules and requirements of any nationally or internationally recognized organization governing the sport of professional motor vehicle racing. "Dual purpose" cars, i.e. those designed and intended for both track and public street use, and all other forms of street legal motor vehicles are specifically excluded from this use.

Radio, Radar and/or Television Tower: A structure for the transmission of broadcasting of radio, TV or radar signals.

Rainwater Harvesting: The collection and storage of rain collected on a site.

Receiving Property: The lot or parcel, or for mixed-use residential, the affected dwelling unit, that is the recipient of the subject sound.

Record Plat: A map or a chart of a lot, lots, or subdivision, filed among the land records of Loudoun County.

Recreation, Active: Open space featuring areas dedicated to leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed sites or fields. Recreational uses require constructed facilities for recreational purposes and organized activities, or flat, open, well-drained usable space configured in squares or greens. This includes facilities operated by a homeowners association that are open to the public for a fee if the intent of the open space requirements is maintained. Examples of acceptable for-fee facilities include those used and enjoyed by the development but that must secure outside users for economic viability. Examples include ball courts, ballfields, boating, equestrian activities, fishing, golf courses, multi-purpose courts, outdoor games and sports, play lots and playgrounds, playing fields, sports pavilions, swimming pools, tennis or basketball courts, and tot lots.

Recreation and Entertainment: Uses that are generally commercial and provide indoor or outdoor entertainment for consumers. Accessory uses include offices, storage of goods, outdoor storage, parking, concessions, caretaker's quarters, and maintenance facilities.

Recreation Establishment, Indoor: An enclosed or semi-enclosed building, tent, or structure designed to accommodate gatherings of human beings for games, (such as bowling alleys), athletics, cultural activities, martial arts, archery ~~or firearm shooting~~, rides, and the like. Accessory uses include office, retail, and other commercial uses commonly established in such those facilities and, related parking structures shall be allowed as accessory appurtenances. A commercial recreation area may also include, mechanical or electrical amusement devices, ~~and may include accessory uses such as~~ refreshment stands, and equipment sales or rentals.

Recreation Establishment, Outdoor ~~or Major~~: Any establishment ~~operated as a commercial enterprise~~ in which seasonal facilities directly related to outdoor recreation are provided for all or any of the ~~following: camping, followings:~~ skating rink (~~indoor or outdoor~~), ~~lodging~~, picnicking, boating, fishing, swimming, ~~golf driving ranges (as defined herein)~~, outdoor games and sports, ~~and the like, and animal-mounted trail riding, mountain biking, and related activities incidental and related to the foregoing. A commercial recreation area.~~ Accessory uses may also include miniature golf grounds, mechanical or electrical amusement devices, and may include accessory uses such as refreshment stands, lighted playing fields and courts, offices, retail and other commercial uses commonly established in those facilities, lodging for customers engaging in recreational activities onsite, and related parking structures. This use does not include a stand-alone track for motorized vehicles of any type, however defined. This use includes any of the following:

- **Amusement or theme park:** A facility, indoor or outdoor, designed for entertainment purposes which may include structures or buildings, motorized or non-motorized rides, games, booths for the conduct of sporting events or games, and constructed land features such as lakes, hills, or trails.

- **Country club:** a land area and structures containing a club house, dining and/or banquet facilities, conference rooms, spa, fitness facilities, or recreational facilities, available to members and their guests for a membership fee. Examples of accessory uses include equestrian facilities, golf courses, swimming pools, tennis courts, squash courts, pickleball, archery, or miniature golf.
- **Cross-country ski business:** A facility which offers to members of the public cross-country ski recreation opportunities, including the rental of non-motorized ski equipment sales or rentals, changing facilities, and access to maintained trails or trail shelters.

~~**Rural Resort:** A private establishment consisting of a detached structure or structures located in a rural setting in which lodging units are offered to transients for compensation as the principal use, along with conference and meeting facilities, restaurant and banquet facilities, and recreational amenities.~~

- **Fairground:** A parcel or tract of land used as the site of any fair, exposition or public display.
- **Golf course:** a tract of land laid out with at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards, and that may include a clubhouse and shelter.
- **Golf driving range:** A limited area on which golf players do not walk, but onto which they drive golf balls from central driving tees. A golf driving range may contain outdoor lighting. A golf driving range may have, as an accessory use, a putting or chipping green, miniature golf course, baseball batting cages, a refreshment stand, and/or equipment rental of items pertaining to golf and baseball.
- **Sports stadium, complex, arena or sports field:** A facility, indoor or outdoor, designed for professional or amateur sporting events, exhibitions, shows or convocations.

Recreation Space, Active: Flat, open, well-drained usable space configured in squares or greens. Active recreation space may include facilities such as ballfields, tennis courts, or swimming pools, or tot-lots and other similar type play areas. Active recreation space may also be used for camping, picnicking, boating, fishing, swimming, outdoor games and sports, equestrian activities, and the like, and activities incidental and related to the foregoing, all on a non-commercial basis and to fulfill the active recreation space requirements of the R-8, R-16, and R-24 zoning districts that require it.

Recreational Vehicle Park: An outdoor facility designed for overnight accommodation of human beings in motorized vehicles, rustic cabins and shelters, or trailers for recreation, education, naturalist, or vacation purposes. These may include accessory office, retail, and other commercial uses commonly established in such facilities and with related parking structures shall be allowed as accessory appurtenances. This use does not include a Manufactured Housing Land Lease Community.

Recreational Vehicle Unit: A travel trailer, pick-up camper, motorhome, tent trailer, or similar device used for temporary housing.

Recyclable Materials: Any material separated from the waste stream for utilization as a raw material in the manufacture of another product. This includes both source-separated material and mechanically separated material. Recyclable materials include, but are not limited to, newspapers, office paper, glass, metals, plastic and corrugated cardboard.

Recycling Drop-Off Collection Center, Private: A collection site operated by a governmental entity, non-governmental entity, a for-profit company, or a non-profit organization, for the acceptance by donation, contribution, offering, redemption, or purchase of recyclable materials from the public. Such These centers may not exceed 3,000 square feet in area, may contain permanent or semi-permanent buildings, or structures, but and typically consist of portable containers which can be emptied and readily moved.

Recycling Drop-Off Center, Public: A collection site operated by a governmental entity for the acceptance by donation, redemption or purchase of recyclable materials from the public. Such centers may not exceed 3,000 square feet in area. The 3,000 square foot area applies to the recycling containers only. A center does not contain permanent structures, and typically consists of portable containers which can be emptied and readily moved. This term shall not include donation drop-off boxes.

Religious Assembly: Uses providing meeting areas for religious observances and activities. Includes church, synagogue, temple or mosque.

Religious Housing: A housing facility where the residents are limited to members of a specific religious order, and where the housing arrangement is designed and intended to further the religious beliefs of that order. Examples include parsonages, monasteries or convents. This does not include a dwelling unit reserved for a priest or minister of a religion (such as a parsonage, manse, and rectory), which are classified in accordance with the residential uses defined separately in this section.

Religious land use: A structure or group of structures intended for regular gatherings of people to attend, participate in or conduct religious services and other related activities and associated accessory uses. Associated accessory uses may include religious instruction classrooms, church offices, counseling programs, private school, youth programs, parking, child and adult day care facilities, summer camps, recreational facilities, caretaker's quarters, food bank, thrift shop, sale of religious items, and cemeteries.

Remediation Services: Establishments primarily engaged in one or more of the following:

- Septic tank services;
- Remediation and cleanup of contaminated buildings, mine sites, soil, or groundwater;
- Integrated mine-reclamation activities, including demolition, soil remediation, wastewater treatment, hazardous substance removal, contouring land, and revegetation; or
- Asbestos, lead paint, and other toxic material abatement.

Research and Development-Use: Any use related to: An establishment (such as a laboratory) for general research, scientific research, development and/or training. Activities include the invention, discovery, study, experimentation, evaluation, identification, verification, design preparation, or production of products, new technologies, techniques, or processes. Research and development functions ~~would~~ include the repair, storage, sale, and resale of materials, goods, and products relating to the research and development use. This may include the assembly, integration, and testing of products in a completely enclosed building incidental to the principal use of scientific research, development, and training. Does not include data centers.

Residential: For the purposes of Section 7.05.03, any dwelling unit located in a zoning district listed in Chapter 2, or the PD-H zoning district, and any other dwelling unit that does not meet the definition of mixed-use residential.

Residential Use: ~~Structures which~~ A use category that includes structures that are built for, and occupied by, private households; any activity of a private household conducted in a private dwelling as identified in the Residential heading of the use tables in Chapter 3 of this Zoning Ordinance.

Resource Area Width: The total width of any Floodplain, Major or Minor, and any Adjacent Steep Slopes;

Resource Recovery: The process of obtaining materials or energy, particularly from solid waste.

Rest Home, Nursing Home, Convalescent Home: An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

Restaurant: Any establishment which provides as a principal use the preparation and sale of food, frozen desserts, or beverages in a state ready for consumption within the establishment, and whose design or principal method of operation includes both of the following characteristics:

- a. Customers are provided with an individual menu and are served their food, frozen desserts, or beverages by a restaurant employee at the same table or counter at which said items are consumed.
- b. The food, frozen desserts, or beverages are served on non-disposable plates or containers, and non-disposable eating utensils are provided. Customers are not expected to clear their table or dispose of their trash.

Notwithstanding the above, a cafeteria where food, frozen desserts, or beverages are: (a) generally consumed within the establishment; and (b) served on non-disposable plates or containers and non-disposable eating utensils are provided shall be deemed a restaurant.

A restaurant may provide a carry-out service, provided that such carry-out service is clearly not the principal business of such establishment. However, a snack bar or refreshment stand at a public or non-profit community swimming pool, playground, playfield or park operated solely by and for the agency or group operating the recreational facility, and for the convenience of patrons of the facility, shall not be deemed to be a restaurant.

Restaurant, Carry-Out Only: Any establishment, without a drive-through facility, ~~which that~~ provides as a principal use, the preparation and/or sale of food, frozen desserts, or beverages for carry-out service only ~~with seating capacity up to 1,000 square feet.~~

Restaurant, Fast-food: Any establishment which provides as a principal use the preparation and sale of food, frozen desserts, or beverages in a ready-to-consume state for consumption either within the restaurant, within a motor vehicle parked on the premises, or off-premises, and whose design or principal method of operation includes one or more of the following characteristics:

- a. Food, frozen desserts, or beverages are served in edible containers or in paper, plastic or other disposable containers. Eating utensils, if provided, are disposable.
- b. Food, frozen desserts, or beverages are usually served over a general service counter for the customer to carry to a seating facility within the restaurant, to a motor vehicle or off-premises. If consumed on premises, customers generally are expected to clear their own tables and dispose of their trash.
- c. Forty-five percent (45%) or more of the gross floor area of the establishment is devoted to food preparation, storage and related activities, which space is not accessible to the general public.
- d. Food, frozen desserts, or beverages are served to the occupants of motor vehicles while seated in the car.

A fast food restaurant ~~shall have~~has two classes; with a drive-through facility or without a drive-through facility.

Restaurant, Fast-Food With Drive-Through Facility: A fast-food restaurant that includes a drive-through facility.

Restaurant, Fast-Food Excluding Drive-Through Facilities: A fast-food restaurant that does not include a drive-through facility.

Restaurant, Sit-Down: Any establishment that provides as a principal use the preparation and sale of food, frozen desserts, or beverages in a state ready for consumption within the establishment, and whose design or principal method of operation includes the following characteristics:

- Customers are provided with an individual menu and are served their food, frozen desserts, or beverages by a restaurant employee at the same table or counter where those items are consumed, and
- The food, frozen desserts, or beverages are served on non-disposable plates or containers, and non-disposable eating utensils are provided, and
- Customers are not expected to clear their table or dispose of their trash.

A cafeteria where food, frozen desserts, or beverages are: (a) generally consumed within the establishment; and (b) served on non-disposable plates or containers, and where non-disposable eating utensils are provided, is considered a sit-down restaurant.

A sit-down restaurant may include a carry-out service that is clearly not the principal business of the establishment.

A snack bar or refreshment stand at a public or non-profit community swimming pool, playground, playfield, or park operated solely by and for the agency or group operating the recreational facility, and for the convenience of patrons of the facility, is not considered a sit-down restaurant.

A sit-down restaurant includes a bar or lounge, defined as an establishment where the main source of revenue is the sale of alcoholic beverages which are customarily consumed on the premises. This includes taverns, hookah lounges, or neighborhood taverns/bars/pubs.

A sit-down restaurant does not include drive-through facilities.

Retail, Construction Establishment: Buildings or land used for sale of construction materials at retail or for the rendering of construction services including, but not limited to, coal, wood, and lumber yards.

Retail, General: An establishment engaged in the sale of merchandise to the general public. Examples include department stores, pharmacies, newsstands, candy shops, antique shops, gift shops, craft shops, hardware stores, household appliance stores, furniture stores, florists, art galleries, or music stores. This does not include wood, or lumber yards. A general retail use may include accessory maintenance or repair services for merchandise sold on the premises.

Retail Sales and Service: Uses primarily engaging in the commercial sale, rental, or leasing of new or used products to the general public. Accessory uses include offices, parking, storage of goods, and repair of goods for on-site sale.

Retail Sales Establishment: Buildings or land used for sales of merchandise at retail or for the rendering of personal services including, but not limited to, the following: pharmacy, newsstand, food store, candy shop, milk dispensary, dry goods and notions store, antique store and gift shop, hardware store, quick print shop, household appliance store, furniture store, florist, music and radio store; but specifically excluding coal, wood and lumber yards.

Rezoning: A change in zoning district designation for a parcel or group of parcels adopted by the Board of Supervisors.

Ridgeline: A ground line located at the highest elevation of a drainage divide for the major watersheds mapped by the County.

Riparian Area: The land: An area adjacent of land contiguous to a stream, river, lake, or wetland that contains vegetation that, due to the presence of water, is distinctly different from the vegetation of adjacent areas.

Riparian Forest: A strip of land along a river or stream where forest and vegetation help to protect water quality, filter pollutants, regulate water temperature, enhance aquatic and wildlife habitats, and provide aesthetic value to the river or stream. Also called a riparian forest buffer when part of a larger stream buffer.

Riparian Protection Buffer: RSCR buffer area will vary that is a minimum 50 feet in width depending on the particular stream, river, lake, wetland, or other body of water, and measured beginning from and extending landward from the greatest extent of the RSCR Floodplain, Adjacent Steep Slopes, and Other Protected Resources as indicated in Table 6.01-1.

Rivers and Streams: A natural, flowing course of water draining 100 acres or greater.

River and Stream Corridor Resources (RSCR): Certain water resources and associated land areas, specifically any of the following:

- Rivers and Streams
- Floodplain (including Major Floodplain and Minor Floodplain)

- Adjacent Steep Slopes
- Other Protected Resources
- Riparian Protection Buffer
- Variable Riparian Preservation Buffer

River and Stream Corridor Resources Management Area. The cumulative regulated area of RSCR composed of the following:

- Resource Area Width,
- Riparian Protection Buffer; and
- Variable Riparian Preservation Buffer.

Road: ~~Shall include~~Includes the terms "street", "avenue", "way", "court", "drive" and the like. Pedestrian elements such as sidewalks and trails are allowed within road rights-of-way to the extent allowed by the Virginia Department of Transportation or this Zoning Ordinance.

Road, Centerline of: A line established as a centerline of a road by any State, County, or other official agency or governing body having jurisdiction thereof and shown as such on an officially adopted or legally recorded map or, if there be no official centerline, a line running and lying midway between the road right-of-way lines. Where road lines are indeterminate and a pavement or a traveled way exists, the centerline shall is assumed to be a line midway between the edges of such pavement or traveled way.

Road, Class I: Roads ~~which that~~ were part of the State-maintained highway system at the time of adoption of the 1972 Zoning Zoning Ordinance.

Road, Class II: Roads meeting Virginia Department of Transportation's specifications and acceptable for maintenance by the State, bonded as provided in the Loudoun County Subdivision Ordinance, or roads accepted in the State-maintained highway system after the effective date of the 1972 Zoning Ordinance.

Road, Class III: A non-State maintained road which meets the design standards contained in the Facilities Standards Manual.

Road, Crossing of the Floodplain or Road Crossing: Any public road, private road or driveway traversing a floodplain generally perpendicular to the flow of the drainageway.

Road, Local Access: A ~~publicly owned and maintained street~~public road with a limited through function, predominantly providing access to individual lots. Local access roads are an outlet for neighborhoods, or may link neighborhoods, to the collector road network. Local access roads are characterized by low traffic volumes and low speeds.

Road, Local: As described by the DRPT Multimodal System Design Guidelines, roadways providing access through neighborhoods and feature traffic calming applications to enhance the pedestrian-oriented feel of the street. Also known as local street

Road, Public: Roads which are part of the State-maintained highway system or meeting Virginia Department of Transportation's specifications, acceptable for maintenance by the State, and bonded as provided in the Loudoun County Subdivision Ordinance.

Road, Major Arterial: A ~~publicly owned and maintained public~~ road, designed to carry substantial amounts of high speed regional traffic, usually requiring at least ~~four~~4 lanes for through traffic, and generally planned for restricted or controlled access. Routes 7, 15, and 50 are examples of major arterial roads.

Road, Minor Arterial: A ~~publicly-owned-and-maintained-street-public road~~ designed to perform a regional, as well as a local, function connecting communities or other arterials across State or County boundaries. Traffic volumes generally require a minimum of ~~four~~4 through lanes, although some existing minor arterials may have only ~~two~~2 through lanes. Minor arterials have limited or controlled access, with signals at important intersections and stop signs on side ~~streets~~roads. Route 9 is an example of a minor arterial road.

Road, Major Collector: A ~~publicly-owned-and-maintained-public~~ road generally serving an intra-county and, in some situations, an inter-county function. Major collectors carry traffic from individual developments to arterial roads. New major collectors are planned for controlled access, with turn lanes at all entrances. Major collectors are often ~~four~~4, and sometimes ~~six~~6, lanes. However, existing rural major collectors may be as few as ~~two~~2 lanes. Examples of urban major collectors include Route 640 and Ashburn Village Boulevard. Routes 734 and 621 are examples of rural major collectors.

Road, Minor Collector: A ~~publicly-owned-and-maintained-public~~ road generally serving several different neighborhoods and providing a linkage to the major collector roads. This category of road allows for traffic mobility and individual, or combined, lot access. Minor collectors may be ~~two~~2 or ~~four~~4 lanes and receive local and private roads.

Road, Private: A privately owned road designed and built to established County Standards for direct access to individual lots, with the owners of said lots or a Homeowner's Association (HOA) responsible for its maintenance.

Road, Village Neighborhood: Roads ~~which~~that primarily provide for traffic circulation within the Village Center and access to individual lots.

Road, Village Through: Roads which provide for primary access to the Village Center from the Significant Rural Transportation Route and Corridor Network listed in Table 1. ~~(Section 4-1200)~~

Rock Outcrop: Any rock exposed at or above the ground surface which is attached to the underlying bedrock.

Roofline: The lowest portion of a pitched or flat roof visible from a public right-of-way or adjacent property

Rooming ~~House~~ and Boarding: A lodging place for ~~four~~4 or more boarders where rooms are offered on a single room occupancy basis and where sanitary facilities may be shared. A common cooking facility may be provided. Lodging is provided on ~~no less than at least~~ a month-to-month basis. Examples include single room occupancy units, rooming and boarding houses, dormitories, and workers camps. Rooming and boarding also serves a specific group or membership, such as a dormitory, fraternity or sorority house, or workers' camp.

Rural Cluster Lot: A type of lot located within an ~~AR-1-ARN~~ or ~~AR-2-ARS~~ District cluster subdivision.

Rural Corporate Retreat: A use, compatible with agriculture, horticulture, animal husbandry, open space and/or historic preservation, which is engaged in the study, testing, design, invention, evaluation, or development of technologies, techniques, processes, or professional and consulting services, and education and training related to such advances and services. Rural Corporate Retreats may be utilized for basic and applied research services and education wherein the inquiry process is conducted in a manner similar to that of institutions of higher learning or management consulting firms. Rural Corporate Retreat facilities may include facilities for associated training programs, seminars, conference, and related activities.

Rural Economy Conservation Lands: One of the ~~two~~2 required elements of a residential cluster option development within the AR zoning district located outside of the cluster portion and intended to accommodate rural economy and open space uses as permitted in the underlying zoning district.

Rural Economy Lot: A type of lot located with an ~~AR-1-ARN~~ or ~~AR-2-ARS~~ District cluster subdivision. A minimum of one Rural Economy Lot is required to be located within any ~~AR-1-ARN~~ or ~~AR-2-ARS~~ cluster subdivision. The primary use of such lot is for rural economy uses, with residential uses permitted in association with a rural economy use

Rural Economy Uses: An array of agricultural and equine enterprises, tourist attractions and services, and commercial businesses that are land-based, depend on large tracts of open land, and the area's rural atmosphere.

Rural recreational establishment, outdoor: Any establishment operated as a commercial enterprise in which seasonal facilities directly related to outdoor recreation are provided for all or any of the following: camping, skating rink (outdoor), lodging, picnicking, boating, fishing, swimming, outdoor games and sports, animal-mounted trail riding, and activities incidental and related to the foregoing. This use may include a refreshment stand as an accessory use. Nothing in this definition shall be construed to mean a track for motorized vehicles of any type, however defined.

~~**Rural Resort/Rural Retreat:** A private establishment consisting of a detached structure or structures located in a rural setting in which lodging units are offered to transients for compensation as the principal use, along with conference and meeting facilities, restaurant and banquet facilities, and recreational amenities.~~

Rural Resort: A private establishment consisting of a detached structure or structures located in a rural setting in which lodging units are offered to transients for compensation as the principal use, along with conference and meeting facilities, restaurant and banquet facilities, and recreational amenities.

Rural Retreat: A use, compatible with agriculture, horticulture, animal husbandry, open space and/or historic preservation, which is engaged in the study, testing, design, invention, evaluation, or development of technologies, techniques, processes, or professional and consulting services, and education and training related to those subjects and services. Rural retreats may be used for basic and applied research services and education where the inquiry process is conducted in a manner similar to that of institutions of higher learning or management consulting firms. Rural retreats may include buildings or structures for associated training programs, seminars, conferences, and related activities.

Rural Village Center Subdistrict: The portion of the Rural Village (RV) district designated for pedestrian friendly, mixed-use development, consisting of single-family detached, townhouse, apartment, storefront, workplace and civic uses on the Concept Development Plan.

Rural Village Commercial Area: Land within the Rural Village Center designated primarily for commercial, apartment and civic uses on the Concept Development Plan.

Rural Village Conservancy (VC) Subdistrict: Land within the Rural Village (RV) district surrounding the Village Center subdistrict which is placed in an open space easement in order to offset the increased density in the Village Proper (VP).

Rural Village Residential Area: The land area within the Village Center subdistrict designated primarily for single-family attached and detached and civic uses on the Concept Development Plan.

Rural Village Satellite Conservancy (RVSC) Subdistrict: Land within the Rural Village (RV) district which does not adjoin the Village Conservancy and which is placed in an open space easement in order to offset the increased density in the Village Proper (VP).

Rural Village Workplace Area: The land area within the Village Center designated for employment uses on the Concept Development Plan.

S

Sawmill: A mill for sawing timber or logs into boards or lumber.

Scenic River: Rivers, streams, runs and waterways that are designated according to State code.

School, Business/Technical: A nonacademic establishment offering courses or training in vocations such as secretarial, computer and data processing, drafting, commercial art, cosmetology, allied health care, real estate, banking, restaurant operation, welding and metal fabrication, pipefitting, automobile body and engine repair, construction equipment operation, building trades, truck driving, airplane maintenance, and mechanical and electrical equipment/appliance repair.

School, Public (Elementary, Middle or High): An establishment for the education of students, at the primary, elementary, middle, or high school level, including vocational, and technical schools, owned and/or operated by Loudoun County/Loudoun County School Board, and public charter schools. Accessory uses include, but are not limited to, play areas, cafeterias, auditoriums, parking of school buses, and recreational and athletic facilities/fields (lighted or unlighted).

School, Private (Elementary, Middle or High): An establishment which meets State requirements for providing any kindergarten, primary, and/or secondary educational course, which does not secure the major part of its funding from any governmental agency. Such use shall not include an establishment for the instruction of adults, a day care establishment, a child care center, a child care home, or an in-home school for the purposes of instructing children of the family of the household. Parking of school buses on-site shall be considered an accessory use to a school.

School, Vocational: ~~An establishment offering courses of training in a skill or trade. See "School, Business/Technical".~~

Screening: Whenever this term is used, it ~~shall refer~~refers to any landscaping, screening, buffering, fencing, or other barrier as required by this Zoning Ordinance. See "Buffering".

Setback: ~~For the purposes of Section 5-600, use of the terms "setback" or "set back" means the building, structure, use, or activity shall be located the required distances from the point of reference (e.g. lot line, right-of-way or building, etc.). Required yards may be located in this setback area.~~

Setback: The minimum distance by which any building or structure must be separated from the point of reference (e.g. lot line, right-of-way or building, etc.).

Setback, Perimeter: ~~The boundary of a development contained within a site plan or development plan as required by Section 7.01.06.B.~~

Sewer Pumping Station: ~~See "Utility, Minor."~~

Sewage Treatment Plant: ~~A plant for the primary, secondary, tertiary treatment of sewage. See "Utility, Major."~~

Sewer, Public: A central, communal, or municipal wastewater treatment system serving more than ~~two (2)~~ lots owned or operated by a municipality, or the Loudoun County Sanitation Authority (LCSA), ~~or a public sewer (wastewater) utility as defined in Chapter 10.1 or 10.2 of Title 56 of the Code of Virginia,~~ for the collection, treatment and disposal of sewage.

Sewer System, Central: The sewage treatment system for Eastern Loudoun County owned and operated by the LCSA that is served by the Blue Plains and/or Broad Run treatment plants, and/or capacity supplied by the Upper Occoquan Sanitary Authority.

Sewer System, Communal or Communal Wastewater System: A sewage treatment system for the collection, treatment and/or disposal of sewage operated and or owned by LCSA, ~~or operated by a public sewer (wastewater) utility as defined by Chapter 10.1 or 10.2 of Title 56 of the Code of Virginia~~ that is designed to serve small scale development, including clusters, where permitted by this Ordinance. Such system may serve only one lot, where a communal system is required by this Ordinance for a specific use.

Sewer System, Municipal: A sewage treatment system that is owned or operated by one or the incorporated towns within Loudoun County.

Sewage Disposal System, Individual: A complete system for the collection, treatment and/or disposal of sewage, located on the lot served.

Shooting Range, Indoor: A sport shooting range, as defined by the Code of Virginia, that occurs inside a fully enclosed structure. [Note: Code of Virginia § 15.2-917 defines this as "an area or structure designed for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport shooting."]

Shopping Center: Any group of ~~two (2)~~ or more commercial uses of a predominately retail nature which:

- a. Are designed as a single commercial group, whether or not located on the same lot,
- b. Are under common ownership or management,
- c. Are connected by party walls, partitions, canopies, or other structural members to form one continuous structure or, if located in separate buildings, are interconnected by walkways and accessways designed to facilitate customer interchange between the uses,
- d. Share a common parking area, and
- e. Otherwise present the appearance of ~~one (1)~~ continuous commercial area.

Shoreline: The top of the streambank, which is defined in engineering terms as the water surface elevation of the ~~two (2)~~ year storm event.

Short term, recurring zoning violation: Any violation of this Zoning Ordinance of a type that is typically of a relatively short duration or susceptible of regular recurrence. Violations in this classification are deemed to include, but are not limited to, inoperable vehicles, commercial vehicles parked in residential districts, parking of vehicles on an unpaved surface, exceeding maximum occupancy limitations for residential dwelling units, violations of sign regulations, and violations related to permitted and or non-permitted temporary or seasonal sales.

Shrub: A deciduous or evergreen multi-trunked, woody plant that usually attains a mature height of no more ~~than ten (10)~~ than 10 feet. Preferred species are provided in the Facilities Standards Manual.

Sign: Any visual display that comprises letters, words, numerals, figures, logos, trademarks, symbols, emblems, devices, or illustrations, or any combination thereof, which ~~identifies is used to advertise, identify, display, direct, or attract attention to~~ a property, business, product, service, person, object, institution, idea, organization, event, location, or entertainment, ~~but not including, when standing alone, a flag, emblem, badge, or insignia of any governmental unit. A "sign" includes the background structure.~~

Sign, Area of: ~~The area within a continuous perimeter enclosing the limits of a sign, as defined herein and illustrated in Figure 4, Section 5-1200, and including any frame or other material or color that forms an integral part of the display or is used to differentiate the sign from the background against which it is placed, but excluding the structural supports or uprights on which the sign is placed. In the case of a ground mounted sign utilizing the bonus multiplier for the background structure, the permitted increase in area of the background structure is not counted as the area of the sign. In the case of a sign where lettering appears back to back, that is, on opposite sides of a sign, only one display face shall be counted in the area of the sign.~~

Sign, Animated: Any sign or part of a sign that changes physical position or light intensity by any movement, rotation, strobing, illumination or other means, or that gives the visual impression or illusion of movement, rotation, illumination or rotation. An animated sign may not be a Digital Sign.

Sign, Area of: See Section 8.10.

Sign, Awning and Canopy: A sign that is mounted on, painted on, affixed, or otherwise attached to an awning or canopy.

Sign, Background Structure: The surface on which a sign is mounted, painted, affixed, or otherwise attached.

Sign, Backlight: An illuminated sign, where the source of illumination is located on the back of the sign or on the interior of an enclosed sign.

Sign, Banner: Cloth, paper, vinyl, bunting or the like, intended to be hung either with or without frames. ~~Governmental flags or symbolic flags shall not be considered banners for the purpose of this Ordinance.~~

Sign, Bonus Multiplier: An increase in the area of the sign by a multiplier for ground mounted signs.

Sign, Building Façade for Determining Size of: ~~The entire area of an exterior wall of a building within a continuous perimeter.~~ See Figure 5, Section 5-12008.10.

Sign, Building-Mounted: A sign that is mounted, painted, affixed, or otherwise attached on the wall of a building or structure.

Sign, Business: A sign which identifies a business or profession conducted, or a commodity or service sold, offered, or manufactured, or an entertainment offered on the premises where the sign is located.

Sign, Danger, Aviation, Railroad, Bridge, Ferry Transportation, Red Cross, and other such sign: Signs as set forth in Section 33.2-1204 (5), (6), (7), (8), (15), and (17) of the Code of Virginia 1950, as amended, and that are government signs.

Sign, De Minimis: Any sign with an area no greater than ~~one (1)~~ square foot.

Sign, Digital: any sign that displays digital copy, including any illuminated sign on which the illumination is not kept stationary or constant in intensity and color when the sign is in use, including any light emitting diode (LED) or digital panel, and which varies in color or intensity. In the sign industry, digital signs are also referred to as dynamic signs, changeable electronic variable message signs (CEVMS), electronic message centers (EMCs), etc.

Sign Development Plan: A graphic representation showing a detailed plan of all signage freestanding and attached signs proposed for a particular structure, lot, or development.

Sign, Directional, On-Site: ~~Any sign providing directions to a specific use, which sign is located on-site of the same parcel or on-site within the same development as the use to which such sign provides directions.~~

Sign, Directory: A sign on which the names and locations of occupants or the uses of a building or group of buildings is given.

Sign, Electronic Message: A sign on which the visual display is composed of a series of lights, panels, or other mechanisms that may be static, changing, or otherwise give the appearance of change of the display through electronic means.

Sign, Farm: ~~Sign erected or maintained on any farm by the owner or tenant of such farm and relating solely to farm or horticultural produce, livestock, silviculture, or services sold, produced, manufactured or furnished on such farm.~~

Sign, Feather: A sign made of flexible material in the shape of a feather, quill, sail, blade or teardrop, and mounted on a solid or flexible pole or cord. These are sometimes referred to as "quill signs" or "sail banners."

Sign, Freestanding: Any sign not affixed to a building such as, but not limited to, pole-mounted, monument, pylon, sidewalk, and ground mounted signs.

Sign, Government/Official Notices: A sign erected and maintained by or under the direction of County, the Virginia Department of Transportation, other governmental authorities, or court officer in accordance with the law. This includes official notices.

Sign, Ground Mounted: ~~See Figure 1, Section 5-1200.~~

Sign, Ground: A sign supported by uprights or braces placed upon or in the ground and not attached to any building. A ground sign includes any monument sign or pylon sign, but not a pole sign or sidewalk sign.

Sign Height: The height of a sign shall be computed as the linear measurement from the base of the sign at normal grade to the top of the highest attached component of the sign. If the land is uneven at the base of the sign, the elevation at the halfway point (middle) of the sign at the base shall be used. Normal grade shall be construed to be the lower of (1) existing grade prior to construction, or (2) the newly established grade after construction, exclusive of any filling, berming, mounding or excavating for the purpose of locating the sign. See Section 8.10.B.2

Sign, Historical Markers: ~~Any Marker:~~ A government sign ~~or marker~~ erected to identify a site, location, or landscape related to a person, structure, or event documented as historically significant at the local, state, or national level.

Sign, Home Occupation: Any sign upon property displaying the name and/or address of the occupant(s) of the premises and the ~~nature~~nature of the home occupation(s).

Sign, Illuminated: Any sign or any part of a sign, ~~which that~~ is: (1) illuminated, externally or internally, from an artificial light source located for the specific purpose of such illumination, or (2) created by the projection of illuminations onto a surface (such as a building wall). An illuminated sign includes any digital sign, internally illuminated sign, externally illuminated sign, or halo lit sign.

~~**Sign, Informational:** Signs to identify such locations as restrooms, loading areas, parking areas, no parking areas, entrances, exits, and the like.~~

~~**Sign, Linear Foot (LF) for Determining Size of:** The horizontal length of a wall of a building which physically encloses usable interior space. Said horizontal length shall be measured at a height not greater than ten feet above grade. See Figure 6, Section 5-1200.~~

~~**Sign, Non-PD District Project Directional:** Signs giving direction to new homes for sale or lease for non-Planned Development District projects, subject to the boundaries of a rezoning plat approved by the Board of Supervisors, which do not contain the names of specific builders.~~

Sign, Incidental: A sign with copy located on a flag, banner, or rigid panel and mounted on a pole or a wall or similar structure, with or without a structural frame, that is normally incidental to the allowed use of the property, but can contain any message or content. An incidental sign does not include an attention getting device or other prohibited sign. Temporary signs are considered a form of incidental signs. Examples of directional signs, real estate signs, non-commercial opinion signs, menu boards, garage sale signs, holiday decorations, property or tenant identification names or numbers, names of occupants, signs on mailboxes or newspaper tubes, signs posted on private property relating to circulation or private parking, political signs, signs warning the public against trespassing or danger from animals, or signs stating hours of operation, open/closed, accepted forms of payment, business/professional affiliations, etc. This paragraph is provided to clarify the regulations and does not limit the content of incidental signs.

Sign, Light Post Banner: Cloth, paper, vinyl, bunting or the like, intended to be hung either with or without frames on a light post.

Sign, Linear Foot (LF): See Section 8.10.

Sign, Monument: A freestanding sign whose sign face is attached to a base or structural frame with a width and thickness of more than 66 percent the width of the widest part of the sign face.

Mural: One-of-a-kind visual depictions and/or works of art or licensed reproductions of original works of art including, but not limited to, mosaic, painting, or graphic art techniques that are applied, painted, implanted, or placed directly onto the exterior of any structure. This definition is not intended to discourage the use of new paint and printing technologies.

Sign, On-Site: Any sign located on the same site, the same parcel, or the same development as the use that owns or controls the sign.

Sign, Outlined with Neon: Any sign ~~which that~~ uses neon, argon, or similar gas to illuminate transparent or translucent tubing or other material to emit light outlining all or a part of ~~such that~~ sign.

~~**Sign, PD-H Community Directional:** Signs located within the boundaries of an approved PD-H district, providing direction to subdivisions, sections, or civic features within the PD-H district.~~

~~**Sign, Pole Mounted:** See Figure 2, Section 5-1200.~~

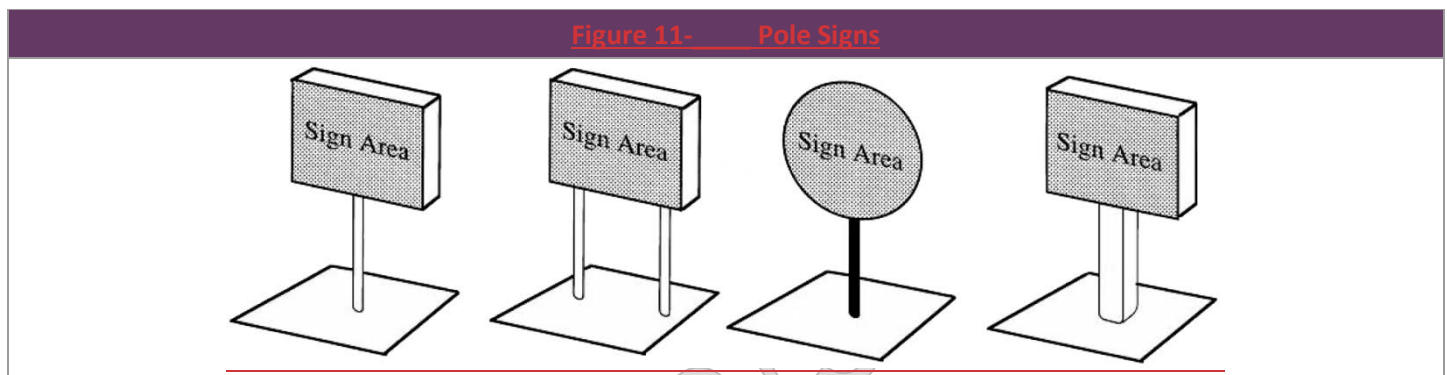
~~**Sign, Project Identification:** A sign that identifies the name of the development only, including any corporate typeface or logo.~~

Sign, Public/Quasi-public: Sign identifying or locating a town, community center, public building or historical place situated in Loudoun County, Virginia, and also a sign for a use owned or operated by a nonprofit, religious, or charitable institution and providing educational, cultural, recreational, religious, or similar types of programs.

Sign, Real Estate: Sign pertaining only to the offering for sale or lease of the land or structures on the land upon which the sign is placed.

Sign, Residential Name: Sign upon property displaying the name and/or address of the owner, lessee, or occupant of the premises.

Sign, Pole: A freestanding sign that is supported by at least one pole, is not attached to a building, and where the bottom edge of the sign face is located at least 3 feet above the average finished grade at the base of the sign. A "pole sign" does not include a flag mounted on a flagpole, where permitted by this Chapter.



Sign, Pylon: A freestanding sign permanently affixed to the ground by one or more supports that together comprise at least 30 percent and up to 66 percent of the width of the sign structure.

Sign, Sidewalk: A movable sign not secured or attached to the ground or surface upon which it is located. ~~Such A sidewalk~~ sign may be freestanding, placed on an easel, or constructed in a manner to form an "A" shape.

Sign, Temporary: A sign ~~of sign constructed of cloth, canvas, light fabric, cardboard, wood, wallboard, metal, or other light materials, with or without frames, which is intended to be displayed for a temporary duration or is of a non-recurring nature that is associated with a special event that is approved in accordance with Section 5-500(C) of this Ordinance, or other event that lasts no longer than 48 hours. [Note: examples of customary uses for temporary signs include real estate signs, garage sale signs, holiday decorations, and falls outside of political signs. This paragraph is provided to clarify the primary permitted use of the property upon which such event is located.~~

Sign, Wayside Stand: Sign erected or maintained by any farm owner or tenant of such farm ~~regulations and relating solely to farm or horticultural produce or merchandise sold from said stand located on farm including Christmas trees, vineyards and wineries. does not limit the content of temporary signs.]~~

Sign, Window or Display (Business): A sign within a window of a business relating: A sign posted, painted, placed, or affixed to the ~~business conducted within.~~

Sign, Window or Display (Non-Business): A sign within ~~inside or outside of a window. For purposes of this definition, a curtain wall or window wall is not considered a window and is considered a part of a business not relating to the business conducted within; but to amusements or civic, religious, cultural, educational, or charitable activities. building wall.~~

Sign Face: The area or display surface used for the graphic message of a sign.

Silviculture: The art and science of controlling the establishment, growth, composition, health, and quality of forests and woodlands, typically dependent on Best Management Practices. In Loudoun County it is a component of healthy forest management that is limited to tree and shrub planting; limited tree clearing for firewood⁷; and clearing of dead and diseased trees and invasive species; and tree pruning and trimming. Silviculture does not include commercial planting or clear cutting of a forest.

Sinkhole: A vertical opening or closed depression in the land surface and formed by solution of carbonate bedrock and downward movement of soil into bedrock voids or by collapse of underlying caves.

Sinking Stream: Any stream draining 640 acres or less that disappears underground into a Swallet, Sinkhole, Closed Depression or Cave Opening.

Site Plan: A required submission, prepared and approved in accordance with the provisions of ~~Section 6-700~~Chapter 11.06, which is a detailed engineering drawing of the proposed improvements included and required in the development of a given lot. For the purpose of this Ordinance, a site plan is not to be construed as a concept development plan, as required by other provisions of this Ordinance. Reference Chapter 1244 Site Plan Procedures of the Land Subdivision and Development Ordinance (LSDO).

Slaughterhouse: Any structure or land where livestock raised off-site are: (1) slaughtered; (2) preparing processed meats and meat byproducts; or (3) rendered and/or refined animal fat, bones, and meat scraps. This includes establishments primarily engaged in assembly cutting and packing of meats (i.e., boxed meats) from purchased carcasses.

Slope: The vertical elevation of land area divided by the horizontal distance, expressed as a percentage. Slope percentage shall be determined using the County base planimetric and topographic maps or if required, then other topographic maps, elevations, etc., prepared by such persons licensed to perform surveys to determine such information. See also related definitions of "Very Steep Slope Area" and "Moderately Steep Slope Area," in this Article.

Small Business: A business or service which may be conducted in a private residence that is considered temporary for the purpose of starting a new business and operates according to the restrictions and standards established by this Ordinance. For the purposes of this definition the following terms have the meaning herein ascribed to them:

- a. Structure. A structure used for a small business.
- b. Business vehicles. Automobiles, vans, pick-up trucks, motorcycles, and other similar vehicles requiring Department of Motor Vehicle tags and designed and primarily used to transport people.
- c. Employees. Persons, other than members of the household permanently residing on the premises, who are engaged onsite in the operation of the small business on a regular or occasional basis.
- d. Heavy equipment. Bulldozers, fork lifts, compactors, paving cutters, backhoes, skid loaders, and any other motorized or similar equipment which is primarily used to perform heavy work activities, and not used to transport passengers, and which do not require or use Department of Motor Vehicle tags; and dump trucks requiring 26,000 pounds gross vehicle weight; and passenger and tour buses, excluding school buses and 16-seat commuter vans; and vans and large pick-up trucks modified for heavy work, all of which are used for off-site income producing purposes.

Any heavy equipment used principally for agricultural uses onsite may be used offsite for small business uses listed in Section 5-614(D). The term "heavy equipment" includes all vehicles not classified as "business vehicles", as defined above, which are associated with the small business. Additionally, trailers used for transporting heavy equipment are considered accessory to the heavy equipment.

- e. Storage yard. An outdoor space accessory to a permissible use and used for the purpose of storing equipment, vehicles, construction materials and similar items necessary to a permissible business.

Small Business, Agricultural and Rural: Small-scale service and contracting businesses operated by residents in the agricultural, rural, transition, village, and joint land management area zoning districts. Intended to preserve the rural and historic character of the districts and agriculture as an industry. The following uses are permitted by right or special exception pursuant to Section 3.06.04.15:

- Business service occupations
- Personal service occupations
- Repair service occupations
- Contractors and contracting
- Professional office-based services
- Studios for fine arts and crafts
- Antique sales and the sale of any goods or items produced on the premises

Except as provided above, no retail or wholesale commercial businesses are permitted.

Snack or Beverage Bars: A use consisting of establishments primarily engaged in:

- A. Preparing and/or serving a specialty snack, such as ice cream, coffee and/or pastries, frozen yogurt, cookies, or popcorn, or
- B. Serving nonalcoholic beverages, such as coffee, juices, or sodas for consumption on or near the premises.

Includes a coffeehouse or teahouse, defined as an establishment that primarily prepares, sells and serves coffee, tea and other beverages. A snack or beverage bar may sell baked goods and light meals such as soups and sandwiches, but does not serve full meals, and has a seating area that serves as an informal conversation or lounging place.

Soil Mapping Unit: An area of similar kinds of soil materials on the same landform, as defined in the Interpretive Guide to Soils Maps of Loudoun County, as amended.

Solar Energy Equipment, Facilities or Devices: Any property designed and used primarily for the purpose of collecting, generating, or transferring electric energy from sunlight.

Solar Facility: A "solar facility" as defined by Code of Virginia Section 15.2-2316.6. This includes any "rooftop solar installation" or "solar energy system" as defined in the Code of Virginia, § 56-576.

[Note - Code of Virginia Section 15.2-2316.6 provides: "[Solar facility]" means commercial solar photovoltaic (electric energy) generation facilities. [Solar facility] does not include any solar project that is (i) described in § 56-594, 56-594.01, 56-594.02, or 56-594.2, or (ii) five megawatts or less.

Code of Virginia § 56-576 provides: "Rooftop solar installation" means a distributed electric generation facility, storage facility, or generation and storage facility utilizing energy derived from sunlight, with a rated capacity of not less than 50 kilowatts, that is installed on the roof structure of an incumbent electric utility's commercial or industrial class customer, including host sites on commercial buildings, multifamily residential buildings, school or university buildings, and buildings of a church or religious body. "Solar energy system" means a system of components that produces heat or electricity, or both, from sunlight.]

Solar Facility, Commercial: A photovoltaic system mainly built to supply commercial solar power into the national electricity grid. It comprises of a large, decentralized solar panels installation that aims to provide its power to the power grid at the utility level.

Solid Waste: Any garbage, refuse, sludge, and other discarded materials, resulting from household, industrial, commercial, mining, and agricultural operations, or community activities, but not including (i) solid or dissolved material in domestic sewage, (ii) solid or dissolved material in irrigation return flows or in industrial discharges which are sources subject to a permit from the State Water Control Board, or (iii) source, special nuclear, or by-product material as defined by the Federal Atomic Energy Act of 1954, as amended.

Solid Waste Container: A container that is specifically designed, constructed, and placed for use as a depository for the storage of solid waste, which includes dumpsters, bulk containers, refuse containers, or other such containers specifically designated as waste receptacles.

Solid Waste Facility: Any "solid waste management facility" or "sanitary landfill" as defined by the Virginia Waste Management Act (Code of Virginia, § 10.1-1400). This use includes Landfill, sanitary; and Garbage incinerating, reducing, or dumping for compensation, including loading or transfer.

Solid Waste Incinerator: A facility or device designed for the treatment of solid waste by combustion.

Solid Waste Management Facility (SWMF): A site used for the planned treating, recycling, storing, processing or disposing of solid waste and includes recycling facilities, vegetative waste management facilities, yard waste composting facilities, materials recovery facilities, landfills, transfer stations and solid waste incinerator facilities. A facility may consist of several treatment, storage or disposal units. Further, "solid waste management facility" or "SWMF" means a facility so located, designed and operated that it does not impose a present or potential hazard to human health or the environment, including the pollution of air, land, surface water or ground water.

Solid Waste Transfer Station: A solid waste collection or storage facility at which solid waste is transferred from collection vehicles to hauling vehicles for transportation to a central solid waste management facility for disposal, incineration, or resource recovery.

Solid Waste Vehicle: Any vehicle or portion thereof used to collect, remove, transport, or dispose of solid waste or recyclable material and includes any container or other appurtenance attached to, or associated with the vehicle, whether such container or appurtenance is affixed temporarily or permanently.

Sound: 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.

Sound Level Meter: Means an electronic instrument, which includes a microphone, an amplifier and an output meter, which measures noises and sound pressure levels in a specified manner. It may be used with the octave band analyzer that permits measuring the sound pressure level in discrete octave bands.

Special Event: A temporary commercial or festive activity or promotion at a specific location that is open to the public and is planned or reasonably expected to attract large assemblies of persons. Special events include, but are not limited to, carnivals, festivals, circuses, music fairs or concerts, tent revivals, art shows, crafts shows, rodeos, corn mazes, civil war reenactments, equestrian shows, firework displays and events, or similar events open to the public. A private party held at a Banquet/Event Facility (including Hotel, Conference Center, Restaurant, Rural Resort, or similar facility), Bed and Breakfast Homestay, Bed and Breakfast Inn, or Country Inn shall not be deemed a special event. In addition to events open to the public, a private party which is held at a location other than the foregoing or held on property not occupied by the host, shall be deemed a special event. "Special event" does not include temporary or seasonal retail sales of goods, products, or services, such as temporary sales of Christmas trees, farm produce, fireworks, and other similar seasonal goods.

Special Exception: A use permitted in a zoning district, if listed in the district's regulations, only upon showing that such use in a specified location will comply with all the conditions and standards specified in the Zoning Ordinance and/or imposed by the Board of Supervisors as authorized by the State Code.

Specimen Tree: Any tree that has been individually designated by the local governing body to be notable by virtue of its outstanding size and quality for its particular species.

Sports Stadium, Complex, Arena or Sports Field: A facility, indoor or outdoor, designed for professional or amateur sporting events, exhibitions, shows or convocations. Office, retail and other commercial uses commonly established in such facilities and related parking structures shall be allowed as accessory appurtenances.

Spring: A place where the groundwater flows naturally from a rock or the soil onto the land surface or into a body of surface water.

Stable, ~~or~~ Livery: A commercial ~~facility for the boarding of~~ establishment that boards:

- More than ~~ten (10)~~ horses owned by non-owners and/or non-residents of the lot for their private use, and/or
- ~~for the boarding of~~ Any horses for public use. ~~Such facility may include the keeping of, or~~
- Horses for the private use of the owners and/or residents of the lot. in addition to the commercial boarding activities listed above.

Accessory uses ~~may~~ include offices, storage areas, caretaker's quarters, educating and training students in equitation, and caring for, breeding, or training horses associated with the Livery Stable use.

Stable, Private: ~~A facility for the keeping of~~ An establishment that keeps or boards:

- Horses for the private use of the owners and/or residents of the lot, and/or ~~the boarding of ten (~~
- Up to 10) or fewer horses owned by non-owners or non-residents of the lot for their private use. ~~No more than one (1)~~

One employed instructor engaged ~~for the purpose of educating to educate~~ and ~~training students~~ train persons in equitation ~~shall be who currently board horses with the establishment is~~ permitted.

State: The Commonwealth of Virginia.

Steep Slopes: Surface formation with a vertical incline greater than 15%, which is sufficient steepness to cause problems such as erosion or increased flooding when land is disturbed. See also, Moderately Steep Slopes and Very Steep Slopes.

~~Stockpiling of dirt:~~ The acceptance, collection, accumulation or aggregation of dirt, fill, or gravel from off-site sources, for a period of more than 12 months.

~~Stockpiling of dirt, Temporary:~~ The acceptance, collection, accumulation or aggregation of dirt, fill, or gravel from off-site sources, for a period of less than 12 months on a parcel. Such stockpiles are removed or immediately graded out in accordance with an approved grading plan.

Stone Quarrying Industries: Commercial or industrial stone quarries or operations involving removal from a site of natural accumulations of sand, rock, soil or gravel. The meaning of "stone quarrying", includes appurtenant structures such as crushers, screeners, and washers and also includes, as an accessory use, retail sales of stone products, but does not include any other industrial use, such as concrete batching plants or asphalt mixing plants.

Storage Area: An outdoor space accessory to a permitted use, used for the purpose of storing equipment, vehicles, construction materials, and similar items necessary to the permitted use.

Storage, Bulk Gasoline: A fixed installation where these products are stored, either for subsequent transshipment to a smaller fixed installation or for pick-up by truck for transport to the site where the product will be used by the consumer. Materials may be stored in one or more tanks on the site, the size of a tank being constrained by Federal and State regulations pertaining to construction and safety standards. Such facilities shall not include retail sales. Accessory tanks for agriculture, temporary construction or personal use are excluded from this definition.

Stormwater Management Improvements: Surface or subsurface drainage improvements, storm sewers, stormwater management best management practices (BMPs), and other such improvements as required by the Facilities Standards Manual, the Loudoun County Stormwater Management Ordinance, Chapter 1096 of the Codified Ordinances of Loudoun County or the Loudoun County Erosion Control Ordinance and Plan, Chapter 1220 of the Codified Ordinances of Loudoun County.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, the space between such floor and the ceiling next above. A basement shall be counted as a story if it is used for business or dwelling purposes. A mezzanine floor shall be counted as a story if it covers more than one-third of the area of the floor next below it or if the vertical distance between the floor next below it and the floor next above it is ~~twenty~~ 20 feet or more.

Stream Bank: The ~~uppermost limit confining cut of the stream's active~~ land forming a natural channel, ~~usually marked for the nontidal water movement of a stream.~~

Stream Bed: The substrate of the stream channel between either bankfull bench. The substrate may be bedrock or inorganic particles that range in size from clay to boulders. Wetlands contiguous to the stream bed, but outside of the ordinary high water marks, are not considered part of the stream bed.

Stream Restoration: A process designed in accordance with the FSM and approved by a break in slope the County. An increase in base flood elevation may be permitted provided a CLOMR is obtained from FEMA prior to approval of the requisite Floodplain Alteration application for such use.

Street, Centerline of: A line established as a centerline of a street by any State, County, or other official agency or governing body having jurisdiction thereof and shown as such on an officially adopted or legally recorded map or, if there be no official centerline, a line running and lying midway between the street right-of-way lines. Where street lines are indeterminate and a pavement or a traveled way exists, the centerline ~~shall be established by the Commission or, in the absence of a determination by the Commission, shall be~~ is assumed to be a line midway between the edges of such pavement or traveled way.

Streetlight: A pole or pedestal mounted luminaire with a metal halide or other full spectrum bulb.

Street Tree: Any large deciduous tree ~~which~~ small deciduous tree that grows in the street right-of-way or on private property abutting the street right-of-way.

From state code: "Street tree" means any tree that has been individually designated by the local governing body and which grows in the street right-of-way or on private property as authorized by the owner and placed or planted there by the local government.

Structural Alteration: Any change, modification, addition or deletion to the bearing walls of an existing structure.

Structure: An assembly of materials forming a construction for occupancy or use including, among others, buildings, stadiums, gospel and circus tents, platforms, stagings, observation towers, telecommunications towers, radio and TV broadcasting towers, water tanks, trestles, piers, open sheds, coal bins, shelters, walls, power line towers, pipelines, and railroad tracks.

Structure: For the purposes of Sections 4.04 and 4.05, the term "structure" includes, but is not limited to, all buildings, water/dam embankments, retaining walls, field/tile drainage, road construction, and cut or fill operations.

Structure, Accessory: A building or structure subordinate and incidental to, and located on the same lot with, a principal building, the use of which is customarily found in association with and is clearly incidental to that of the main building or to the use of the land, and which is not attached by any part of a common wall or roof to the principal building.

Studio Space - Artist, Craftsperson, Writer, etc.: The workshop of an artist, writer, craftsperson, or photographer, but not a place where members of the public come to receive instruction on a more than incidental basis or to sit for photographic portraits.

Subdivision: The division of a parcel of land into ~~two~~(2) or more new parcels. The process of subdividing is regulated by the Land Subdivision and Development Ordinance.

Subordinate Lot: One of the types of lots permitted within the Principal/Subordinate Subdivision Development Option. Subordinate Lots may not be further subdivided.

Substantial Conformance: Substantial conformance is determined by the Zoning Administrator and means that conformance which leaves a reasonable margin for adjustment due to final design or engineering data but conforms with the general nature of the development, the specific uses, and the general layout depicted by the plans, profiles, elevations, and other demonstrative materials proffered by the applicant.

Swallet: A hole in the land through which surface water is delivered to the aquifer (may be considered the opposite of a spring).

T

Tank Farm: A facility for storage of tanks which in total contain more than one (1) million gallons of petrochemical or other hazardous material products.

Telecommunications ~~Use and/or Structure~~ Facility: A use provided by or a structure utilized by a public service utility or commercial public telecommunications service under the jurisdiction of the Virginia State Corporation Commission and/or licensed by the Federal Communications Commission to provide commercial public telecommunications services. A telecommunications structure may include a tower, monopole, antenna hub site, and other antenna support ~~structure~~structures or equipment buildings. Telecommunications use and/or structure does not include non-commercial applications, such as amateur radio operations. Telecommunications use and/or structure does not include those uses or structures that are accessory to and solely used by an individual business.

- **Antenna:** Any structure or device used to collect or radiate electromagnetic waves, including both directional antennas, such as panels and microwave dishes, and omnidirectional antennas, such as whips and satellite dishes, but not including satellite earth stations. ~~For the purposes of the district use lists in this Ordinance, antenna shall include antenna hub site.~~
- **Antenna Hub Site:** An area containing one or more unmanned equipment structures sited to serve telecommunications antennas. An antenna hub site may be located on the same lot as the antennas ~~being~~served or located on a lot that does not contain the antennas ~~being~~served.
- **Antenna Support Structure:** A self-supporting or bracketed ground-mounted pole sixty (60) feet or less in height that is accessory to and used to support one or more ~~telecommunications~~ antennas and no more than one related unmanned equipment structure.
- **Monopole:** A single, self-supporting pole-type structure, tapering from base to top and supporting a fixture designed to hold one or more antennas. For the purpose of this Ordinance, a monopole shall not be deemed to be a transmission tower.
- **Transmission Tower:** A lattice-type structure, guyed or self-supporting, used to support antennas. Also called a communication tower or radio tower.
- **Temporary Mobile and Land-Based Telecommunication Testing Facility:** Whip antennas, panels antennas, microwave dishes, and receive-only satellite dishes and related equipment for wireless audio-transmission with low wattage not to exceed 500 watts, from a sender to one or more receivers, such as for mobile cellular telephones and mobile radio system facilities.

Temporary Retail: A building or open area in which stands or sales areas are set aside and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either homemade, homegrown, handcrafted, old, obsolete, or antique and may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade.

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

Testing Station: Land and/or structures for the purpose of testing electromagnetic waves utilized for radios, television, microwave, radar, and other means of communication. This use shall not include testing operations for light, X-ray, radioactive emissions, or any other emissions dangerous to human health.

~~**Theater, Indoor:** A building designed and/or used primarily for~~ **Theater:** An establishment engaged in the commercial exhibition of motion pictures to the general public or used for performance of plays, acts, dramas by actors and/or actresses. This use includes a performing arts center.

Town Center: A compatible mixture of commercial, cultural, institutional, governmental, and residential uses in compact, pedestrian-oriented centers serving as focal points for substantial residential areas.

Town Green: The primary public open space within a town center which contains a well-defined green space with landscaped areas.

~~**Training Facility:** A facility used for~~ An establishment engaged in business, technical or professional training, conferences, seminars, and/or certification, which that may be operated: operate as a principal use or as an accessory use to a permitted -or permissible- use. Accessory uses include accommodations for sleeping, eating, and recreation.

Transit-Designed Supportive Subarea: A Planned Development - Transit Related Center district subarea shall mean the total gross land area located outside the Outer Core subarea, but generally within one mile from the outer edge of the planned rail station platform, as shown on the approved Concept Development Plan. This subarea is meant to provide a transitional and complementary area between the high-density core and the surrounding development pattern. The Transit-Designed Supportive Area should provide a mix of land uses that complement and support the uses of the Inner and Outer Core subareas. This subarea is adjacent to and an extension of development in the Inner and Outer Core subareas and includes design features that complement the Inner and Outer Core subareas such as flexible lot design and pedestrian and bicycle connections. Commercial uses within the TDSA should complement retail, office, and service commercial uses in the Inner and Outer Core subareas.

~~**Transitional Use:** Permissible uses, as regulated herein, which by their level and scale of activity, serve as a transition between two (2) or more types or densities of land uses.~~

~~**Transportation System Management Plan:** An organized program of strategies and techniques to reduce traffic demand and congestion and thereby improve traffic flow by means other than the construction of new capital intensive transportation facilities.~~

Transit Facilities: Includes transit or bus shelters, bus terminals, stations, and associated right-of-way. A "transit shelter" means a roofed structure on or adjacent to the right-of-way of a street for bus passengers. Accessory uses include vehicle and bicycle parking.

Travelway: Part of a road for vehicle use.

Tree: A single perennial woody stem attaining a height of ~~fifteen (15)~~ feet or more at maturity. ~~The particular categories of trees listed below, when used in this Ordinance shall have the following meanings:~~

Tree, Deciduous: Trees and shrubs that shed their leaves annually, usually in autumn.

Tree, Evergreen: A non-deciduous tree, often used for the purposes of screening, weather barrier, or accent planting. Preferred-Acceptable species are provided in the Facilities Standards Manual.

~~**Tree, Flowering:** Trees that flower.~~

Tree, Large Deciduous: A deciduous tree, usually single trunked, ~~with a definitely formed crown of foliage and~~ which typically attains a mature height of at least 30 feet. Preferred-Acceptable species are provided in the Facilities Standards Manual.

Tree, Small Deciduous: A deciduous tree which ~~attains does not typically attain~~ a mature height of ~~no~~ greater than 30 feet. Preferred-Acceptable species are provided in the Facilities Standards Manual.

Tree Canopy: The area projected to be directly beneath the crown and within the dripline of a given tree species after a 10-year or 20-year growing period that is counted to fulfill canopy requirements.

Tree Cover: ~~Shall include all~~ The area directly beneath the crown and within the dripline of a given tree species or forested areas of coverage by plant material exceeding five (5) feet in height.

U

Undisturbed Grade: The grade and elevation of land prior to excavation, filling, or grading.

University: See College or Educational Institution.

Unmet Housing Needs Unit (UHNU): A dwelling unit for rent or for sale that is regulated pursuant to Section 9.02.

Urban Deck: A platform for landscaped greens or engineered to accommodate buildings, which spans over major roadways. The intent of an urban deck is to create and enable pedestrian movement across an otherwise, typically impenetrable barrier, and to provide space for activity that can link both sides of the roadway.

Urban Forester: See Arborist.

Urban Growth Area: Any area within the County that is currently served with public water and sewer or that is planned to be served with public water and sewer at some time within the timeframe of the Comprehensive Plan.

Use, Accessory: A use of a building, lot, or portion thereof, which is customarily incidental and subordinate to the principal use of the building or lot.

Use, Auxiliary: A principal use of a building or lot within a district which is customarily incidental and subordinate to the principal uses of the district.

Use, Commercial: Any wholesale, retail, or service business activity established to carry on trade for a profit.

Use, Interim: The limited temporary use of a vacated improved property or site until a permanent permitted use has been established.

Use, Temporary: A use of land limited in both duration and the number of annual occurrences, excluding uses and events customarily associated with the principal land use (e.g., weddings at a church, sporting events at a stadium).

Use, Principal: The primary use and chief purpose for which a lot or the main building thereon is designed, arranged, or intended and for which it is or may be used, occupied, or maintained.

Utility: Facilities for the provision of infrastructure services that support legally established uses and that need to be located in or near the area where the service is provided. Utilities include communal water supply systems, re-cycling drop-off collection centers, public; water treatment and pumping stations; water pumping stations; water storage tanks; communal sewer systems; sewage treatment plant and pumping station; utility substation, transmission; utility substation, distribution; utility transmission lines. Services ~~may be~~ publicly ~~or privately~~ provided. Accessory uses may include control, monitoring, data, or transmission equipment.

Utility Distribution or Transmission Pole: A ground-mounted self-supporting vertical structure made of fabricated metal, treated wood or concrete used to elevate electrical and communication distribution and/or transmission lines and antennas, whose primary function is the support of wires, conductors and associated apparatus used for the distribution and/or transmission of electrical energy and/or land line communication signals.

Utility Lines in the Floodplain: Storm sewers, sanitary sewers, water lines and similar lines running generally parallel and perpendicular to the flow of the drainageway; and other public utility lines traversing a floodplain generally perpendicular to the flow of the drainageway.

Utility, Major: All lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, communications, electricity, transportation, gas, steam, and similar public services, and may include accessory storage areas for vehicles and equipment necessary to provide those services. Includes facilities that are necessary to support legally established uses and involve only minor structures such as electrical distribution lines, water or sewer pumping stations, water storage facilities, telephone exchanges, switch boxes, transformer boxes, cap banks, and underground water and sewer lines. This does not include "telecommunications facility" as defined below, which refers to the point of transmission rather than distribution systems such as cable networks. Major utilities include:

- **Water supply reservoir:** A dam and impoundment area created, owned, and operated by the LCSA or a municipality to store water as part of a public water supply system, including necessary or customary appurtenant facilities such as access roads and transmission pipes. Water storage tanks and water treatment plants are separate uses not included as part of a water supply reservoir.
- ~~Substation, Dedicated~~ **Sewage treatment plant:** A plant for the primary, secondary, or tertiary treatment of sewage owned and operated by LCSA or a municipality.
- **Utility substation:** A facility for the transformation or transmission and/or switching of voltages to distribution voltages ~~which that~~ switches circuits and distributes usable/consumable electric power, ~~transmits or transmission of~~ natural gas, ~~or~~ television or telephone signals ~~dedicated to an individual user~~.

~~**Utility Substation, Distribution:** A facility for the transformation or transmission voltages to distribution voltages which switches circuits and distributes usable/consumable electric power, transmits natural gas, television or telephone signals dedicated to an individual user.~~

- **Utility substation, transmission:** A facility primarily serving as part of a regional interconnecting grid system ~~which that~~ provides for the transformation, switching, and distribution of both transmission voltage and/or distribution voltages, ~~or~~ transmits natural gas, ~~or~~ television or telephone signals. ~~Such use may include a distribution and/or dedicated substation.~~
- ~~Utility Transmission Line~~ **Utility transmission facility:** A fixed structure that conveys or distributes electric power, water, or waste, and includes electric lines, water conduits, and sewer lines, and not otherwise listed.
- **Utility transmission lines, overhead:** A line suspended on overhead structures and used for the transmission of electric power or other utility service to serve a regional area. Pursuant to Section 56-46.1 of the Code of Virginia, electrical transmission lines of ~~150~~138 KV or more, approved by the State Corporation Commission, shall be deemed to have satisfied the requirements of this ordinance.

- **Utility transmission line, underground:** A line used for the transmission or conveyance of water, sewage, natural gas, electricity, telephone signals, or other public utility service when located underground and serving a regional area. Pursuant to Section 56-46.1 of the Code of Virginia, electrical transmission lines of ~~150 KV~~ **138 kilovolts** or more, approved by the State Corporation Commission, shall be deemed to have satisfied the requirements of this Ordinance.
- **Water storage tank:** A tower or other facility for the storage of water for supply to a water supply system.
- **Water treatment plant:** A plant for the purification of potable water owned and operated by LCSA or a municipality.
- **Other:** Any other structure or use that meets the definition of "major utility" above, and is not otherwise listed. This includes any component of a public sewer system or public water supply system not defined above or defined as a minor utility.

Utility, Minor: A building or other structure for water supply (including water distillation), wastewater treatment, or the production of electricity, steam, air conditioning, or potable water for consumption by the general public, including any of the following as defined below:

- **Micro-Grid Energy System:** a stand-alone electrical system consisting of multiple generating sources and defined loads that can operate independently from the primary utility grid. This type of system is designed to accommodate power loss, to balance spikes in energy demand and optimizing energy usage to improve the reliability of power.
- **Sewer pumping station:** A facility with electric-powered pumps, designed and constructed to raise wastewater in elevation, pump effluent uphill to a gravity feed sewer line, or overcome head losses due to pipeline friction.
- **Water treatment plant and pumping station:** A plant for the purification and pumping of potable water.

Utility Scale Electric Energy Storage: See "**Electric Energy Storage, Utility Scale.**"

Utility Substation: See "**Utility, Major.**"

Utility Substation, Transmission: See "**Utility, Major.**"

Utility Transmission Line, Overhead: See "**Utility, Major.**"

Utility Transmission Line, Underground: See "**Utility, Major.**"

V

Vacant Land: A lot or parcel of land on which no improvements have been constructed.

Variable Riparian Preservation Buffer: RSCR buffer area that varies in width as needed to achieve a required minimum buffer width, beginning from and extending landward from the Riparian Protection Buffer provided in accordance with Table 6.01-1.

VDOT: The Virginia Department of Transportation.

VDOT Resident Engineer: The Resident Engineer for Loudoun County of the Virginia Department of Transportation, or his designated deputy.

Vegetative Waste: The decomposable materials generated by yard and lawn care or land clearing activities, and includes, but is not limited to, leaves, grass trimmings, and woody waste such as shrub and tree prunings, bark, limbs, roots, and stumps.

Vegetative Waste Management Facility: A solid waste management facility that manages vegetative waste- (as defined by Section 10.1-1400, Code of Virginia).

Vehicle Wholesale Auction: A business which that sells or offers for sale motor vehicles, at auctions on a wholesale basis, only to licensed new or used vehicle dealers or wholesalers. Accessory uses ~~may~~ include services such as, title processing, clean-up and light service and repair of vehicles for sale for auction, the sale of food to customers, financial services, test drive track, the storage or marshalling of auction vehicles, and the sale of specialty vehicles at auctions on a wholesale basis.

Vehicle Charging Station: A parking space that is served by equipment that transfers electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

Vehicle Repair, Heavy: An establishment engaged in major mechanical and body work performed on vehicles, repair of transmissions and differentials, straightening of body parts, painting, welding, or similar work. Accessory uses include light vehicle service establishments, but not heavy equipment and specialized vehicle sale, rental, and service establishments.

Vehicle Repair, Light: An establishment where the primary use is the sale, servicing, repair and/or installation of gas, electric, or hybrid motor vehicle accessories, such as: spark plugs, batteries, distributors and distributor parts, tires, brakes, brake fluid, mufflers, tail pipes, water hoses, fan belts, light bulbs, fuses, floor mats, windshield wipers, wiper blades, grease retainers, wheel bearings, and mirrors. Light vehicle repair may also include greasing, lubrication and radiator flushing, minor servicing and repair of carburetors, fuel pumps, oil pumps, water pumps and lines, electrical systems, and minor motor adjustments not involving removal of the head or crankcase or racing the motor.

Vehicle Sales: An establishment where the principal occupation is the sale, rental, and accessory service of vehicles stored on-site and in operating condition. "Vehicles" include automobiles, motorcycles, All-Terrain Vehicles (ATV), and trucks stored on site. "Vehicles" do not include heavy equipment and specialized vehicle sale, rental, and service establishments. However, specialized vehicles may be sold, rented, and serviced as an accessory use.

Vehicle Service Station: An establishment where gasoline and/or oil, grease, batteries, tires and automobile accessories are dispensed at retail as a principal use and where, in addition, only the following services are rendered and sales made:

- A. Sale and servicing of spark plugs, batteries, and distributor parts.
- B. Tire sales, servicing, and repair, but not recapping or regrooving.
- C. Replacement or adjustment of mufflers and tailpipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers, and wiper blades, grease retainers, wheel bearings, mirrors, and the like.
- D. Radiator cleaning and flushing, provision of water, anti-freeze, and the like.
- E. Washing and polishing, and sale of automotive washing and polishing materials.
- F. Greasing and lubrication.
- G. Providing and repairing fuel pumps, oil pumps, and lines.
- H. Servicing and repair of carburetors.
- I. Emergency wiring repairs.
- J. Adjusting and repairing brakes.
- K. Minor motor adjustments not involving removal of the head or crankcase or racing the motor.
- L. Provision of convenience goods for gasoline supply station customers.
- M. Provision of road maps and other information material to customers;
- N. Provision of restroom facilities.
- O. Performing State vehicle inspections.
- P. Car wash.

A vehicle service station does not include major mechanical and body work, straightening of frames of body parts, steam cleaning, painting, welding, storage of automobiles not in operating condition, or any activity involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in vehicle service stations.

Vehicle Storage and Impoundment: An area designed for the temporary storage of wrecked, inoperable and/or abandoned motor vehicles. This does not include the dismantling, wrecking, or sale of motor vehicles or parts.

Vehicle Wholesale Auction: An establishment that sells or offers for sale motor vehicles, at auctions on a wholesale basis, only to licensed new or used vehicle dealers or wholesalers. Accessory uses may include services such as title processing, clean-up, and light service and repair of vehicles for sale for auction, the sale of food to customers, financial services, test-drive track, the storage or marshaling of auction vehicles, and the sale of specialty vehicles at auctions on a wholesale basis.

Vertical Cost: The cost of constructing a prototypical single-family detached (SFD) affordable dwelling unit (ADU) as established on a semiannual basis by the Affordable Dwelling Unit Advisory Board (ADUAB). Vertical cost does not include the cost of land for the ADU.

Very Steep Slope Area: Naturally occurring land areas with slopes greater than 25%. The Steep Slope Standards do not apply to slopes created by permitted land disturbing activities, such as, but not limited to, building and parking pad sites; berms; temporary construction stock-piles; and road-side ditches.

Veterinary Service: A service for the medical or custodial care of animals where the animals are not brought to the establishment but are cared for on an off-site basis. ~~The care can be medical or custodial.~~ Accessory uses ~~may~~ include an office and storage areas for equipment and supplies necessary for conducting the veterinary service. This use does not include crematory facilities ~~shall not be permitted.~~

Village Green: The primary public open space located within the Rural Village Residential Area ~~which that~~ primarily contains a well-defined, generally permeable green space with landscaped areas, pedestrian ways and passive recreational areas or any combination thereof. ~~The Village Green shall be enfronted by~~ A mix of uses, including storefront, civic, and residential must front the Village Green.

Village Square: An open, generally impervious, public space used for group gatherings, displays, meetings, concerts or other community activities.

Virginia Landmarks Register: A listing of historic properties in the Commonwealth of Virginia as maintained by the Virginia Department of Historic Resources.

Visitor Accommodation: ~~Lodging Uses composed of lodging units~~ where tenancy may be arranged for periods of less than 30 days. Accessory uses ~~may~~ include parking, laundry, recreational uses, and food services.

W

Warehousing Facility: A building used primarily for the holding or storage of goods and merchandise. For the purpose of this Ordinance a mini-warehousing establishment shall be deemed a separate and distinct use.

Waste-Related Uses: Uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic materials or processing of organic or related waste materials, or the collection or stockpiling of dirt. Waste-related uses do not include uses that receive hazardous wastes from others or that process other than organic material or related waste materials. Accessory uses ~~may~~ include offices and repackaging and transshipment of by-products.

Water Extraction: The use of an on-site well, spring or any other water source for the extraction or collection of water for off-site use. Water Extraction does not include Water Well, Municipal, or Rainwater Harvesting.

Water Management Plan: A plan of irrigation indicating a sustainable water usage rate, identifying the water source(s), establishing a schedule of withdrawal, and providing methods for mitigation of undesirable effects.

Water, Public: A central, communal, or municipal water supply system serving more than two ~~(2)~~ lots owned or operated by a municipality or the Loudoun County Sanitation Authority (LCSA) ~~or a public water utility as defined in Chapter 10.1 or 10.2 of Title 56 of the Code of Virginia~~ for the purpose of furnishing potable water.

Water Supply System, Central: The water supply system for Eastern Loudoun County owned and operated by the LCSA for which the source of water is purchased from the City of Fairfax and County of Fairfax water supply system.

Water Supply System, Communal: A water supply system owned or operated by the LCSA ~~or a public water utility as defined in Chapter 10.1 or 10.2 of Title 56 of the Code of Virginia~~ that is designed to serve small-scale development, including clusters, where permitted by this Zoning Ordinance. Such system may serve only ~~one~~ 1 lot, where a communal system is required by this Zoning Ordinance for a specific use.

Water Supply System, Municipal: A water supply system that is owned or operated by one of the incorporated towns within Loudoun County.

Water Storage Tank: ~~A tower or other facility for the storage of water for supply to a water system. See "Utility, Major."~~

Water Supply System, Individual: A water supply system located on the lot served.

Water Treatment Plant and Pumping Station: ~~A plant for the purification and pumping of potable water. See "Utility, Minor."~~

Water Well, Municipal: A well, used to collect water for a municipal water supply system. ~~A municipal water well may~~ Accessory uses include ~~necessary or customary appurtenant facilities, such as~~ access roads, transmission pipes, generators, and well houses.

Wayside Stand: Any structure or land on a farm used ~~for the sale,~~ by the property owner ~~or his, their~~ family, or tenant, ~~oftenants to sell~~ agricultural or horticultural produce, livestock, or merchandise principally produced on ~~said farm, but may include produce grown on other farms and accessory products, and that farm,~~ which is clearly a secondary ~~an~~ accessory use of the premises and does not change ~~theits~~ character ~~thereof.~~ Produce grown on other farms and accessory products also may be sold.

Wetland: Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that, under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, as identified by the U.S. Army Corps of Engineers or the State of Virginia. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wetland Mitigation ~~is:~~ Wetland enhancement, restoration, creation and/or preservation project that serves to offset unavoidable impacts to wetlands, wetland buffer areas, and other associated natural habitats. A Wetland Mitigation Bank is a type of Wetland Mitigation.

Wetland Mitigation Bank: A natural resource management technique authorized by Part 404 of the federal Clean Water Act, or other state or federal law, as applicable, using wetland preservation, restoration, creation and/or enhancement to offset or replace wetland functions that are lost due to development. Wetland mitigation banks are typically large areas of wetlands operated by private or public entities, which may sell credits to other entities to compensate for wetland loss or impact at development sites or enter into other similar arrangements.

Wholesale Distribution, Warehousing and Storage: The storage of goods, and the sale of goods to other firms for resale, including activities involving significant storage and movement of products or equipment. This use does not involve manufacturing or production.

Examples include:

- Carting,
- Cold storage,

- Distribution facilities (as defined below),
- Apparel wholesale,
- Express crating,
- Hauling,
- Feed locker plants,
- Fulfillment centers that combine storage with call centers,
- Hardware storage,
- Merchant wholesalers (such as restaurant supply sales),
- Warehouse or produce/fruit/food storage and wholesale structures,
- Wholesale sale of paper supplies, shoes, sporting goods, professional and commercial equipment and supplies, and
- Otherwise preparing goods for transportation.

A "distribution facility" means the intake of goods and merchandise, individually or in bulk, the short-term holding or storage of such goods or merchandise, and/or the breaking up into lots or parcels and subsequent shipment off-site of such goods and merchandise. Distribution may be provided to an entity with an identity of interest with the distribution facility or to businesses and individuals unrelated to the distributor. The term "Distribution Facility" also includes a transshipment facility for the temporary holding, storage and shipment of goods or vehicles.

Wholesale Trade Establishment: Any building wherein the primary occupation is the sale of merchandise in gross for resale, and any such building wherein the primary occupation is the sale of merchandise to institutional, commercial and industrial consumers. For the purpose of this Ordinance, a warehouse shall not be deemed a wholesale trade establishment.

Winery, Commercial: An establishment with facilities for making and bottling wine for sale on site or through wholesale or retail outlets. A commercial winery is a winery that does not meet the definition of a Virginia Farm Winery. ~~Uses at a commercial winery may also include the growing of fresh fruits or agricultural products for the production of wine. Accessory uses shall include wine tasting rooms at which wine tasting occurs, accessory food sales related to wine tasting occurs, and wines produced on-site are sold. Any winery licensee may manufacture and sell cider in accordance with this definition and Section 4.1-213 of the Code of Virginia.~~

Winery, Virginia Farm: An establishment: (1) located on a farm with a producing vineyard, orchard or similar growing area and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 18 percent alcohol by volume; or (2) located in the Commonwealth with a producing vineyard, orchard or similar growing area or agreements for purchasing grapes or fruits from agricultural growers within the Commonwealth, and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 18 percent alcohol by volume. As used in this definition, the term owner or lessee shall include a cooperative formed by an association of individuals for the purposes of manufacturing wine. In the event such cooperative is licensed as a farm winery, the term "farm" as used in this definition includes all of the land owned or leased by the individual members of the cooperative, as long as such land is located in the Commonwealth. Accessory uses at a Virginia Farm Winery may include: commercial wineries, and wine tasting rooms at which wine tasting occurs, accessory food sales related to wine tasting ~~occurs,~~ and wines produced on-site are sold. A farm winery license shall be designated either as a Class A or Class B farm winery in accordance with Section 4.1-219 of the Code of Virginia. Any farm winery licensee may manufacture and sell cider in accordance with this definition and Section 4.1-213 of the Code of Virginia.

Wood, Metal and Stone Crafts: Stone cutting, welding, blacksmith, tinsmith and woodworking shops with accessory enclosed storage. Includes establishments that:

- Cut, shape, and finish wood for building or miscellaneous uses using handheld tools or power-operated woodworking machinery (such as circular and band sawing equipment, planing machinery, and sanding machinery), or
- Cut, shape, and finish marble, granite, slate, and other stone for building and miscellaneous uses, or
- Buy or sell partly finished monuments and tombstones, or
- Transform metal into intermediate or end products (other than machinery, computers, or electronics) through fabricated metal processes, such as forging, stamping, bending, forming, and machining, used to shape individual pieces of metal, or other processes (such as welding and assembling) used to join separate parts together, or
- Treat metals and metal formed products fabricated elsewhere.

X-Y-Z

Yard: Area on a lot ~~which shall~~that must be unoccupied by any structure, except as permitted by this Zoning Ordinance, from the ground to the sky.

Yard, Front: An open space on the same lot as a principal building between the front line of the principal building and the road, street, or private access easement and extending across the full width of the lot.

Yard, Rear: An open space on the same lot as a principal building between the rear line of the principal building and the road, street, or private access easement and extending across the full width of the lot.

Yard, Required: A yard, as defined above, located along the perimeter of a lot, the dimensions of which are set by the District Regulations of this Ordinance.

Yard, Side: An open space on the same lot as a principal building between the side line of the principal building and the road, street, or private access easement and extending from the front yard line to the rear yard line.

Yard Waste: The decomposable waste materials generated by yard and lawn care and includes leaves, grass trimmings, brush, wood chips, and shrub and tree trimmings. Yard waste ~~shall~~does not include roots or stumps that exceed ~~six~~(6) inches in diameter.

Yard Waste Compost: A stabilized organic product produced from yard waste by a controlled aerobic decomposition process in such a manner that the product can be handled, stored or applied to the land so that it does not pose a present or potential hazard to human health or environment.

Yard Waste Composting Facility: A Solid Waste Management Facility which is so located, designed, constructed and operated for the composting of the portion of household waste that consists of grass clippings, leaves, brush, or tree trimmings arising from general household yard maintenance, is composted to a stabilized organic product so that it does not pose a present or potential hazard to human health or the environment.

Zoning Administrator: An appointed County official who serves as the Zoning Administrator, charged with the interpretation, administration and enforcement of this Ordinance for Loudoun County, Virginia, or his/her designee.

Zoning Map, Official: For Zoning Districts and Overlay Districts, the official Zoning Map, and for other mapped features subject to standards in this Zoning Ordinance, County mapping data, are in digital form as displayed on WebLogis and publicly available County GIS data). The Zoning Map is the final authority as to the current zoning status of land and water areas, buildings, and other structures in the County save for subsequent amendments enacted by the Board of Supervisors and not yet officially recorded on said map.

Zoning Permit: A document signed by the Zoning Administrator as a condition precedent to the commencement of a use or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, which acknowledges that such use, structure or building complies with the provisions of the County Zoning Ordinance, or authorized variance therefrom.

Zoning District: The various classification of agricultural, residential, commercial and industrial zoning categories provided for in this Ordinance and the areas on the zoning map in which such different districts are mapped. As used in this Zoning Ordinance, the term "zoning district" can refer either to the zoning category, i.e. "the A-3 zoning district", or the areas mapped in such uses on the zoning map.

Zoo: A facility, indoor or outdoor, where animals are kept for viewing by the public. Accessory uses include office, retail, and other commercial uses commonly established in such facilities and related parking structures ~~shall be allowed as accessory appurtenances.~~

ARTICLE 8 - Definitions

Revision Date: June 2, 2020

Draft 8/5/20

APPENDIX A: RESERVED

APPENDIX B: ACRONYMS

Appendix B. Table B-1	
Term	Acronym
Affordable Dwelling Unit	ADU
Affordable Housing Unit	AHU
Airport Impact Overlay District	AIOD
American Association of State Highway and Transportation Officials	AASHTO
Americans with Disabilities Act	ADA
Appeal	APPL
Area Median Income	AMI
Average Daily Traffic	ADT
Best Management Practices	BMP
Board of Zoning Appeals	BZA
Boundary Line Adjustment	BLAD
Certificate of Appropriateness	CAPP
Certificate of Appropriateness-Administrative for Minor Actions	CAPA
Commission Permit	CMPT
Compact/Walkable/Urban	CWU
Concept Development Plan	CDP
Conditional Letter of Map Revision	CLOMR
Construction Plans and Profiles	CPAP
Countywide Transportation Plan	CTP
County Historic Site	HS
(Metropolitan Washington) Council of Governments	COG
Dedication/Vacation Plat	DEDI
Easement Plat	ESMT
<u>Development Ordinance Amendment (to Facilities Standards Manual)</u>	DOAM
Facilities Standards Manual	FSM
Federal Aviation Administration	FAA
Federal Emergency Management Agency	FEMA
Flood Insurance Study	FIS
Flood Insurance Rate Map	FIRM
Floodplain Alteration	FPAL
Floodplain Overlay District	FOD
Floodplain Study	FPST
Floor Area Ratio	FAR
Gross Floor Area	GFA
Historic District Review Committee	HDRC
Historical and Cultural Conservation District	HCC
Historic Overlay District	HOD
Homeowners' Association	HOA
Joint Land Management Area	JLMA
Land Development Application	LDA

Appendix B. Table B-1

Term	Acronym
Letter of Map Revision	LOMR
Level of Service	LOS
Licensed Professional Engineer	P.E.
Licensed Professional Soil Scientist	LPSS
Limestone Overlay District	LOD
Linear Parks and Trails Framework Plan	LPAT
Loudoun County Subdivision and Development Ordinance	LSDO
Loudoun County Fire Protection Code	LCFPC
Loudoun County Fire and Rescue	LCFR
Loudoun County Department of Parks, Recreation, and Community Services	PRCS
Loudoun County Geographic Information System	LOGIS
Low Impact Development	LID
Minor Special Exception	SPMI
Mountainside Development Overlay District	MDOD
Multifamily	MF
National Flood Insurance Program	NFIP
National Register of Historic Places	NRHP
Natural and Environmental Resources	NER
Non-Motorized User Circulation System	NUCS
Parcel Identification Number	PIN
Planned Development	PD
Plat of Correction	POCO
Pre-Application Meeting	PRAP
Pre-Variance Meeting	PVAR
Preliminary Plat of Subdivision	SBPL
Preliminary/Record Subdivision	SBPR
Preliminary Soils Review	PSR
Quarry Notification Overlay District	QNOD
Record Plat	SBRD
Revision to Previously Approved Construction Plans and Profiles	CPAR
Right-of-Way	ROW
River and Stream Corridor Resources	RCSR RSCR
Rural Commercial	RC
Sign Development Plan	SIDP
Single Family Attached	SFA
Single Family Detached	SFD
Site Plan	STPL
Site Plan Amendment	SPAM
Special Exception	SPEX
Special Exception for Errors in Location	SPEL
Suburban Compact Neighborhood	SCN
Suburban Employment	SE
Suburban Industrial	SI
Suburban Mineral Extraction	SME
Suburban Mixed Use	SM

Appendix B. Table B-1

Term	Acronym
Suburban Neighborhood	SN
Transition Community Center	TCC
Transition Compact Neighborhood	TCN
Transition Industrial	TI
Transition Light Industrial	TLI
Transition Large Lot Neighborhood	TLN
Transition Mineral Extraction	TME
Transition Small Lot Neighborhood	TSN
Tree Conservation Area	TCA
Unmet Housing Needs Unit	UHNU
United States Geological Survey	USGS
United States Environmental Protection Agency	EPA
Urban Employment	UE
Urban Mixed Use	UM
Urban Transit Center	UT
Variance	VARI
Vehicle Trips Per Day	VTD
Village Agricultural/Residential	VAR
Village Commercial	VC
Village Conservation Overlay District	VCOD
Village Residential	VR
Virginia Department of Historic Resources	VDHR
Virginia Department of Transportation	VDOT
Virginia Erosion and Sediment Control Handbook	VESCH
Virginia Landmarks Register	VLR
Virginia Stormwater Management Program	VSMP
Waiver of Facilities Standards Manual Requirements	WAIV
Washington and Old Dominion Railroad Regional Park	W&OD
Zoning Concept Plan Amendment	ZCPA
Zoning Correspondence (Determination, Verification, Proffer, or Vesting Determination)	ZCOR
Zoning Map Amendment	ZMAP
Zoning Ordinance Amendment	ZOAM
Zoning Ordinance Modification	<u>ZMOD</u>

APPENDIX C: LAND DEVELOPMENT APPLICATION FEES

Traffic Data Collection			Fee Schedule					
Interm No.	Description	Unit of Measurement	Base Year	Year 1	Year 2	Year 3	Year 4	Year 5
			Apr 1, 2021 - Mar 31, 2022	Apr 1, 2022 - Mar 31, 2023	Apr 1, 2023 - Mar 31, 2024	Apr 1, 2024 - Mar 31, 2025	Apr 1, 2025 - Mar 31, 2026	Apr 1, 2026 - Mar 31, 2027
Intersection Turning Movement Counts (including U-turns, pedestrians, bicycles and trucks) – Using Video								
1	Counts less than 12-hours duration	Hour	\$45	\$53	\$55	\$57	\$59	\$62
2	Counts of 12 hours or more duration	Hour	\$40	\$47	\$49	\$51	\$53	\$55
Roundabout Turning Movement Counts (including U-turns, pedestrians, bicycles and trucks) – Using Video								
3	Counts less than 12-hours duration	Hour	\$50	\$59	\$61	\$64	\$66	\$69
4	Counts of 12 hours or more duration	Hour	\$45	\$53	\$55	\$57	\$59	\$62
Pedestrian and Bicycle Data (signalized intersection, all marked and unmarked crosswalks)								
5	Counts less than 12-hours duration	Hour	\$40	\$47	\$49	\$51	\$53	\$55
6	Counts of 12 hours or more duration	Hour	\$35	\$41	\$43	\$44	\$46	\$48
Pedestrian and Bicycle Data (mid-block/pathway/un-signalized intersection/unmarked crosswalk) per Location								
7	Counts less than 12-hours duration	Hour	\$38	\$45	\$46	\$48	\$50	\$52
8	Counts of 12 hours or more duration	Hour	\$35	\$41	\$43	\$44	\$46	\$48
Traffic volumes, Speed & Vehicle Classification Data (bi-directional, 2- lane roadway) – Using Tubes								
9	First full day (24-hour count)	Day	\$133	\$156	\$163	\$169	\$176	\$183
10	Two full days (48-hour count)	EA	\$190	\$223	\$232	\$242	\$251	\$261
11	Additional days (up to 5 additional days)	Day	\$58	\$68	\$71	\$74	\$77	\$80
12	Complete seven-day count	Week	\$478	\$562	\$584	\$608	\$632	\$657
Traffic volumes, Speed & Vehicle Classification Data (bi-directional, 2- lane roadway) – Using Sensors								
13	First full day (24-hour count)	Day	\$228	\$268	\$279	\$290	\$301	\$313
14	Two full days (48-hour count)	EA	\$328	\$385	\$401	\$417	\$434	\$451
15	Additional days (up to 5 additional days)	Day	\$100	\$118	\$122	\$127	\$132	\$137
16	Complete seven-day count	Week	\$838	\$985	\$1024	\$1065	\$1108	\$1152
Traffic volumes, Speed & Vehicle Classification Data (bi-directional, multi-lane >2-lane roadway) – Using Sensors								
17	First full day (24-hour count)	Day	\$350	\$411	\$428	\$445	\$463	\$481

Traffic Data Collection			Fee Schedule					
Interm No.	Description	Unit of Measurement	Base Year	Year 1	Year 2	Year 3	Year 4	Year 5
			Apr 1, 2021 - Mar 31, 2022	Apr 1, 2022 - Mar 31, 2023	Apr 1, 2023 - Mar 31, 2024	Apr 1, 2024 - Mar 31, 2025	Apr 1, 2025 - Mar 31, 2026	Apr 1, 2026 - Mar 31, 2027
18	Two full days (48-hour count)	EA	\$480	\$564	\$587	\$610	\$635	\$660
19	Additional days (up to 5 additional days)	Day	\$168	\$197	\$205	\$214	\$222	\$231
20	Complete seven-day count	Week	\$1,130	\$1328	\$1381	\$1436	\$1494	\$1554
Traffic Volumes Data (bi-directional) - Using Sensors								
21	First full day (24-hour count)	Day	\$188	\$221	\$230	\$239	\$249	\$258
22	Two full days (48-hour count)	EA	\$288	\$338	\$352	\$366	\$381	\$396
23	Additional days (up to 5 additional days)	Day	\$100	\$118	\$122	\$127	\$132	\$137
24	Complete seven-day count	Week	\$788	\$926	\$963	\$1002	\$1042	\$1083
Speed Data (bi-directional) - Using Sensors								
25	First full day (24-hour count)	Day	\$275	\$323	\$336	\$350	\$364	\$378
26	Two full days (48-hour count)	EA	\$375	\$441	\$458	\$477	\$496	\$516
27	Additional days (up to 5 additional days)	Day	\$100	\$118	\$122	\$127	\$132	\$137
28	Complete seven-day count	Week	\$875	\$1028	\$1069	\$1112	\$1157	\$1203
Driveway Counts Data (bi-directional)								
29	Counts less than 12-hours duration	Hour	\$33	\$38	\$40	\$41	\$43	\$45
30	Counts of 12 hours or more duration	Hour	\$25	\$29	\$31	\$32	\$33	\$34
31	Complete seven-day count	Week	\$2,930	\$3443	\$3581	\$3724	\$3873	\$4028
Spot Speed Distribution Data								
32	Bi-directional count	Hour	\$68	\$79	\$82	\$86	\$89	\$93
33	Speed count by direction	Hour	\$68	\$79	\$82	\$86	\$89	\$93
34	Speed count by lane	Hour	\$68	\$79	\$82	\$86	\$89	\$93
Travel Time Data (bi-directional)								
35	Travel time per run	Mile	\$24	\$28	\$29	\$31	\$32	\$33
Origin-Destination Data per Direction								
36	Field observation	Hour	\$115	\$135	\$141	\$146	\$152	\$158
37	Equipment	Hour	\$20	\$24	\$24	\$25	\$26	\$27
Queue Data per Approach								
38	Field observation	Hour	\$90	\$106	\$110	\$114	\$119	\$124

Traffic Data Collection			Fee Schedule					
Interm No.	Description	Unit of Measurement	Base Year	Year 1	Year 2	Year 3	Year 4	Year 5
			Apr 1, 2021 - Mar 31, 2022	Apr 1, 2022 - Mar 31, 2023	Apr 1, 2023 - Mar 31, 2024	Apr 1, 2024 - Mar 31, 2025	Apr 1, 2025 - Mar 31, 2026	Apr 1, 2026 - Mar 31, 2027
39	Aerial (Drones, etc.)	Hour	\$300	\$353	\$367	\$381	\$397	\$412
Parking Occupancy Data								
40	Field observation	Hour	\$40	\$47	\$49	\$51	\$53	\$55
Delay Data per Approach								
41	Field observation	Hour	\$90	\$106	\$110	\$114	\$119	\$124
42	Equipment	Hour	\$83	\$98	\$101	\$106	\$110	\$114
Gap Data per Approach								
42a	Field observation	Hour	\$50	\$59	\$61	\$64	\$66	\$69
43	Equipment	Hour	\$43	\$51	\$53	\$55	\$57	\$59
Saturation Flow Rate Data per Approach								
44	Field observation	Hour	\$50	\$59	\$61	\$64	\$66	\$69
45	Equipment	Hour	\$43	\$51	\$53	\$55	\$57	\$59
Video Data per Intersection/Location								
46	Counts less than 12-hours duration	Hour	\$16	\$19	\$20	\$20	\$21	\$22
47	Counts of 12 hours or more duration	Hour	\$14	\$16	\$17	\$18	\$19	\$19

Traffic Warrant Study		Fee Schedule				
Traffic Warrant Study Type		Base Year	Year 1	Year 2	Year 3	Year 4
		May 1, 2024 - April 30, 2025	May 1, 2025 - Apr 30, 2026	May 1, 2025 - Apr 30, 2026	May 1, 2024 - April 30, 2025	May 1, 2025 - Apr 30, 2026
Traffic Signal Warrant Study (Signal Justification Report)		\$27,253	\$32,027	\$33,308	\$34,641	\$36,026
Multi-Way Stop Control Warrant Study		\$19,277	\$22,654	\$23,560	\$24,503	\$25,483
Crosswalk Warrant Study		\$21,496	\$25,262	\$26,273	\$27,323	\$28,416

Application Type	Fee Schedule	Notes
Appeal (APPL)	\$350.00	
Certificate of Appropriateness (CAPP)	\$60.00	
Certificate of Appropriateness – Administrative (CAPA)	\$60.00	
Commission Permit (CMPT)	\$6,990.00	
Comprehensive Plan Amendment (CPAM)	\$1,600.00 for the first 200 acres + \$7.50 per acre for each acre over 200	Calculated to the nearest one-hundredth
Rezoning (ZMAP or ZRES*) Non-Residential Rezoning to Planned Development – Rural Village (PDRV) Zoning District Additional submission, fourth, and each subsequent	\$35,605.00 for the first 200 acres + \$180.00 per acre for each acre over 200 \$27,720.00 for the first 200 acres + \$140.00 per acre for each acre over 200 \$35,605.00 for the first 200 acres + \$180.00 per acre for each acre over 200 contained in the village center (total acreage minus the acreage contained in conservancy lots) \$1560.00	Calculated to the nearest one-hundredth acre (e.g., 100.15). See “Rezoning Submissions: Classification of Zoning Districts for Fee Purposes” for guidance on whether an application is residential or non-residential. *ZRES – Rezoning (residential component) subject to Code of Virginia §15.2-2303.4 effective July 1, 2016

Application Type	Fee Schedule	Notes
Rezoning (ZRTD)	\$2,380.00	Zoning Conversion (to the current Zoning Ordinance) within Rt. 28 tax district
Special Exceptions for Error in Location (SPEL)	\$460.00	
Final Development Plan (FIDP)	\$12,010.00	
Sign Permits	Temporary or Residential, \$10.00Commercial, \$235.00	
Zoning Permits	Residential, \$165.00 Child Care Home, \$200.00 Commercial, \$210.00	
Zoning Inspections	\$80.00	
Special Exceptions (SPEX)	\$15,750.00	For the purpose of this fee schedule, a site is considered to include a sensitive environmental area if any of the following features fall anywhere on the parcel(s) as shown in the County's on-line geographic database WEBLOGIS: Floodplain; Mountainside OD 1993; Steep Slope; Limestone OD; and Wetlands Model. See ZMOD or ZCPA for modifications pursuant to §§ 6-1216 and 6-1217.
Approval of use with land disturbance exceeding 10,000 SF or including sensitive environmental areas	\$6,570.00	
Approval of use with land disturbance 1 – 10,000 SF, no sensitive environmental areas	\$5,955.00	
Approval of use with land disturbance 1 – 10,000 SF, no sensitive environmental areas	\$10,805.00	
Approval of use with no land disturbance	\$2,560.00	
Zoning Ordinance modifications specified to be processed as Special Exceptions other than modifications under 6-1216(B) and 6-1217	\$8,215.00	
Additional submissions, third and each subsequent	\$3,425.00	
Special Exceptions pursuant to the 1972 Zoning Ordinance that are considered only by the Board of Supervisors (no Planning Commission recommendation required).	\$3,105.00	
Approval of use with land disturbance exceeding 10,000 SF or including sensitive environmental areas		
Approval of use with land disturbance 1 – 10,000 SF, no sensitive environmental areas		
Approval of use with no land disturbance		
Special Exceptions, Sign Development Plan (SIDP)	\$5,120.00	

Application Type	Fee Schedule	Notes
Special Exceptions, Minor (SPMI) Approval of use with land disturbance exceeding 10,000 SF or including sensitive environmental areas \$3,425.00 Approval of use with land disturbance 1 – 10,000 SF, no sensitive environmental areas \$3,105.00 Approval of use with no land disturbance \$350.00 Approval of Child Care Home use \$1,870.00 Modification of additional use regulations in Section 5-600, minor revisions to approved Sign Development Plan in Section 5-1200, and setbacks from roads in Section 5-900 \$350.00 Modification of additional use regulations in Section 5-609 Child Care Facilities		For the purpose of this fee schedule, a site is considered to include a sensitive environmental area if any of the following features fall anywhere on the parcel(s) as shown in the County's on-line geographic database WEBLOGIS: Floodplain; Mountainside OD 1993; Steep Slope; Limestone OD; and Wetlands Model.
Zoning Concept Plan Amendment or Proffer Amendment (ZCPA or ZRAM*) Residential \$26,230.00 Non-Residential \$20,575.00 Residential deck into yard or buffer \$350.00		Fee (residential vs. nonresidential) based on the proposed use. The residential fee would apply to any ZCPA that proposes a change to a residential component. *ZRAM – Proffer amendment (residential component) subject to Code of Virginia§ 15.2-2303.4 effective July 1, 2016
Zoning Ordinance Modification(ZMOD or ZRMD*) Residential \$13,315.00 Non-Residential \$12,610.00 Residential deck into yard or buffer \$350.00 Adoption of a Comprehensive Sign Package or other modification of sign regulations under the 1972 Zoning Ordinance \$5,120.00 Amendment of an approved Comprehensive Sign Package under the 1972 Zoning Ordinance \$2,285.00		Pursuant to §§ 6-1216(B)(4) or 6-1217 Fee (residential vs. non-residential) based on the proposed modification. The residential fee would apply to any modification in a residential zoning district. Pursuant to §523 of the 1972 Zoning Ordinance. Pursuant to §523 of the 1972 Zoning Ordinance. *ZRMD – Zoning modification (residential component) subject to Code of Virginia§ 15.2-2303.4 effective July 1, 2016
Zoning Correspondence (ZCOR) Proffer Determination \$690.00 Zoning Verification \$485.00 Vesting Determination \$1,035.00 Buffer Yard Waivers and Modifications(WAIZ) \$1,190.00		
Zoning Variance (VARI)	\$805.00	

Appendix C - Land Development Application Fees

Date: July 1, 2022