

~~3.06 Use-Specific Standards~~

CHAPTER 4 USE-SPECIFIC STANDARDS

4.01 Purpose and Applicability

Purpose: ~~The purpose of this section is to establish standards for specific uses to minimize negative impacts on neighboring properties, implement State and federal law, and ensure the orderly development of a diversity of land uses within the county. These standards will provide uniform criteria for development approval, protect the public health, safety and welfare, and protect property values and economic development. These standards are consistent with and support The Loudoun County 2019 General~~ the Comprehensive Plan.

- A. **Applicability.** ~~The use specific standards of this section apply in addition to all other applicable standards and regulations within this ordinance unless otherwise stated. The use specific standards of this section may be modified by minor special exception unless otherwise specified.~~
- B. **Conditions.** In addition to any standards in ~~this Section 3.06~~ Chapter 4, a use ~~shall~~ must conform to any proffers applied pursuant to a zoning amendment (~~Section 7.09~~, 11.10), conditions imposed pursuant to a special exception or minor special exception (~~Section 7.10~~ (11.11)) or variance (~~Section 7.07~~ 11.08) review, or conditions or proffers applied ~~pursuant to a planned unit development review~~ (~~Section 7~~ (11.10)).

4.02 Residential

4.02.01 Accessory Dwellings

- A. **Applicability:** This section applies to ~~accessory dwelling~~ Accessory Dwelling units.
- B. **Maximum Size:** Accessory ~~dwellings shall~~ Dwellings must not exceed the following maximum size:
1. In Rural Zoning Districts under Section ~~2.04~~, the lesser of (i) 70% of the gross floor area of the principal ~~structure~~ Structure and a footprint not more than 70% of the footprint of the ~~principal structure~~ Structure or (ii) 2,500 square feet in gross floor area.
 2. In the Suburban Zoning Districts under Section ~~2.02~~ and the Planned Development Districts under Section ~~2.06~~ the lesser of (i) 70% of the gross floor area of the principal ~~structure~~ Structure and a footprint not more than 70% of the principal ~~structure~~ Structure or (ii) 1,200 square feet in gross floor area.
- C. **Additional Approval:**
1. On lots served by individual sewage disposal systems, ~~accessory dwellings~~ Accessory Dwellings are ~~permitted~~ only upon approval from the Health Department.
 - ~~3.2.~~ On lots served by communal sewer systems or communal wastewater systems, ~~accessory dwellings~~ Accessory Dwellings are permitted only upon approval from Loudoun ~~County Sanitation Authority (LCSA)~~ Water.
- D. **Number of Accessory Dwellings:** Only 1 ~~accessory dwelling~~ Accessory Dwelling is permitted on a lot of less than 20 acres.
1. One additional ~~accessory dwelling~~ Accessory Dwelling is permitted on a ~~parcel~~ Parcel with an area of 20 acres or more.

2. In the ~~ARN-AR-1~~ and ~~ARSAR-2 Zoning~~ Districts, ~~one-1~~ additional ~~accessory dwelling shall~~ Accessory Dwelling is permitted for each 25 acres in excess of 20 acres.

4.3. Additional ~~dwellings~~ Accessory Dwellings may be permitted by special exception.

E. **Density:** Accessory Dwellings are not included in calculations of density.

~~E-F.~~ **Placement:** Accessory ~~dwellings~~ Dwellings may be located within an accessory building or in the principal ~~structure~~ Structure.

~~D-G.~~ **Yard Requirements:** An attached ~~accessory dwelling~~ Accessory Dwelling is subject to ~~all~~ yard requirements applicable to ~~the accessory building or principal~~ structure Structure in which ~~it~~ is located.

~~E-H.~~ **Use Limitations:** All of the use limitations of Section 3.04 ~~shall~~ must be met.

~~F-I.~~ **Historic Structures-structures.** The applicability standards for ~~structures~~ Structures existing prior to January 7, 2003, as identified in ~~Section 3.064.01~~ shall must apply.

3.06.01.01-Guest Houses

J. Accessory dwellings in the PD-RV Village Center - Commercial Workplace Areas must be located above the ground floor.

4.02.02 Continuing Care Facility

A. **Applicability.** Continuing Care Facilities are permitted in the CLI Zoning District subject to the following additional standards.

B. **Size.** The maximum lot size must not exceed 20 acres.

C. **Density.** The maximum density must not exceed 16 units per acre.

D. **Location.** The use must be located as follows:

1. In areas served by public water and sanitary sewer.

2. With access only from a collector road.

3. Buildings and parking must be setback a minimum of 300 feet from Route 50.

E. **Required Uses.** All continuing care facilities located in the CLI zoning district must provide the following, subject to the requirements and limitations of these regulations:

1. A minimum of 2 of the following types of care must be provided:

a. Independent Living Facility, limited to a maximum of 65% of the total number of units provided.

b. Adult Assisted Living.

c. Nursing Home.

2. Clubhouse or common areas, solely for the residents, employees and their guests, including but not limited to meeting rooms, auditorium, theater, business office, and recreational facilities and other uses related to adult age-restricted community living.

3. Ancillary retail uses only for continuing care facilities, such as grocery/convenience store, pharmacy, medical services, barber shop, beauty shop, personal care facilities, eating and drinking establishments, library, bank and financial institutions (without drive-through), business services, laundry, cleaners, or other similar retail uses. The floor area for retail and community service uses must not exceed 10% of the gross residential floor area of the buildings.

4. Swimming pool.

5. Health and fitness center.

6. Bus shuttle service.

7. A minimum of 35% of the total land area must consist of parks and/or open space.

F. **Yard Requirements.** Notwithstanding the requirements in Section 2.02.02.13, the following yards must be provided:

1. **Yards Adjacent to Roads.**

- a. Except where a greater setback is required by Section 7.04.02, 35 feet for buildings and 25 feet for parking.
- b. No parking, outdoor storage, areas for collection of refuse, or loading space must be permitted in areas between buildings and streets where such uses are visible from any road.

2. **Yards Adjacent to Nonresidential Districts and Uses.**

- a. No building must be permitted closer than 50 feet to any nonresidential district, any existing or planned nonresidential district, or land bay or lot allowing nonresidential uses.
- b. No parking must be permitted closer than 25 feet to any such area.
- c. No parking, outdoor storage, areas for collection of refuse, or loading space must be permitted in areas between buildings and such nonresidential districts, existing or planned nonresidential districts, or land bays allowing nonresidential uses where such uses are visible from said nonresidential areas.

G. **Development Criteria.**

1. The following recreational, educational, and cultural facilities solely for the residents, employees and their guests must be located on site or within 10 miles of the site.
2. If facilities are not provided on site, a guaranteed use of and vehicular or other guaranteed means of transportation to such facilities for the residents of the development must be provided.
 - a. Golf course (minimum 18 holes).
 - b. Chapel.
 - c. Medical care facility, outpatient only.
 - d. Recreation space, passive.

H. **Age of Residents.**

1. Continuing care facilities in the CLI zoning district must be subject to a Owner's Association, as evidenced by a Declaration of Covenants reviewed and approved by the County that specifies the age-restricted nature of the proposed use.
2. A development designated for an age-restricted development must be in accordance with Virginia Code, Section 36-96.7, as amended, and must include in the Owner's Association Declaration of Covenants policies and procedures including language specifying:
 - a. At least 80% of the units are occupied by at least one person 55 years of age or older per unit.
 - b. The owner or manager intends to provide housing for persons 55 years of age or older.

4.02.03 Guest Houses

- A. **Applicability.** Guest houses are subject to the following additional standards.
- B. **Users.** Only non-paying guests or occupants of the principal dwelling ~~must~~may use the guest house.
- C. **Commercial or Residential Use Prohibited.** Guest houses ~~must~~ not be rented, used as a short-term rental, operated for gain, or otherwise used as a separate dwelling.
- D. **Maximum Size.** The floor area of any guest house ~~shall~~must not exceed the lesser of:
 1. 70% of the gross floor area of the principal structure and a footprint not more than 70% of the principal structure, or
 2. 2,500 square feet of gross floor area.

- E. **Historic Structures.** The applicability standards for structures existing prior to January 7, 2003, as identified in Section ~~3-064.01~~ shall apply.

4.02.04 Live/Work Dwelling

- A. **Applicability.** This Section applies to live/work dwellings.
- B. **Intensity/Character.**
1. **Occupancy.** A minimum of 1 individual who is the owner or an employee of the work component of the live/work dwelling must occupy the live/work dwelling as their primary place of residence.
 2. **Maximum Number of On-Site Employees.** In addition to the occupant, no more than 2 individuals who are employees of the live/work dwelling may be on the premises at any time.
 3. **Maximum Permitted Floor Area.** The area designated for residential purposes must occupy no more than 50% of the gross floor area of the live/work dwelling.
- C. **Permitted Uses and Limitations.**
1. **Permitted Uses.** Permitted uses for the work component are limited to Commercial, Education, or Agriculture uses permitted within the underlying zoning district as a principal use unless otherwise noted in this section.
 2. **Permitted Use Limitations.**
 - a. Uses that involve group instruction, education, or assembly are limited to no more than 5 persons at any time.
 - b. Storage or warehousing of material, supplies, or equipment must be within a fully enclosed structure.
 - c. Excluding the storage or warehousing of material, supplies, or equipment, the work component must not operate in any yard, garage, or accessory structure.
 - d. No equipment, vehicle, or process may be used that creates excessive noise, vibration, glare, fumes, odors, or electrical interference.
 - e. No explosive, toxic, combustible, or flammable materials in excess of what would be allowed incidental to normal residential use can be stored or used on the premises.
 - f. The requirements for shipping and receiving of materials in connection with the business must not create excessive noise or traffic.
 - g. Only 1 vehicle used in connection with the live/work dwelling is allowed to be parked or stored on the premises. The vehicle must not be a bus, truck, van, trailer, or any other vehicle over 6,000 pounds as listed on the vehicle registration form. Any vehicle associated with the use must not display any advertising or reference to the use unless stored within a fully enclosed structure.
 - h. No visible evidence of the conduct of the live/work dwelling is permitted other than signs permitted pursuant to this Section of the Zoning Ordinance.
 3. **Non-Permitted Uses.** Non-permitted uses include but are not limited to:
 - a. Animal services.
 - b. Financial services with drive-through facilities.
 - c. Dry cleaning services.
 - d. In addition to these non-permitted uses, the County may prohibit other uses using reasonable discretion, as long as such other uses are otherwise permitted by law.
- D. **Signage.** Signage is limited to 1 wall or projecting sign no larger than 4 square feet in area. The sign must not be illuminated and must be attached to the structure housing the commercial component of the live/work dwelling

- E. **Parking.** An employee permitted to work on-site pursuant to subsection B.2 above requires 1 off-street parking space in addition to the minimum off-street parking requirements under Section ~~5-057.06.03~~ of this Zoning Ordinance. Any other need for parking generated by a live/work dwelling must be met solely by off-street parking.
- F. **Conversion.** The work-component of the live/work dwelling must remain commercial and cannot be converted to residential use. The residential component must remain residential and cannot be converted to a commercial use.
- G. **Transfer of Property.** No portion of the live/work dwelling may be rented or sold separately.

4.02.05 Manufactured Homes

- A. **Applicability.** This Section applies to manufactured homes.
 - 1. **Exempt.** Manufactured homes in the ~~ARN, ARSAR-1, AR-2, A-3, A-10, and TLN districts~~ TR-10 Zoning Districts are not subject to this Section.
- B. **Manufactured Homes.** The following standards apply to manufactured homes:
 - 1. Manufactured housing ~~shall~~ must be at least 900 square feet in floor area and a minimum of 19 feet in width.
 - 2. Roofs ~~shall~~ must:
 - a. ~~be~~ pitched with a minimum vertical rise of 4 inches for each 12 inches of horizontal run; and
 - b. ~~include~~ include a minimum of either a 6-inch overhang and a 4-inch gutter or 12-inch overhang on the front and back and a minimum of 6 inch on the sides.
 - ~~1. Exterior materials shall be of a color, material and scale compatible with site-built, single family construction.~~
 - 3. Manufactured homes ~~shall~~ must have a non-reflective roof material such as asphalt or wood shingles, tile, metal, or slate or other products as used in surrounding areas on adjacent properties.
 - 4. Perimeter non-load bearing foundation enclosures ~~shall be compatible with foundation materials on site-built residential structures, and are limited to must be~~ masonry, stone or concrete.
 - 5. Manufactured housing ~~shall~~ must have wheels, axles, transporting lights, and removable towing apparatus removed from the site, and ~~shall~~ must be placed on a permanent foundation.
- C. **Restrictive Covenants.** This ~~section~~ Section does not supersede valid restrictive covenants of record, except that a manufactured home is not considered a mobile home.

~~3.06.01.02 Portable Dwelling/Construction Trailer~~

4.02.07 Religious Housing

- ~~A. **Applicability.** This section applies to any portable dwelling/construction trailer.~~
- ~~B. **Removal.** The portable dwelling/construction trailer must be removed within 1 month of the completion of construction of the primary residence.~~
- A. **Religious Housing**
- B. **Section Applicability.** This section applies to religious housing in the ~~ARN, ARS, TLN~~ AR-1, AR-2, TR-2, and JLMA-3 districts.
- C. **Intensity/Character.**
 - 1. The minimum lot area ~~shall~~ must be as follows, unless the religious housing is developed as an adaptive ~~re-use~~ reuse pursuant to Section ~~3-064.05.06.A.2:~~

Use	Size of Lot (Minimum)	No. of Residents
Level I – small scale	5 acres	4-10 residents
Level II – medium scale	10 acres	11-20 residents
Level III – large scale	20 acres	21-30 residents
Level IV – requires special exception approval pursuant to Section 7.0911.11	30 acres	31-40 residents

B. Building/Lot requirements.

1. **Size of use.** The maximum floor area ratio is 0.04.
2. **Minimum Required Yard Standards.** The minimum required yards are:
 - a. Level I – small scale: 50 feet minimum from all lot lines;
 - b. Level II – medium scale: 100 feet minimum from all lot lines
 - c. Level III– and IV – large scale and above: 150 feet minimum from all lot lines

1. Landscaping/Buffering/Screening

- a. ~~Driveways are prohibited within a required buffer yard area except as necessary to access the site.~~

- C. **Historic Structures.** The applicability standards for structures existing prior to January 7, 2003, as identified in [Section 3.064.01](#) apply.

4.02.08 Dormitory, Seasonal Labor ~~Dormitory~~

- A. **Applicability.** This ~~section~~[Section](#) applies to seasonal labor dormitory uses in the ~~ARN, ARS, AR-1, AR-2,~~ and JLMA-20 districts. Seasonal labor dormitories are defined as part of the tenant dwelling use. Tenant dwellings are also subject to [Section 3.064.02.1011](#).
- B. **Intensity/Character.**
 1. **Location of Use.** The use must be located on the site of active agriculture, horticulture or animal husbandry operations.
 2. **Dwelling Unit Size.** The minimum size of a dormitory is 200 square feet per seasonal laborer housed, and total square footage must not exceed 2,500 square feet.
 3. **Residents.** Residents must be employed at the onsite active agriculture, horticulture, or animal husbandry operation during their occupancy of the unit.
- C. **Location on Site.**
 1. **Located on Internal Site Driveways.** Dormitories ~~shall~~[must](#) be accessed by internal site driveways and ~~shall~~[must](#) not have direct access to public roads.
 2. **Setback from Single-Family Dwellings.** Dormitories ~~shall~~[must](#) be set back at least 100 feet from off-site single family detached dwellings.
- D. **Landscaping/Buffering/Screening.** Yards, berms, vegetative screening, fences, or walls must ~~buffer block visibility of dormitory structures from~~ adjacent properties and public streets ~~from dormitory structures~~.

4.02.09 Single-Family Dwelling Units

- A. **Maximum Dwelling Units per Structure.** ~~No one single-family attached (SFA) townhouse structure is permitted to exceed 8 townhouse dwelling units in a row.~~
- B. **UT/UMTRC Zoning District Requirements.** Single-family detached (SFD) and ~~single-family attached~~SFA dwelling units are permitted in the ~~UM-Subarea~~TDSA of the ~~UT/UMTRC Zoning~~ District as follows:
 1. ~~Single-family detached~~SFD dwelling units:
 1. ~~Must must~~ be no more than 2.5% of total dwelling units in the ~~UM-Subarea~~TDSA.
 - a. ~~Must be located in accordance with the Transition standards in Section 5.11.~~
 2. ~~Single-family attached~~SFA dwelling units must be designed so that:
 - a. Blocks containing ~~single-family attached~~SFA dwelling units include an alley.
 - b. Garages are alley-loaded; garages must not face or be accessed from any road within the ~~district~~Zoning District.
 - c. The buildings are a minimum of 3 stories in height.
 - d. Front entrances are a minimum of 3 feet above the grade of the sidewalk.
- C. **SCN-16-TC Zoning District Requirements.** ~~Single-family detached SFD and SFA~~ dwelling units are permitted in the ~~SCN-16TC Zoning~~ District as follows:
 2. ~~No more than 10% of proposed dwelling units in the SCN-16 District are permitted to be single-family detached dwelling units.~~
- ~~C. SM District Requirements.~~ ~~Single-family detached and single-family attached dwelling units are permitted in the SM District as follows:~~
 1. ~~Single-family detached dwelling units are not permitted in the Mixed Use Center Core.~~
1. ~~Single-family attached~~SFD and SFA dwelling units permitted to be located in the ~~Mixed Use Town Center Core~~ must be designed in accordance with the following:
 - a. Blocks containing ~~single-family attached SFD and SFA~~ dwelling units must include an alley.
 - b. Garages must be alley-loaded; garages must not face or be accessed from any road within the ~~Mixed Town~~ Use Center Core.
 - c. ~~Must~~Building must be a minimum of 3 stories in height.
 - d. Front entrances must be a minimum of 3 feet above the grade of the sidewalk.
2. ~~Single-family detached~~SFD and ~~single-family attached~~ SFA dwelling units must meet the Transition standards in ~~Section 5.117.01.06.~~
3. The total number of ~~single-family detached, single-family attached, SFD and multifamily stacked (see Section 3.06.02.09.A) SFA~~ dwelling units must not exceed 20% of the total number of dwelling units approved for the ~~site~~TC Zoning District.
4. The land area dedicated to ~~single-family detached, single-family attached, SFD and multifamily stacked (see Section 3.06.02.09.A) SFA~~ dwelling units must not exceed 10% of the land area of the ~~SM-TC Zoning~~ District.
- D. **TCN-PD-MUB Zoning District Requirements.** ~~Single-family attached SFD and SFA~~ dwelling units are permitted in the ~~TCN-PD-MUB Zoning~~ District as follows:
 1. ~~Only The land area dedicated to SFD and SFA dwelling units must not exceed 10% of the land area of the PD-MUB Zoning District.~~
 2. ~~SFD and SFA dwelling units must be located along the periphery of the Zoning District.~~
- E. **TCN Zoning District Requirements.** The only types of SFA dwelling units permitted in the TCN Zoning District are duplex, triplex, or quadruplex ~~single-family attached dwelling units are permitted.~~

4.02.10 Multifamily Dwelling Units—

- A. **Maximum Dwelling Units on the Ground Floor.**—No one multifamily (MF) stacked structure—is permitted to exceed 8 multifamilyMF stacked dwelling units on the ground floor.
- B. **UT/UMTRC Zoning District Requirements.** MultifamilyMF stacked dwelling units are permitted in the UM subareaTDSA of the UT/UMTRC Zoning District as follows:
 1. Blocks—containing—multifamily MF stacked dwellings—dwelling units must include an—alley.
 2. Garages must be alley-loaded;—, and garages must not face or be accessed from any road—within the Mixed Use Center CoreTDSA.
 3. Front entrances must be a minimum of 3 feet above the grade of the sidewalk.
- C. **SMTC Zoning District Requirements.**—Multifamily MF stacked—dwelling units are permitted in the SMTC Zoning District as follows:
 1. MultifamilyMF stacked—dwellings located in the—Mixed—Use Town Center—Core must—be designed in accordance with the following:
 - a. Blocks—containing—multifamily MF stacked dwellings must include an—alley.
 - b. Garages must be alley-loaded; garages must not face or be accessed from any road—within the Mixed UseTown Center Core.
 - c. Front entrances must be a minimum of 3 feet above the grade of the sidewalk.
 2. MultifamilyMF stacked—dwellings located in the—Mixed Use Town Center—Fringe must meet the Transition standards in Section 5-117.01.06.
 3. The total number of multifamilyMF stacked,—single-family detached, and single-family attached (see Section 3.06.02.08.C)—dwelling units must not exceed 2030% of the total number of dwelling units approved for the site.
 4. The—land area dedicated to—multifamily MF stacked,—single-family detached, and single-family attached (see Section 3.06.02.08.C)—dwelling units must not exceed 10% of the land area of the SMTC District.
- D. **TCC Zoning District Requirements.** MultifamilyMF dwelling units are permitted in the TCC Zoning District as follows:
- D. **Onlyonly when such units are located** above a first—floor nonresidential pedestrian-oriented use or uses—that are the predominate use(s) on the first floor, and the first floor includes features that activate a streetscape, such as a predominance of glass and an entrance.
- E. **VC and RC District Requirements.**—Multifamily dwelling units are permitted in the VC and RC Districts as follows:
 1. —Only above first floor nonresidential use or uses that are the predominate use(s) on the first floor and the first floor includes features that activate a streetscape, such as a predominance of glass and an entrance.

3.064.02.1011 Tenant Dwellings

- A. **Applicability.** Tenant dwellings are subject to the base district—Zoning District regulations and the following additional regulations:
- B. **Tenant Dwellings.**
 1. **All Parcels Except Open Space Parcels.**
 - a. **Number Permitted.**
 1. One tenant dwelling is—permitted on a parcel of—at least—10 acres.
 2. One additional tenant dwelling is permitted for each 25 acres of a parcel in excess of the minimum 10 acres.

- b. **Tenant Dwellings for Seasonal Labor/Special Exception.** In addition to those structures permitted under Section B.1.a. above, additional tenant dwellings for seasonal labor may be permitted by special exception.
2. **Open Space Parcels.** Tenant dwellings on open space parcels are only allowed in the A-3, ~~ARN, ARS, A-10, AR-1, AR-2,~~ and ~~TN-TR~~ districts
 - a. One tenant dwelling ~~shall be is~~ permitted on open space parcels with at least 25 acres.
- C. **General Standards.** Tenant dwellings ~~shall~~must meet the following additional criteria:
 1. **Screening.** Portable tenant dwellings ~~shall~~must be screened from view from public roads and neighboring properties.
 2. **On Internal Roads/No Direct Access to Public Roads.** Structures for multifamily dwellings ~~shall~~must be accessed by internal roads, ~~shall~~must not have direct access to public roads, and ~~shall~~must be screened from public roads and neighboring properties in accord with the landscaping and buffering requirements for multifamily dwellings.
 3. **Separate Dwelling.** For the purposes of ~~3-06 4.02.11~~ B.1.a. above, each unit of a multiple dwelling structure is considered a separate tenant dwelling.
 4. **Home Occupations.** Occupants of tenant dwellings may conduct home occupations subject to Section 3.06.09.03.
 5. **Size of Tenant Dwelling.** ~~No A~~ tenant dwelling unit ~~shall~~must not exceed 2,500 square feet in gross floor area.
 6. **Number of Tenant Dwellings.** The number of tenant dwellings must not exceed ~~four~~4 per parcel.
- D. **Historic Structures.** The applicability standards for structures existing prior to January 7, 2003, as identified in Section ~~3-064.01~~ apply.

4.03 Lodging

4.03.01 Bed and Breakfast Homestay, Bed and Breakfast Inn, Country Inn, and Rural Resorts

- A. **Applicability.** This ~~section~~Section applies to any ~~Bed and Breakfast Homestay, Bed and Breakfast Inn, Country Inn, or Rural Resort that is established either as the initial use of the subject property, by change of use of the property, or by conversion of one use to another.~~
- B. **Approval.** No Bed and Breakfast Homestay, Bed and Breakfast Inn, Country Inn, or Rural Resort ~~shall~~ is permitted to be established until a ~~sketch plan zoning permit~~ or site plan, as applicable, for the proposed use is approved and the appropriate building permit and applicable Fire Prevention Code permits obtained.
- C. **Private Parties.**
 1. Private parties at a Bed and Breakfast Homestay, Bed and Breakfast Inn, Country Inn, or Rural Resort are subject to the maximum attendees, times, and durations described below:

Table 3-064.03.01-1— Private Parties		
Use	Maximum attendees (including overnight guests) for parties allowed on daily basis	Times per calendar year that parties may exceed maximum daily guests
Bed and Breakfast Homestay	20	10
Bed and Breakfast Inn	50	20
Country Inn	100	20

Table 3.064.03.01-1— Private Parties

Use	Maximum attendees (including overnight guests) for parties allowed on daily basis	Times per calendar year that parties may exceed maximum daily guests
Rural Resort as Event Facility (see subsection G.7)	See Section 3.064.04.03	See Section 3.064.04.03

2. **Hours of Operation.** Hours of operation for private parties are limited to 7:00 AM to 12:00 midnight.
3. **Landscaping/Buffering/Screening.** Outdoor private party areas ~~shall~~ **must** meet the requirements of Section 5.077.04.04.A.6, regardless of the size of the adjacent property. For Bed and Breakfast Homestays or Bed and Breakfast Inns, the Zoning Administrator may waive this requirement in whole or in part in accordance with Section 5.077.04.08 or if the adjacent property owner(s) provides written consent to waive all or part of the required landscaping/buffering/screening requirements.

4. Permits.

a. **Building Permit.** For Bed and Breakfast Homestays, Bed and Breakfast Inns, or Country Inns, private parties for more than the maximum daily attendees require approval of a Building Permit to allow the structure to be used for the private parties and a Zoning Permit for each private party.

a-b. **Zoning Permit.** A Zoning Permit ~~shall~~ **must** be applied for at least ~~thirty (30)~~ days in advance of each private party, or at least 30 days in advance of the first private party of the calendar year if the dates of all those private parties are listed. The Zoning Permit application ~~shall~~ **must** be accompanied by a copy of the approved Building Permit and proof of any necessary approvals from County agencies, such as the Health Department and Fire Official.

D. **Bed and Breakfast Homestay.** The following standards apply to a Bed and Breakfast Homestay:

1. Intensity/Character.

- a. **Management.** The owner of the premises ~~shall~~ **must** reside on the premise and manage the Bed and Breakfast Homestay.
- b. **Guest Rooms.** A maximum of 4 guest rooms are permitted.
- c. **Lot Size.** No minimum lot area.
- d. **Food Service.** The Bed and Breakfast Homestay ~~shall is~~ not ~~permitted to~~ contain restaurant facilities, but may provide food service only for overnight guests or private party attendees.

2. **Exterior Lighting.** In addition to the requirements of Section 5.087.05.02, the maximum height of pole-mounted exterior lighting is 12 feet.
3. **Noise.** No outdoor music ~~is~~ permitted between 11 PM and 10 AM on Friday, Saturday, and any evening preceding a holiday recognized by Loudoun County, and between 10 PM and 10 AM on any other day.
4. **Roads/Access.** For any Bed and Breakfast Homestay ~~that is~~ located on a lot ~~which that~~ does not have access to a ~~Class II or Class III~~ public road, the property owner ~~shall~~ **must** provide documentation to the Zoning Administrator demonstrating that the establishment has permission to use the private road or private access easement serving such lot.

E. **Bed and Breakfast Inn.** The following standards apply to a Bed and Breakfast Inn:

1. Intensity/Character.

- a. **Number Permitted.** Only 1 Bed and Breakfast Inn ~~use type,~~ and its related uses and accessory uses, is permitted on a lot in the ~~ARN, ARSAR-1, AR-2,~~ and A-3 zoning districts.
- b. **Management.** The owner or manager of the premises ~~shall~~ **must** provide full-time management at all times when the Bed and Breakfast Inn is occupied by overnight guests or private party attendees. An

owner or manager may live on the premises and must be onsite at all times when the Bed and Breakfast Inn is occupied by overnight guests or private party attendees.

- c. **Guest Rooms.** The number of guest rooms ~~shall~~must not exceed 10.
- d. **Lot Area.** The minimum lot area is ~~5~~ acres.
- e. **Size of Use.** Maximum ~~floor~~ area ratio: 0.04.
- f. **Food Service.** The Bed and Breakfast Inn ~~shall~~is not permitted to contain restaurant facilities, but may provide food service only ~~for~~ overnight guests or private party attendees.
- g. **Yard Standards.** ~~Parking~~ shallmust be setback 40 feet from all lot lines.

~~2. Landscaping/Buffering/Screening.~~

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

- 2. **Exterior Lighting.** Exterior lighting for a Bed and Breakfast Inn is subject to Section ~~5-087.05.02~~5-087.05.02.A.1-3 (Exterior Lighting Standards). In addition to the requirements of Section ~~5-087.05.02~~5-087.05.02, the maximum height of pole-mounted exterior lighting, outside of parking areas ~~is~~ 12 feet.
- 3. **Noise.** Outdoor music is not ~~permitted~~ between 11 PM and 10 AM on Friday, Saturday, and any evening preceding a holiday recognized by Loudoun County, or between 10 PM and 10 AM on any other day.
- 4. **Roads/Access.**
 - a. For any Bed and Breakfast Inn that is located on a lot ~~which~~that does not have access to a ~~Class II or Class III~~public road, the property owner ~~shall~~must provide documentation to the Zoning Administrator demonstrating that the ~~establishment~~ has permission to use the private road or ~~private~~ access easement serving ~~the~~ lot.
 - b. Only ~~two~~ points of access are permitted ~~for~~ the Bed and Breakfast Inn.
- 5. **Historic Property.** A structure existing prior to January 7, 2003, located within an Historic Site District or Historic and Cultural Conservation District may be used as a Bed and Breakfast Inn and is exempt from the minimum lot area, yard and floor area ratio requirements specified above. ~~Any expansion~~ Expansion or enlargement of ~~structure~~ shallis not permitted to exceed 15% of the total floor area existing prior to January 7, 2003, unless a greater expansion is approved by Minor Special Exception pursuant to Section ~~7-1011.11~~7-1011.11.

F. **Country Inn.** ~~The following applies to a Country Inn:~~

- 1. **Approval.** Minor special exception review and approval is required in ~~ARN, ARSAR-1, AR-2~~ARN, ARSAR-1, AR-2, and A-3 zoning districts if a Country Inn contains a restaurant that serves more than 100 persons.
- 2. **Intensity/Character.**
 - a. **Number Permitted.** ~~Only a single 1~~ Country Inn ~~use~~ type, and its related uses and accessory uses, is permitted ~~on~~ a lot in the ~~ARN, ARSAR-1, AR-2~~ARN, ARSAR-1, AR-2, and A-3 zoning districts.
 - b. **Management.** The owner or manager of the premises ~~shall~~must provide full-time management at all times when the Country Inn is occupied by overnight guests or private party attendees. An owner or manager may live on the premises ~~and~~ must be onsite at all times when the Country Inn is occupied by overnight guests or private party attendees.
 - c. **Guest Rooms.** The maximum number of guest rooms ~~shall not exceed~~ is 40.
 - d. **Minimum Lot Area.** The minimum lot area is 20 acres.
 - e. **Size of Use.**
 - i. The floor area ratio must not exceed 0.04.

- ii. Any restaurant and indoor Banquet/Event Facilities located on the property ~~shall~~must not exceed 49 percent of the total floor area of the Country Inn.

f. **Food Service.**

- i. Food service may be provided for overnight guests and private party attendees.
- ii. Full-service restaurant facilities may be provided to the general public in accordance with the individual Zoning District regulations.

g. **Yard Standards.**

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

- h. **Accessory Use.** A maximum of 10% of the gross floor area of the Country Inn may be composed of accessory day treatment, ~~spa~~ facilities.

~~3. Landscaping/Buffering/Screening.~~

- ~~a. New driveways providing access to the Country Inn shall not be located within a required buffer yard area except as necessary to access the site.~~

3. **Exterior Lighting.** ~~All exterior lighting shall comply with the standards of Section 5.12.A.1-3 (Exterior Lighting Standards).~~ In addition to the requirements of Section ~~5.12, 7.09~~ (Exterior Lighting Standards), the maximum height of pole-mounted exterior lighting, outside of parking areas, ~~shall be is~~ 12 feet.

4. **Noise.** No outdoor music ~~shall be is~~ permitted between 12 AM (midnight) and 7 AM.

5. **Roads/Access.**

- a. For any Country Inn that is located on a lot ~~which that~~ does not have access to a ~~Class II or Class III public~~ road, the property owner ~~shall must~~ provide documentation to the Zoning Administrator demonstrating that the establishment has permission to use the ~~private~~ access easement serving such lot.

- b. Only two points of access for a Country Inn.

6. **Historic Property.** ~~A structure existing prior to January 7, 2003, located within an Historic Site District or Historic and Cultural Conservation District may be used as a Country Inn and is exempt from the minimum lot area, yard, and floor area ratio requirements specified above.~~ Any expansion or enlargement of a structure ~~shall is~~ not ~~permitted to~~ exceed 15% of the total floor area existing prior to January 7, 2003, unless a greater expansion is approved by Minor Special Exception, pursuant to Section ~~7.10 11.11~~.

G. **Rural Resorts.** ~~The following standards apply to rural resorts:~~

1. **Parcel Size.** The minimum lot area of rural resorts ~~shall must~~ comply with Section 3.06.03.01.G.8.a, except when located within the buffer area of a ~~Planned Development Rural Village (PD-RV) district Zoning District~~.
2. **Separation Requirement.** When not located within a ~~Planned Development Rural Village (PD-RV) district Zoning District~~, rural resorts ~~shall must~~ be appropriately sited so as not to infringe on the character of any existing village. At a minimum, rural resorts ~~shall must~~ be located at least 1 mile from the boundaries of an existing ~~Village Conservation Overlay District VCOD~~ or an existing ~~PD-CV or PD-RV~~ zoned parcel.
3. **Setbacks.** All new buildings, active recreational areas, parking, and lighted areas ~~shall must~~ be set back a minimum of 200 feet from adjacent properties.

~~4. Access.~~ All rural resorts shall comply with the road access standards in Section 5.09.01.

4. **Water and Sewer.** The establishment ~~shall must~~ be served by public water and sewer if located in a PD-RV district. Otherwise, the establishment ~~shall must~~ be served by a communal water system and a communal

wastewater collection and treatment system. Communal water and sewer systems may be located within the open space.

5. Open Space. A minimum of 75% of the site must remain in an agricultural, forestry, open space, or historic preservation use.

a. Recreational uses customarily incidental and subordinate to the rural resort permitted in the open space area may include: swimming pools and related facilities, boating facilities, tennis and other sports courts, equestrian facilities, picnic areas, golf courses and related facilities, ballfields, children's play equipment and passive recreation facilities.

a.b. Driveways and parking areas supporting these recreational facilities may also be located in the open space area.

5-6. May be Open to Public. ~~These establishments~~ **A Rural Resort** may be open to the general public for patronage. A Rural Resort may be permitted as an Event Facility pursuant to Section ~~3.064.04.03~~ by Minor Special Exception.

6-7. Additional Standards for Certain Districts. In the ~~ARN, ARS, TLNAR-1, AR-2,~~ and TR-2 districts, rural resorts ~~shall must~~ comply with the following additional regulations in addition to the general regulations set forth above. Where there is a conflict between these additional regulations and the general regulations controlling the development of rural resorts, these standards ~~shall~~ control.

a. Intensity/Character. The lot area, guest room, and yard requirements for rural resorts are as follows:

Minimum Lot Size	Nos. of Guest Rooms	Minimum Required Yard (From All Lot Lines)
40 acres	Up to 20 rooms	125 feet
60 acres	21-40 rooms	200 feet
80 acres	41-60 rooms	250 feet
100 acres	61-80 rooms	300 feet
120 acres	81-100 rooms	350 feet
150 acres	101-120 rooms	375 feet
More than 120 rooms requires special exception approval pursuant to Section 7.09 11.11		

b. Size of Use.

i. Any restaurant and Banquet/Event Facilities, and conference and training facilities ~~shall must~~ be less than 50 ~~percent~~% of the total floor area of the rural resort.

ii. Outdoor storage related to the rural resort facilities is permitted.

iii. Maximum Floor Area Ratio: 0.04.

a. ~~Landscaping/Buffering/Screening.~~

~~i. Driveways shall not be located within a required buffer yard area except as necessary to access the site.~~

~~C. Roads/Access.~~

c. Roads/Access. Only two points of access are permitted to a rural resort. This requirement does not preclude an additional access for emergency vehicles only.

~~b. Parking.~~

d. ~~Surface.~~ All parking areas serving the use ~~shall must~~ use a dust-free surfacing material as provided in the Facilities Standards Manual.

- e. **Noise.** Outdoor music is not allowed after 11:00 PM.

4.03.02 Camp, Day and Boarding

- A. **Applicability.** This ~~section~~Section applies to all day and boarding camps in the ~~ARN, ARS, TLNAR, TR-2, JLMA, and PD-CV districts.~~ Day and Boarding Camps are defined as part of the Campground use. Zoning Districts.
- B. **Approval.** ~~Day and boarding camps that exceed 30 campers in the TLN, AR, TR, PD-CV, and JLMA-20 districts.~~ Zoning Districts must have special exception review and approval.
- C. **Intensity/Character.**
1. **Site Size.**

Use	Scope of Use/Campers	Lot Area (Minimum)
Level I—small scale	Up to 30 campers or boarders daily.	15 acres
Level II—medium scale	Up to 100 campers or boarders daily.	40 acres
Level III—large scale	Up to 250 campers or boarders daily.	100 acres
Level IV	> 250 campers or boarders daily.	Special exception pursuant to Section 7.0911.11

2. **Temporary Dwellings.** Day and boarding camps ~~shall~~ must not be used as principle or accessory ~~dwelling~~ units except for the owner or manager and permanent maintenance personnel.
 3. **Accessory Structures.** Accessory Structures incidental to the day and boarding camp, including those structures ~~with~~ restrooms and other facilities, ~~shall~~ must be provided in accordance with the Loudoun County Health Department requirements.
- D. **Location on Site/Dimensional Standards.** Structures ~~shall~~ must be set back from lot lines as follows:

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

~~C. Roads/Access.~~

1. ~~Driveways.~~ Driveways shall not be located within a required buffer yard area except as necessary to access the site.

C. Roads/Access.

1. Number of Access Points.

- a. **Camp with Less Than 15 Campers/Level I Camp.** Only ~~one~~ 1 point of access is permitted ~~to a Class I or Class II public~~ road from a camp with less than 15 campers or a Level I day and boarding camp. This requirement does ~~not~~ preclude an additional access for emergency vehicles only.

- b. **Level II or III Day and Boarding Camp.** Only ~~two~~ 2 points of access are permitted to a ~~Class I or Class II-public~~ road from a Level II or III day and boarding camp. This requirement does not preclude an additional access for emergency vehicles only.

4.03.03 Campgrounds

- A. **Applicability.** This section applies to campgrounds in the ~~ARN, ARS, TLNAR~~, TR-2, and JLMA ~~districts~~ Zoning Districts.
- B. **Approval.** Campgrounds in the JLMA-20 ~~district~~ Zoning District must have special exception review and approval.
- C. **Intensity/Character.**
- Site Size.**

Use	Scope of Use/Campsites	Lot Area (Minimum)
Level I—small scale	Up to 50 campsites	40 acres
Level II—medium scale	>50 up to 100 campsites	80 acres
Level III—large scale	>100 up to 150 campsites	160 acres
Level IV	> 150 campsites	Special exception pursuant to Section 7.09 <u>11.11</u>

- Not Permanent Residence.** Campgrounds ~~shall~~ must not be used as permanent residences, except for the owner or manager and permanent maintenance personnel.
 - Campsites.** Each ~~campsite~~ shall must be a minimum of 1,250 square feet and at least 25 feet in width.
 - Recreational Area.** Each campground ~~shall~~ must provide a recreational area consisting of 100 square feet per campsite.
 - Communication.** Cellular service or accessible wi-fi should be available somewhere on site. If not available, an emergency telephone ~~shall~~ must be provided for each 50 campsites.
 - Streets and Walks Lighted.** Streets and trails ~~shall~~ must be lighted every 400 feet.
 - Service Buildings.** Service buildings with restroom and other facilities ~~shall~~ must be provided in accordance with the Loudoun County Health Department requirements.
- D. **Groundcover.** All areas within a campground ~~shall~~ must have sufficient groundcover to prevent erosion and blowing dust.
- Size of Use.**
 - Structure Size.** The cumulative ~~size~~ of structures (excluding tent platforms) at a campground ~~shall~~ must not exceed the following standards:

Use	Scope of Use/Campsites	Total Size of All Structures (Maximum)
Level I—small scale	Up to 50 campsites	8,000 square feet
Level II—medium scale	>50 up to 100 campsites	16,000 square feet
Level III—large scale	>100 up to 150 campsites	32,000 square feet

Use	Scope of Use/Campsites	Total Size of All Structures (Maximum)
-----	------------------------	--

Level IV	>150 campsites	Special exception pursuant to Section 7.09 <u>11.11</u>
----------	----------------	--

E. **Location on Site/Dimensional Standards.** A campground ~~shall~~must be set back from lot lines as follows:

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

F. **Roads/Access.**

~~5. Driveways.~~ Driveways shall not be located within a required buffer yard area except as necessary to access the site.

1. **Number of Access Points.**

- Only ~~one~~1 point of access is permitted to a ~~Class II or Class III~~public road from a Level I campground. This requirement does not preclude an additional access for emergency vehicles only.
- Only ~~two~~2 points of access are permitted to a ~~Class II or Class III~~public road from a Level II, III or IV campground. This requirement does not preclude an additional access for emergency vehicles only.

4.03.04 Guest Farm or Ranch

A. **Applicability.** This ~~section~~Section applies to any guest farm or ranch.

B. **Size.** ~~No more than~~ Guest Farm or Ranch is limited to 20 guest rooms ~~can be rented.~~

C. **Approval.**

- ~~1. Renting of more than three~~Guest Farm or Ranch with up to 4 guest rooms ~~requires is a permitted use.~~
- ~~2. Guest Farms with 5 to 20 guest rooms may be permitted by~~ special exception ~~review and approval in the RAR, RV and VAR districts.~~

4.03.05 Hotel/Motel

A. **Applicability.** This ~~section~~Section applies to ~~the all~~ hotels/motels.

B. **Locational Criteria.**

- A ~~Hotel/Motel~~ must have direct access to ~~collector or arterial~~ roads.
 - ~~Exception.~~ This requirement does not apply in the TRC, TC, or PD-MUB Zoning Districts.
- Hotel/Motel buildings and uses ~~shall~~must not be located in environmentally critical or sensitive areas as defined by the ~~Comprehensive~~General Plan.
- Hotel/Motel uses must be separated from Zoning Districts allowing residential uses by a minimum Buffer Type B and a minimum width of 100 feet.
 - ~~Exception.~~ This requirement does not apply to the TRC, TC, PD-AAAR, and PD-MUB Zoning Districts.

C. **Site Development Criteria.** ~~Hotel/Motel~~ uses ~~shall~~must be served by public water and sewer.

~~D. Hotels/Motels in the SE Districts.~~ Hotels/Motels in the SE districts TC, RDP, OP, and IP Zoning Districts.

1. Hotels/Motels in the TC, RDP, OP, and IP Zoning Districts are ~~permitted~~ if the following amenities are provided on-site:

~~6. The hotel/motel use includes at least 30 square feet per each hotel room of meeting/conference space.~~

- ~~a. A restaurant and/or carry-out food service is provided on-site.~~
- ~~b. The following amenities are provided: Swimming pool, exercise~~
- ~~c. Exercise room or fitness facility, a~~
- ~~d. A guest store or area offering personal necessities or other items; and the~~
- ~~e. Meeting/conference space of at least 30 square feet per each hotel room.~~

2. Approval of a Special Exception is required ~~meeting/conference space~~ if the Hotel/Motel does not meet subsection D.1.

~~D.E.~~ Hotels/Motels in the UT/UM and TRC, UE, TC, and PD-MUB Zoning Districts. Hotels in the ~~UT/UM and TRC, UE~~ districts, TC, and PD-MUB Zoning Districts are permitted if:

1. Individual guest rooms in the hotel/motel are accessed only from an interior lobby in the building and ~~are not~~ be directly accessible from the exterior of the building; ~~and.~~
2. ~~All stairwells, corridors, and circulation components of the building~~ are must be completely enclosed within the building envelope.

Note: Short-Term Residential Rental regulations are being amended separately from the Zoning Ordinance Rewrite in a stand-alone zoning ordinance amendment, ZOAM-2018-0001. Contact Project Manager Michelle Lohr at michelle.lohr@loudoun.gov for information or to comment on that ZOAM.

4.04 Commercial

4.04.01 Animal Hospital

- A. **Applicability.** This Section applies to ~~animal hospitals in the UM, UE, SI, ARN, ARS, AR-1, AR-2, JLMA-LE, JLMA-LI, and RC districts.~~

~~F.~~ **Intensity/Character.**

- B. The minimum lot area for any animal hospital in the SI, ARN, ARS, TI, AR-1, AR-2 and JLMA-LI districts is 5 acres. ~~Small scale animal clinics located in commercial centers are not subject to this requirement.~~

C. **Size of Use.**

1. **Floor Area Ratio.** The ~~floor area ratio shall~~ FAR must not exceed 0.04 in the ~~SI, ARN, ARS~~ AR-1, AR-2, and JLMA districts.

2. UE District. Within the UE district, the following standards apply:

- a. Animal Hospitals must be in a completely enclosed facility.
- b. Animal Hospitals of up to 7,500 square feet gross floor area are permitted by right.
- c. Animal Hospitals greater than 7,500 square feet gross floor area require Special Exception approval.

- ~~2.3.~~ Storage Yards. The total area of storage yards ~~shall~~ must not exceed 10% of the total area of the principal structure.

- ~~3.4.~~ Location on Site/Dimensional Standards. The minimum ~~required yards~~ setbacks in the ~~SI, ARN, ARS, TI, AR-1, AR-2~~ and JLMA-LI districts are:

- a. Structures of ~~less than~~ 5,000 square feet or less of gross floor area: 100 feet minimum from all lot lines.

- b. Structures greater than 5,000 square feet and ~~less than~~ up to 15,000 square feet of gross floor area: 150 feet minimum from all lot lines.
- c. Structures greater than 15,000 square feet of gross floor area: 200 feet minimum from all lot lines.
- D. **Roads/Access.** Only 2 points of access are permitted from an animal hospital to a public road. This requirement does not preclude an additional access for emergency vehicles only.
 - 1. ~~Driveways.~~ Driveways shall not be located within a required buffer yard area except as necessary to access the site.
 - 2. ~~Number of Access Points.~~ Only two points of access are permitted from an animal hospital to a Class I, Class II or Class III road. This requirement does not preclude an additional access for emergency vehicles only.

4.04.02 Antique Shop, Art Gallery, Studio or Craft Shop

- A. **Applicability.** This section applies to ~~any~~ antique shop, art gallery or studio, or craft shop in the ~~ARN, ARS, AR-1, AR-2, CLI~~ and ~~TLN TR-10~~ districts. ~~These uses are included in the definition of a retail use.~~
- B. **Intensity/Character Standards.** Hours of operation are limited to 8:00 a.m. to 9:00 p.m.
- C. **Size of Use.**
 - 1. **Site Size.** The minimum lot area is 1 acre.
 - 2. **Structures.**
 - a. The maximum ~~total~~ size of all structures used for art galleries or studios and craft shops is 3,000 square feet in gross floor area.
 - b. The maximum ~~total~~ size of all structures used for antique shops is 10,000 square feet in gross floor area.
- D. **Location on Site/Dimensional Standards.** The minimum setback ~~is~~ 100 feet from all lot lines.

~~A. Roads/Access Standards.~~

- E. ~~Number of Roads/Access Points Standards.~~ Only 1 point of access is permitted ~~to a Class I, Class II or Class III public~~ road. This requirement does not preclude an additional access for emergency vehicles only.
- F. **Historic Structures.** The applicability standards for structures existing prior to January 7, 2003, as identified in Section ~~3.064.01~~ shall apply.

4.04.03 Auction House

- A. **Applicability.** ~~This section applies to any~~
 - 1. ~~Subsections B through G apply to~~ auction ~~house~~houses in the ~~ARNAR-1~~ or ~~ARS districts~~AR-2 Zoning Districts.
 - 2. ~~Only Subsection H applies to~~ auction houses in the TRC, TC, and PD-MUB Zoning Districts.
- B. **Intensity/Character Standards.**
 - 1. **Hours of Operation.** Hours of operation are limited to 8:00 a.m. to 9:00 p.m.
 - 2. **Sanitary Facilities.** Bathroom facilities ~~shall~~ must be provided on site, ~~consistent with the Uniform Statewide Building Code.~~
- C. **Size of Use.**
 - 1. ~~Site Size.~~ The minimum lot area is Minimum Lot Area: 10 acres.

~~2. **Structure.** Only one structure is allowed on the lot. The structure shall not exceed **Maximum Number of Structures: 1.**~~

~~2.3. **Maximum Gross Floor Area:** 10,000 square feet ~~in gross floor area.~~~~

~~3.4. **Maximum Outdoor Storage.** The maximum area of outdoor storage is **Area:** 2,000 square feet.~~

D. **Location on Site/Dimensional Standards.** The auction house ~~shall~~**must** be set back at least 100 feet from all lot lines.

~~G. **Roads/Access Standards.**~~

~~1. **Driveways.** Driveways shall not be located within a required buffer yard area except as necessary to access the site.~~

E. ~~**Number of Access Points.**~~ Only ~~one~~**1** point of access is permitted ~~to a Class I, Class II or Class III public road.~~ This requirement does not preclude an additional access for emergency vehicles only.

~~H. **Parking.**~~

F. ~~**Surface.**~~ All parking areas serving the use ~~shall use~~**must be of** a dust-free surfacing material as provided in the Facilities Standards Manual.

G. **Historic Structures.** The applicability standards for structures existing prior to January 7, 2003, as identified in Section ~~3-064.01~~ shall apply.

H. **TRC, TC, and PD-MUB Zoning Districts.** In the TRC, TC, and PD-MUB Zoning Districts, auction houses must:

~~1. Be located within a building that houses 2 or more distinct principle uses that do not share the same physical space; and~~

~~2. Not exceed 10,000 square feet.~~

4.04.04 Automobile Car Sharing

A. **Applicability.** This section applies to any Automobile Car Sharing use in the UE ~~district, TC, TRC, and PD-MUB Zoning Districts.~~

B. **On-Site Automobile Storage.** On-site automobile storage ~~in the UE district~~ is limited ~~to~~ **as follows:**

~~1. In the UE and TRC Zoning District to 10 cars.~~

~~2. In the TC, TRC, and PD-MUB Zoning Districts to 4,000 square feet.~~

C. **Office Space.** In the TC, TRC, and PD-MUB Zoning Districts, any office area associated with the Automobile Car Sharing use ~~must be located within a building that contains 2 or more distinct principal uses that do not share the same physical space.~~

4.04.05 Banquet/Event Facility

~~B.A. **Applicability.** This Section applies to all Banquet/Event Facility uses, ~~except within the SM and SE district.~~~~

~~1. **Exceptions.**~~

~~a. For Banquet/Event Facilities within the CLI Zoning District, only subsection E below is applicable.~~

~~b. This Section does not apply to Banquet/Event Facilities within the TC and PD-MUB Zoning Districts.~~

~~C.B. **Intensity/Character.**~~

~~1. **Hours of Operation.** Hours of operation are limited to 7:00 ~~AM~~**a.m.** to 12:00 ~~midnight~~**a.m.**~~

~~2. **Size of Use.** The minimum lot area for a Banquet/Event Facility is 20 acres.~~

~~3. **Floor Area.** The floor area ratio ~~shall~~**must** not exceed 0.04.~~

~~4. **Location and Site/Dimensional Standards.**~~

- a. The Board of Supervisors may increase the outdoor area setback in establishing conditions associated with a Minor Special Exception for the Banquet/Event Facility use.
 - b. The Banquet/Event Facility use ~~shall~~must be setback 100 feet from all lot lines.
 - c. Parking ~~shall~~must be setback 100 feet from all lot lines.
 - d. Outdoor private party areas ~~shall~~must be setback 200 feet from all lot lines or 100 feet from a lot line of a property having a commercial use.
5. **Maximum-Number of Attendees:** 200 attendees, ~~plus 2 extra attendees per each~~ acre over 20 acres.

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

C. Roads/Access Standards.

~~B. Roads/Access Standards.~~

- ~~6.1.~~ **Number of Access Points.** Only 2 points of access are permitted ~~to a publicly maintained~~ public road for ~~the~~ a Banquet/Event Facility use. This requirement does not preclude an additional access for emergency vehicles only.
 - ~~7.2.~~ **Access.** For any Banquet/Event Facility use ~~that is~~ located on a lot which does not have frontage on a publicly maintained road, the applicant ~~shall~~must provide ~~documentation to the Zoning Administrator demonstrating that a private access easement road may be used to provide legal~~ access to the Banquet/Event Facility use.
- D. **Exterior Lighting.** In addition to the requirements of Section ~~5-087.05.D02.B.5~~, the maximum height of pole-mounted exterior lighting, outside of parking areas, is 12 feet.

3.06.01.03-Building Maintenance Services

- E. **CLI Zoning District.** Within the CLI Zoning District, Banquet/Event Facilities must receive Special Exception approval.
1. **Exception.** A Banquet/Event Facility up to 25,000 square feet of gross floor area with no direct access to Route 50 is a permitted use; no Special Exception is required.

4.04.06 Reserved.

- A. ~~4.04.07 Applicability.~~ This section applies to building maintenance services.
- B. ~~Storage.~~ All storage for these building maintenance service uses shall be enclosed.

Business Support Services

- A. **Applicability.** This section applies to business support services.
- B. **Retail Sales.** Retail sales to the general public shall not exceed 20% of the gross floor area devoted to business support services.
- C. All storage for the services must be enclosed.

~~Once districts are edited (depending on district) may need a requirement that parking is to side or rear.~~

4.04.08 Child Day Care and Child Day Home

A. **Applicability.** This section applies to child day cares and child day homes.

B. **Child Day Homes:**

1. Subsections B.2, 3, 4, and 5 of this Section are not modifiable by Minor Special Exception.
2. The total number of children cared for in a child day home must not exceed 12 children under the age of 13. The "total number of children cared for in a child day home" includes the provider's own children, children residing on the premises, and non-resident children.
3. The child day home shall be the principal residence of the child day home provider.
 1. The child day home shall comply with any and all County and Code of Virginia requirements, including without limitation, obtaining a Zoning Permit in accordance with Section ~~7.03~~11.04 of this Ordinance, obtaining a County Business License, and obtaining a State Family Day Home License in accordance with the Code of Virginia, as applicable, prior to establishing the use.
4. Prior to the approval of a Zoning Permit for a child day home, written notice of the Zoning Permit application shall be sent to the last known address of the owner of each adjacent property as shown on the County's current real estate tax assessment records. For purposes of this subsection, "adjacent" mean properties abutting the subject property and all property immediately and diagonally across the street or road from the subject property, but not including properties separated from the subject property by a roadway having more than 2 through lanes of travel or properties located across a roadway that are more than 100 feet from the boundary of the subject property. The applicant or the Zoning Administrator shall send the written notice by certified or registered mail. If the Zoning Administrator does not send the notice, the applicant shall submit mail receipts or an affidavit to the Zoning Administrator showing that the required notice was sent. The written notice shall include the following information:
 - a. A statement that a Zoning Permit application for a child day home has been submitted to the County;
 - b. The address of the property subject to the Zoning Permit application for the child day home;
 - ~~c. A mailing address for the Zoning Administrator; and~~
 - ~~a. A statement informing the adjacent property owner:~~
 - ~~d. that if they have any objection of the process to the proposed child day home that they can object:~~
 1. ~~The adjacent property owner must send their such~~ objection in writing to the Zoning Administrator, ~~at the mailing address provided in the notice;~~
 2. ~~that the The written objection must include the specific issues that are the basis for the objection must be received; and~~
 - ~~2.3. The Zoning Administrator will review such objection~~ within 30 days from the date the notification letter was sent;
 1. ~~that the written objection shall include the specific issues that are the basis for their objection; and~~
 2. ~~A mailing address for the Zoning Administrator.~~
 5. ~~If an objection is received in writing from an adjacent property owner within the required 30 days, the Zoning Administrator will evaluate the specific issues regarding the objection; however, if all zoning ordinance requirements are being met, the Zoning Permit application will continue through the review and approval process.~~
2. The Zoning Permit application for the child day home shall include ~~a Sketch Plan~~ an exhibit, in accordance

with Section

~~5.6.~~ ~~7.05.C of this Ordinance, The Sketch Plan shall~~ 11.04.B.5. The exhibit must show the size and location of the required outdoor play area and fence required by subsection B.8 below, and the required parking spaces.

~~6.7.~~ If the Zoning Permit application for the child day home is denied, the child day home may be permitted by approval of a Minor Special Exception by the Board of Supervisors, in accordance with Section ~~7.10~~11.11 of this Ordinance.

~~7.8.~~ Unless exempted by ~~8~~subsection 9.d. below, an outdoor play area shall be provided on the lot where the child day home is located. The outdoor play area shall meet the following standards:

- a. The minimum size of the outdoor play area is 75 square feet for each child permitted in the outdoor play area at any given time.
- b. A fence at least 3 feet 6 inches in height shall completely enclose the outdoor play area so that children are safely contained inside, and that all persons entering the outdoor play area are within direct line of sight from the child day home.
- c. The outdoor play area shall be located in the rear or side yard.
- d. No outdoor play area is required on-site if:
 1. the child day home is located within 1,000 feet of an existing park or outdoor play area of at least 2 times the size required for the child day home, and
 2. the park or outdoor play area may be accessed without crossing an arterial or collector road, and
 3. the park or outdoor play area is a public park (neighborhood, community or regional park).

~~8.9.~~ No more than ~~2~~ non-resident assistants/employees are permitted at any time during hours of operation.

~~9.10.~~ The hours of operation for the child day home are limited to 5 days a week between 6:00 AM and 7:00 PM.

~~10.11.~~ Signs for the child day home are permitted in accordance with Section ~~68.01~~ of this Ordinance.

~~11.12.~~ Parking spaces required by Section ~~5.05~~7.06.02 of this Ordinance shall be designed for the drop off/pick up of children and shall be designed and constructed to enhance the safety of children as they arrive and leave the child day home.

~~12.13.~~ A child day home that cares for more than 9 children (including the provider's own children, children residing on the premises, and non-resident children) is permitted only in a single family detached dwelling located on a lot that is at least 4,000 square feet.

C. ~~Child Day~~ Care:

1. The child day care shall comply with all County and Code of Virginia requirements, including obtaining a Zoning Permit in accordance with Section ~~7.03~~11.04 of this Ordinance, a County Business License, and a State Child Day Center License in accordance with the Code of Virginia prior to establishing the use. This subsection is not modifiable by Minor Special Exception.
2. Except as provided ~~under in subsection C.2.e.~~ below, an outdoor play area shall be provided on the lot where the child day care is located. The outdoor play area shall meet the following standards:
 - a. The minimum size of the outdoor play area is 75 square feet for each child permitted in the outdoor play area at any given time.
 - b. A fence at least 3 ~~½~~ feet 6 inches in height shall completely enclose the outdoor play area so that children are safely contained inside, and that all persons entering the outdoor play area are within direct line of sight from the child day care classroom areas.
 - c. The outdoor play area shall not be located within the minimum required front yard~~7~~, but may extend into the minimum required side and rear yards. No play equipment shall be located within any required yard or setback of any district.

- d. The outdoor play area shall be safely segregated from parking, loading, or service areas (such as dumpster pads or delivery sites).
 - e. No outdoor play area is required on-site if:
 1. the child day-care is located within 1,000 feet of an existing park or outdoor play area of at least 2 times the size required for the child day-care, and
 2. the park or outdoor play area may be accessed without crossing an arterial or collector road, and
 3. the park or outdoor play area is either:
 - a. a public park (neighborhood, community or regional park), or
 - b. other public play area or park shown on the approved concept development plan, site plan, or subdivision plat for the development the child day-care is located, and which is for the use of owners and residents of the portion of the development where the child day-care is located.
3. Parking areas and vehicular circulation patterns shall meet the following standards:
 - a. Parking areas shall be designed to enhance the safety of children as they arrive at and leave the facility.
 - b. A designated area for the drop off/pick up of children, providing at a minimum 1 parking space per 20 children, shall be located in proximity to the child day-care structure in such a way that provides safe and clearly designated access to enter or exit the day care. Such parking spaces may be used to meet the minimum off-street parking requirements of Section ~~5-057.06.02~~.

4. In the TSN, TCN, and TCC Zoning Districts, the maximum number of children permitted is 50.

4.04.09 Nursery, Commercial and Production

A. **Applicability.** This section applies to all ~~retail sales associated with~~ production nurseries and commercial nurseries.

B. On-Site Production.

1. **Commercial Nursery.** At least ~~25%~~ of the area designated as a commercial nursery ~~shall~~**must** be dedicated to the cultivation of plants that are grown and sold on site. In calculating the percentage of plants grown on-site, plants must be cultivated at the subject nursery facility for at least 1 full season of new growth for that plant. Plants brought to the subject nursery for immediate resale are considered non-site produced plants and accessory products.

2. **Production Nursery.** 100% of the area designated as a production nursery must be dedicated to the cultivation of plants that are grown on site. Such plants are for off-site resale on a retail or wholesale basis

~~B.C.~~ **Certification.** Plant production must be certified by the County Extension Agent if requested by the Zoning Administrator.

~~C.D.~~ **Commercial Nursery Accessory Products.**

1. Accessory products include those related to the culture and care of plants sold such as pottery, baskets, garden accessories, baked goods, and floral supplies. The sale of bulk products is permitted subject to the buffer yard requirements of Section ~~5-077.04.03~~. Propane, firewood, lawn and garden tractors, or machine or other equipment sales are not accessory products.
2. The sales area for accessory products is limited to 25% of the total sales area.

3.06.04.10 Convenience Stores

4.04.10 Reserved

4.04.11 Craft Beverage Manufacturing

- A. ~~**Applicability.** This section applies to convenience stores (with or without gasoline sales) that are located in freestanding structures.~~
- B. ~~**Accessory Uses.** In the RC, VC, JLMA-LI, SN, SCN, SM, SC, SE, SI, and TCC districts a convenience store (with or without gasoline sales) may include a car wash as an accessory use subject to approval of a special exception.~~
- C. ~~**Minimum Lot Area and Frontage.**~~
- ~~1. **Minimum Lot Area:** 50,000 square feet.~~
 - ~~2. If a convenience food store is located at the intersection of two streets, the lot must have at least 200 feet of frontage on each street.~~
- D. ~~**Maximum Retail Area Size:** 5,000 square feet.~~
- E. ~~**Noise Mitigation.** Any convenience food store located within 200 feet of a residentially zoned, used, and/or planned district or land bay must provide an acoustical barrier, such as landscaping, berms, fences and/or walls, to attenuate noise to levels required by Section 5.12.B.~~

3.06.04.11-Craft Beverage Manufacturing

- A. ~~**Applicability.** This section applies to~~ craft beverage manufacturing. For purposes of this section, "craft beverage manufacturing" means:
- ~~A small-scale brewery manufacturing no more than 15,000 barrels of beer per calendar year licensed in accordance with § 4.1-208 of the Code of Virginia, as amended, § 4.1-208; or~~
 - ~~A small-scale distillery manufacturing no more than 36,000 gallons of distilled spirits per calendar year, licensed in accordance with § 4.1-206 of the Code of Virginia, as amended § 4.1-206.~~
- B. **Intensity/Character.**
- Tasting Rooms and Accessory Food Sales.**
 - ~~Facilities for tasting rooms and accessory food sales must not exceed the lesser of (i) 49% of the total gross floor area of the craft beverage manufacturing use or (ii) 5,000 square feet.:~~
 - 49% of the total gross floor area of the craft beverage manufacturing use; or
 - 5,000 square feet.
 - Outdoor tasting rooms or similar outdoor activities must be set back at least 50 feet from all lot lines of adjacent agriculturally or residentially zoned properties.
 - Facilities for accessory food sales related to craft beverage consumption for the convenience of tasting room patrons only are permitted.
 - Restaurant.** A restaurant may be provided in accordance with the applicable zoning district.
 - Storage Areas.** Outdoor equipment and storage of materials used for craft beverage manufacturing are not permitted.
 - Hours of Operation.** Hours of operation are limited to 10:00 a.m. to 12:00 a.m.
- C. **Water and Sewer.** The use must be served by central water and central sewer.

4.04.12 Drive-through Facilities ~~Associated With Banks, Financial Institutions, and Pharmacies~~

- A. **Applicability.** This section applies to ~~drive-through facilities associated with~~ restaurants, banks, financial institutions, and other retail uses with a drive-through facility, such as pharmacies.
- B. **Where Permitted.**
1. Drive-through facilities are permitted accessory to banks, financial institutions, and ~~pharmacies~~ general retail uses that also provide a standard range of customer services in a building.
 - a. In the TDSA Subarea of the TRC Zoning District, the Town Center Core of the TC Zoning District, and the PD-MUB Zoning District, a drive through facility for a bank, financial institution, or general retail use is permitted pursuant to Special Exception approval.
 2. Drive-through facilities are permitted accessory to ~~uses~~ restaurants only where specifically permitted in the Retail use category in the SM districts Chapter 3.
- C. **Lanes.** Drive Lanes in drive-through facilities must include meet the following requirements:
1. A maximum of 3 lanes.
 - ~~3.2.~~ Include an escape lane from the service lanes.
 3. Stacking space that is sufficient to avoid vehicle stacking into drive lanes, parking spaces, and public streets.
- ~~C.D.~~ **Buffer.**
1. A Type C buffer yard must be provided between the ~~bank, financial institution, or pharmacy and drive-through facility and~~ any abutting property zoned, used, or planned for residential uses. ~~This~~
 - a. Exception. The buffer requirement in subsection D.1 does not apply to when the drive-through facility is provided in a vertically mixed-use buildings containing residential uses in the SM zoning district. TRC, TC, and PD-MUB Zoning Districts
 2. In lieu of the maximum percentages applicable to deciduous and evergreen trees ~~per pursuant~~ Section ~~5.077.04.06~~, a maximum of 30% of the required plant units may be large deciduous trees and/or small deciduous trees. All other plant units shall consist of evergreen trees and/or evergreen shrubs.
- ~~A. Stacking.~~ ~~Stacking space must be sufficient to avoid vehicle stacking into drive lanes, parking spaces, and public streets.~~

4.04.13 Farm Machinery

- A. **Applicability.** This section applies to any farm machinery use.
- B. **Location.** The establishment ~~shall~~ must be located on a lot with frontage on a ~~Class I or Class II public~~ road, and no more than 1,000 feet from the ~~Class I or Class II public~~ road.
- C. **Buffer.** The structures, storage, and parking areas and/or the perimeter of the property shall have a Buffer Yard Type B to screen such areas from adjacent residential buildings.
- D. **Setback.**
1. Buildings shall be set back a minimum of 75 feet from all property lines.
 2. Parking, driveways (other than entrance) and storage yards shall be set back at least 75 feet from the property line along any road frontage, and at least 50 feet from all other property lines.
 3. No structure shall be located within 500 feet of an existing residential structure.
- E. **Site Size.** Sites for such establishments shall not be less than 3 nor more than 10 acres in size.
- F. **Building Size.** The total Floor Area Ratio for all structures shall not exceed 0.1.
- G. **Accessory Sales.**
1. Accessory retail sales are limited to farm and garden equipment parts and related tools and accessories.

2. The floor area devoted to the display and sale of related tools and accessories is limited to 15% of the floor area of the building site. ~~No other non-farm equipment sales are permitted (such as lumber, hardware, building materials, or like items).~~

3. No other non-farm equipment sales are permitted (such as lumber, hardware, building materials, or like items).

4.04.14 Farm Markets

- A. **Applicability.** This section applies to farm markets.
- B. **Product Origin.** ~~Except as provided in subsection G below, at least 25% of the products offered for sale must be derived directly from agricultural, horticultural, aquacultural, or animal husbandry products produced on site or on other property in Loudoun County owned or leased by the operator of the Farm Market. Upon request, an annual report verifying this percentage shall be submitted to the Zoning Administrator.~~
- C. **Location.** ~~A Farm Market shall be located on the site of ongoing agricultural, horticultural or aquacultural activity unless otherwise provided elsewhere in the Zoning Ordinance.~~
- D. **Access.** ~~Farm Markets shall be located on roads where the entrance provides safe sight distance. The Virginia Department of Transportation may require turn lanes.~~ Farm markets that share a private access easement with another property owner/s, must show the easement allows a use of this type or written permission must be obtained by the sharing parties.
- E. **Accessory Products.**
 1. Sales area for accessory products is limited to 10 percent of the total area devoted to sales. The calculation of total sales area includes areas devoted to the display of items for sale.
 2. Permitted accessory products include pottery, baskets, garden accessories, baked goods, floral supplies and other items directly related to the culture, care, use of, or processing of a principal use in the applicable zoning district. Products not related to the principal permitted use such as lawn mowers and tractors are not allowed.
- F. **Maximum Structure Size.** ~~Retail sales areas within structures are limited, in the aggregate, to 10,000 square feet of floor area or a Floor Area Ratio of .02 (whichever is greater).~~
- G. **Farm Markets with Off-Site Production.** ~~Farm Markets with off-site production are permitted if, in addition to subsections B through F above, the following are met:~~
 1. At least 50% of the products offered for sale at the Farm Market (off-site production) must be produced in Loudoun County. An annual report verifying this percentage shall be submitted to the Zoning Administrator on request.
 2. Parking spaces are calculated on the basis of the ~~floor area of indoor and outdoor sales area.~~
 3. Landscaping/Buffering/Screening.
 - a. The use shall comply with Section ~~5.077.04.04.A.6.~~
 - b. Parking areas shall comply with Section ~~5.077.04.05.~~
 - c. Storage areas shall comply with Section ~~5.077.04.04.~~

4.04.15 Feed and Farm Supply Center

- A. **Applicability.** ~~This section applies to feed and farm supply centers.~~
- B. **Heavy Equipment.** ~~No more than 10% of the floor area or display or storage area used for the enterprise shall be devoted to heavy equipment and machinery.~~

4.04.16 Kennels/Indoor Kennels

- A. **Applicability.** This section applies to kennels or indoor kennels. It does not apply to animal hospitals or animal care businesses.
- B. **Indoor ~~Kennel~~Kennels.**
1. **No Opening to Outside.** Indoor Kennels ~~shall~~must not be housed in a structure with any opening to the outside except required ingress/egress and ventilation equipment. An indoor kennel must not have outdoor runs.
 2. **Waste Handling.** Indoor kennels must have an animal waste handling plan.
 3. **Accessory Uses.**
 - a. Indoor Kennels may include the following accessory uses:
 1. ~~up~~Up to 10% of gross floor area for retail sales,
 2. ~~up~~Up to 10% of gross floor area for veterinary service,
 3. ~~up~~Up to 10% of gross floor area for animal hospital, and
 4. ~~up~~Up to 10% of gross floor area for grooming.
 - b. Accessory uses may not exceed 25% of the total gross floor area.
- C. **Kennels in AR, TR, and JLMA Districts.** Kennels in the AR, TR, and JLMA districts ~~shall~~must comply with the following standards.
1. **Location on Site/Dimensional Standards.** An outdoor kennel or associated use ~~shall~~must be set back 100 feet from a lot line.
 2. **Roads/Access.**
 - a. All kennels ~~shall~~must comply with the road access standards of Section ~~5.097.07.01~~.
 - b. Only one point of access is permitted from a kennel to a public road. This requirement does not preclude an additional access for emergency vehicles only.
 3. **Noise.** The maximum allowable dB(A) level of impulsive sound emitted from the use, as measured at the property line, is 55 dB(A).

~~3.06.04.12 Mobile~~

Vendor

- ~~A. **Kennels** This section applies to mobile vendors. It does not apply to catering vehicles or ice cream trucks in continuous operation within the public right of way.~~
- ~~B. **Intensity/Character.**~~
- ~~D. **in the GI District.** Kennels in the GI district must set back all buildings 200 feet from any adjacent residentially zoned property.~~
- ~~E. All kennels and indoor kennels must be operated in accordance with the Code of Virginia and may be subject to routine inspection for compliance by the Department of Animal Services, USDA, or VDACS where applicable.~~

4.04.17 Reserved

- ~~1. **4.04.18 Hours of Operation.** Mobile vendors may operate for a maximum of 4 consecutive hours in any 1 day at any 1 location, including set-up and break-down, except as part of a temporary special event, limited brewery, Virginia farm winery, or commercial winery. Mobile vendors permitted in conjunction with a principal use must operate within the normal business hours of the principal use.~~
- ~~2. **Maximum Number.** A maximum of 3 mobile vendors are permitted at any 1 location at the same time,~~

~~provided that any additional mobile vendors are permitted and regulated in conjunction with any approved Concept Development Plan, Final Development Plan, site development plan, special exception or as approved by a temporary special event (Section 3.05.D).~~

- ~~3. **Mobile Vendor Carts.** Mobile carts must be moveable by one person, must be non-motorized, and must not exceed six feet in length, not including a trailer hitch.~~

~~C. **Where Permitted.**~~

- ~~1. Mobile vendors when located on private property must obtain the written consent of the property owner or authorized agent.~~
- ~~2. Mobile vendors may be permitted in conjunction with an allowed principal use consisting of a minimum of 10,000 square feet of gross floor area.~~
- ~~3. Mobile vendors may be permitted on a construction site with an active building permit and during hours of on-going construction activity.~~
- ~~4. Mobile vendors and associated outdoor seating must be removed from all permitted locations during impermissible hours of operation and must not be stored, parked, or left overnight on any public street or sidewalk.~~
- ~~5. Mobile vendors operating in public places shall comply with any applicable County permit or licensing requirements.~~

~~D. **Location and Site Standards.**~~

- ~~1. **Placement in Required Parking.** Mobile vendors and associated seating, if any, must not occupy parking spaces required to fulfill the minimum requirements of the principal use.~~
- ~~2. **Placement Surface.** Mobile vendors must be located on a level, paved, or gravel surface with safe pedestrian access.~~
- ~~3. **Clearance.** Mobile vendors must not be located in any fire lane, travel lane, entrance or exit.~~
- ~~4. **Noise.** No audio amplification is allowed as part of the mobile vendor operation.~~
- ~~5. **Waste Disposal.** Trash receptacles must be provided. The mobile vendor is responsible for the proper disposal of waste and trash associated with the operation. The mobile vendor must keep all areas within 5 feet of the vehicle, trailer or cart and any associated seating area clean of grease, trash, paper, cups or cans associated with the vending operation. No liquid waste or grease is to be disposed in tree pits, storm drains or onto the sidewalks, streets, or other public space. Under no circumstances can grease be released or disposed of in the County's sanitary sewer system.~~

Personal Services

- A. **Applicability.** This section applies to cleaning and garment personal services uses.
- B. **Cleaning and Garment Services.** Cleaning and garment services containing no more than 3,000 square feet of gross floor area. For purposes of this subsection, "cleaning and garment services" means establishments for the mechanical cleaning of garments, articles or goods of fabric for retail customers.

4.04.19 Restaurant

- A. **Applicability.** This section applies to any restaurant use in the [ARN, ARSAR1, AR-2](#), JLMA-2, and JLMA-3 [zoning districts](#).
- B. **Approval.** Minor [special exception review and Special Exception](#) approval [is](#) required.
 1. **Exception.** On-site restaurants directly related to ongoing agriculture, horticulture and animal husbandry activity ~~are permitted without minor special exception.~~ [Minor Special Exception.](#)

B.C. Intensity/Character Standards. Hours of operation are limited to 6:00 a.m. to 12:00 midnight.

C.D. Size of Use.

1. **Site Size.** The minimum lot area is 20 acres except that no minimum lot size applies to adaptive reuse of farm structures existing as of January 7, 2003.
2. **Floor Area Ratio.** The maximum floor area ratio is 0.01 except that no maximum floor area ratio applies to adaptive reuse of farm structures existing as of January 7, 2003.
3. **Location on Site/Dimensional Standards.** The use shall be set back from lot lines as follows:
 - a. Structures of up to 1,500 square feet of gross floor area: 100 feet minimum from all lot lines.
 - b. Structures greater than 1,500 and up to 4,000 square feet of gross floor area: 150 feet minimum from all lot lines.
 - c. Structures over 4,000 square feet of gross floor area: 175 feet minimum from all lot lines.

D.E. Roads/Access Standards. Only one point of access is permitted to a public road. This requirement does not preclude an additional access for emergency vehicles only.

~~6. **Driveways.** Driveways shall not be located within a required buffer yard area except as necessary to access the site.~~

~~7. **Number of Access Points.** Only one point of access is permitted to a Class II or Class III road. This requirement does not preclude an additional access for emergency vehicles only.~~

4.04.20 Small Business, Agricultural, and Rural

Purpose.

- **General.** *This section allows residents to operate small-scale service and contracting businesses in the agricultural, rural, transition, village, and joint land management area zoning districts. Intended to preserve the rural and historic character of those districts and agriculture as an industry. It is the general intent of this Section that commercial uses locate in and around existing urban areas that have adequate roads, public facilities and utilities. However, some small businesses may locate within these districts to provide economical and convenient services to the rural area, to supplement farming as a source of income and to operate a home-based business where feasible. Some small businesses can operate in the rural areas with special designs and conditions that mitigate impacts on neighboring rural residential properties.*
 - **Allow Local, Small-Scale Businesses to Locate and Operate.** *This Section allows local, small-scale businesses to locate and operate. It is not intended to permit franchises, branch facilities or other partial elements of larger enterprises that have other business facilities in other locations. Those larger scale enterprises, including expanding businesses which initially located in rural areas under this Section, must locate in the County's industrial and commercial zoning districts where they will not adversely impact residential neighborhoods or agricultural activities.*
 - **Uses Temporary for Starting New Business.** *The uses approved under this section are considered temporary for the purpose of starting new businesses. Once a small business needs to expand its area, number of employees, or commercial and customer traffic beyond the capacity and character of the rural area, the business shall relocate to a location appropriately zoned for commercial, business or employment uses. The Board of Supervisors may impose appropriate conditions limiting the duration or transfer of special exceptions granted under this Section.*
 - **Adaptive Re-use of Farm Structures.** *This Section provides for the adaptive re-use of farm structures for home occupations and small businesses.*
- A. **Applicability.** This section applies to small businesses in the ~~ARN, ARSAR-1, AR-2~~, A-3, A-10, TR, ~~TLN, VR, JLMA~~, and PD-~~CVRV~~ districts. District regulations ~~shall~~ also apply to small business uses located in those districts. Any

use accessory and subordinate to a principal agricultural use ~~shall~~is not ~~be~~ affected by this section. In addition, this section does not ~~affect~~ any legal nonconforming use as provided for in Chapter 910.

- B. **Permitted Small Business Uses.** ~~Small business uses, as listed in subsection DC, which meet all of the conditions in Section 3.06.04.17.E subsection D are allowed on lots of 10 acres or greater, subject to approval of a zoning permit/~~sketch plan~~ (see Section 3.06.04.17.H subsection F).~~
- C. **Small Business Uses Permitted by Special Exception.** Small businesses not meeting the criteria of subsection ~~CD~~ are allowed by special exception in the A-3, A-10, TR, JLMA, and PD-RV districts and by minor special exception in the AR-1 and AR-2 districts, pursuant to Section 11.11. The following uses may be approved as small businesses:
1. Business service occupations~~;~~
 2. Personal service occupations~~;~~
 3. Repair service occupations~~;~~
 4. Contractors and contracting~~;~~
 5. Professional office-based services~~;~~
 6. Studios for fine arts and crafts~~;~~
 7. Antique sales~~;~~
 8. The sale of any goods or items produced on the premises~~;~~
 9. Except as provided above, no retail or wholesale commercial businesses are permitted.
- D. **Small Business Site Development Criteria.**
1. **Standards and Restrictions for Small Business Uses.**

	Acreage	No. of Employees	Heavy Equip. (On-Site)	Business Vehicles (On-Site)
(a)	0-3	1 maximum	none	2 maximum
(b)	3 but <10	3 maximum	none	2 maximum
(c)	10 but <50	4 maximum	2 maximum	4 maximum
(d)	50 or greater	10 maximum	5 maximum	6 maximum
(e) Business vehicle may not have more than two axles.				

2. Regulations for Structures.

	Acreage	Size of Structures
(a)	3-5	2,000 sq. ft. maximum
(b)	5 but <10	2,500 sq. ft. maximum
(c)	10 or greater	5,000 sq. ft. maximum for the initial 10 acres, plus an additional 1,000 sq. ft. for each additional 10 acres, not to exceed 15,000 sq. ft. maximum
(d) Building Height: 35 feet maximum.		

3. **Accessory Structures, Agriculture.** ~~Notwithstanding the limitations placed on home occupations in Section 3.06.09.03.E, 100% of an agriculture accessory structure may be used. An approved zoning/building permit ~~shall~~must be received for the change in use.~~
4. **Regulations for Storage Yards.**

	Acreage	Size of Storage Yards
(a)	3-5	2,000 sq. ft. maximum
(b)	5 but <10	2,500 sq. ft. maximum
(c)	10 or greater	5,000 sq. ft. maximum for the initial 10 acres, plus an additional 1,000 sq. ft. for each additional 10 acres, not to exceed 15,000 sq. ft. maximum
(d) Storage yards shall <u>must</u> be screened consistent with the requirements of Section 5-077.04.04 . Outdoor storage space must be enclosed on all sides by a fence.		

5. Setback requirements.

- The minimum setback for ~~all~~ structures or storage yards of less than 2,000 sq. ft. for uses allowed under this Section is 50 feet from all lot lines.
- The minimum setback for all structures or storage yards in excess of 2,000 sq. ft. is 100 feet from all lot lines.
- The minimum setback for ~~all~~ structures or storage yards used for the storage of heavy equipment is 200 feet from all lot lines and 500 feet from existing residential dwellings.

- Access.** All businesses which use, or store on site, heavy equipment ~~shall~~must access a ~~Class II or Class III~~ public road.

F. Sketch and Zoning Permit or Site Plans.

~~1. **Sketch Plan.** A sketch plan is required as part of a zoning permit application for permitted small businesses. Sketch plans shall include a drawing of all aspects of the business operations including the size and dimensions of the residence; the size and dimensions of areas within the residence to be used for the business; size, dimensions, and location of any structures, outdoor storage yards, and screening and buffering; size and dimensions of parking areas and signs if any; and the approximate location of any on-site major floodplain as determined from the County flood plain map. In addition, the sketch plan shall include the required off site information needed to illustrate conformance with the small business regulations, (Section 3.06.04.17), such as distances between storage yards, structures and adjacent residential structures and other buildings, the location and width of adjacent right of way, adjoining properties, and easements. The sketch plan need not be drawn to scale, nor does it have to be prepared by a licensed professional. However, distances from structure to adjacent lot lines must be accurately depicted.~~

~~1. **Zoning Permit or Site Plan.** A Zoning Permit or Site Plan application, as applicable, must include information depicting compliance with this Section.~~

~~1.2. **Special Exceptions.** Special ~~exceptions~~Exceptions may contain a condition for a ~~site plan~~Site Plan, in lieu of a ~~sketch plan~~addition to the Zoning Permit, that the Board of Supervisors finds necessary to mitigate potential off-site impacts of the proposed use.~~

- Signs.** Signs for permitted and special exception small businesses approved under this Section ~~3-06.04.17~~ are subject to the regulations contained in Chapter ~~68~~ of this Ordinance for non-residential uses in the applicable zoning district.

~~G.~~ **Parking.**

- ~~Location.~~ No parking ~~shall be~~is permitted in a required yard or setback.

4.04.21 ~~Snack or Beverage Bars~~

- A. **Applicability.** ~~This section applies to snack or beverage bars in the ARN or ARSAR-1 and AR-2 districts.~~
- B. **Intensity/Character Standards.** Hours of operation are limited to 6:00 a.m. to 9:00 p.m.
- C. **Size of Use.**
 - 1. **Site Size.** The minimum lot area is 5 acres.
 - 2. **Structure.** The maximum ~~size~~ of structures used is 2,500 square feet in gross floor area (total all structures).
- D. **Location on Site/Dimensional Standards.** The minimum setback for a ~~snack or beverage bar~~ is 50 feet from all ~~lot~~ lines.
- ~~E. Roads Access Standards.~~
- E. ~~Number of Access Points.~~ Only one point of access is permitted ~~to a Class II or Class III public road~~. This requirement does not preclude an additional access for emergency vehicles only.

4.04.22 Vehicle Repair, Heavy

- A. **Applicability.** This section applies to Heavy Vehicle Repair uses.

~~F. Generally~~

B. General.

- 1. Motor vehicle service and repair shall be conducted within a building and ~~shall~~ must not include on-site storage of inoperable vehicles.
- 2. All areas containing vehicles under repair shall be screened.

B.C. Heavy Vehicle Repair Uses with Accessory Vehicle Sales.

- 1. **Applicability.** Limited motor vehicle sales are permitted as an accessory use to heavy vehicle repair subject to this section. ~~This section does not prevent a mechanic from selling a car to recover costs associated with a mechanic's lien.~~
- 2. **Location.**
 - a. The accessory vehicle sales must be on the same lot and within the same building as the principal ~~use~~ of Vehicle Repair, Heavy.
 - b. Accessory vehicle sales are only ~~permitted~~ when the use is located on a paved local road capable of accommodating the traffic generated by the use, and accessed by the same roads that serve the principal use. Any car-carrier loading/unloading area and vehicle storage areas must be located on the same lot and separated from the customer parking areas.
- 3. **Outside Display.** ~~Outside display of vehicles is not permitted within front yards, setbacks, or within minimum parking areas as set forth in Section 5.05.037.06.02.~~
- 4. **Inventory.**
 - a. All vehicles sold must have received repair, modification, or customization (not to include light repair) by the Heavy ~~Vehicle Repair~~ use.
 - b. All vehicles sold ~~for street use~~ must meet applicable state and federal regulations regarding emissions and safety.
 - c. The sale and/or outdoor storage of vehicles that are not in operating condition is not permitted.
- 5. **Franchise Prohibited.** ~~No dealership franchises are permitted.~~

4.04.23 Vehicle Repair, Light

- A. **Applicability.** This section applies to Light Vehicle Repair uses.
- B. **Heavy Vehicle Repair.** Up to 10% of the floor area may be used for heavy motor vehicle service and repair as defined in Heavy Vehicle- Repair.
- C. **Repair to Occur Indoors.** Motor vehicle service and repair ~~shall~~must be conducted within a building.
- D. **Storage of Inoperable Vehicles Prohibited.** On-site storage of inoperable vehicles is not permitted.
- E. **Screening.** ~~All~~ areas containing vehicles under repair ~~shall~~must be screened.

4.04.24 Vehicle Wholesale Auction—

- A. **Applicability.** This section applies to any vehicle wholesale auction.
- B. **Locational Criteria.**
 - 1. Vehicle wholesale auctions shall be located on a ~~Class I or Class II~~public road capable of accommodating the traffic generated by the use.
 - 2. Vehicle wholesale auctions ~~shall~~must be located on parcels that are ~~at least partially~~ located within the noise contour areas of the Airport Impact Overlay District, as existing at the time of initial site plan approval.
 - 3. The minimum lot area is 50 acres.
- C. **Site Development Criteria.**
 - 1. Any car-carrier loading/unloading area and vehicle storage areas ~~shall~~must be located separately from the customer parking areas.
 - 2. The use shall be served by public sewer.
 - 3. Car washing associated with the use ~~shall utilize~~must use recycled water.
 - 4. The sale and/or storage of vehicles that are not in operating condition is not permitted.
 - 5. Outdoor vehicle storage, parking spaces, and loading spaces shall be specifically identified on an approved site plan and is limited to those areas.
 - 6. The minimum setback for ~~outdoor~~ vehicle storage is 100 feet from any road right-of-way.
 - 7. The test driving of all vehicles must be conducted on-site.
 - 8. Vehicle wholesale auctions ~~shall~~must not be conducted before 8:00 a.m., after 6:00 p.m., or on Saturdays or Sundays.

4.05 Public/Civic/Institutional

4.05.01 Amphitheater

- A. **Applicability.** ~~This section applies to any amphitheater in the PD-MUB, TSN, TSC, SM, ARN or ARSTCN, TCC, TC, and AR districts.~~ This section does not apply to small-scale amphitheaters that are accessory to community centers, HOA facilities, residential subdivisions, or other principal uses.
- B. **Intensity/Character.**
 - 1. The minimum lot area for an amphitheater in the ~~ARN or ARS~~AR districts ~~is~~ 50 acres.
 - 2. **Accessory Uses.** Accessory uses may include concession facilities for the sales of drinks and food during events, and offices used solely to operate and manage the amphitheater.
- C. **Size of Use.**
 - 1. The capacity for permitted amphitheaters is limited to ~~2,000 seats. Amphitheaters in the SM district may exceed 2,000 seats with special exception approval~~ 2,000 seats.

2. Amphitheaters in the PD-MUB and TC districts may exceed 2,000 seats with special exception approval.

2-3. Accessory concession facilities—5,000 square feet in the ~~ARN or ARSAR~~ districts.

D. **Location.** The minimum setback from lot lines is 10001,000 feet in the ~~ARN or ARSAR~~ districts.

E. **Roads/Access.**

1. **Number of Access Points.** Only 2 points of access are permitted to an amphitheater. This requirement does not preclude an additional access for emergency vehicles only.

1. ~~Driveways.~~ Driveways are prohibited within a required buffer yard except as necessary to access the site.

4.05.02 Agricultural Cultural Center—

A. **Applicability.** This section applies to agricultural cultural centers in the ~~ARN, ARS and Route 28 CO, PD-CM and CBAR~~ districts.

B. **Intensity/Character of Use.** The minimum lot area for an agricultural cultural center is 10 acres.

C. **Size of Use.**

1. **Floor Area Ratio.** The maximum floor area ratio is 0.04.

2. **Storage Yards.** The total area of all storage yards is limited to 10% of the total gross floor area of the principal structure on the site. Outdoor exhibit space open to members of the public is not counted as part of the area of storage yards.

D. **Location on Site.** The minimum set back from lot lines is:

1. **Structures over 18,000 square feet of gross floor area:** 225 feet minimum from all lot lines.

2. **Structures greater than 9,000 square feet, and up to 18,000 square feet of gross floor area:** 175 feet minimum from all lot lines.

3. **Structures of less than 9,000 square feet of gross floor area:** 125 feet minimum from all lot lines.

E. **Roads/Access.**

1. **Number of Access Points.** Only 1 point of access is permitted to a ~~Class I, Class II or Class III~~ public road. This requirement does not preclude an additional access for emergency vehicles only.

2. ~~Driveways.~~ Driveways are not permitted within a required buffer yard area except as minimally necessary to access the site.

F. **Historic Structures.** The applicability standards for structures existing prior to January 7, 2003, as identified in Section 3.06.01 ~~shall~~ apply.

4.05.03 Agricultural Education or Research—

A. **Applicability.** This section applies to any agricultural education or research use in the ~~ARN, ARS, TLN-AR-1, AR-2, and TR-2-JLMA-20~~ districts.

B. **Size of Use Standards.**

1. **Site Size.** The minimum lot area is 25 acres.

2. **Visitors/Customers/Parking Spaces.** No more than 200 visitors are allowed on any one day, and no more than 100 vehicles are allowed on site at any one time. Additional visitors are allowed by right, subject to an increase in minimum site size at a rate of 1 acre per 5 visitors in excess of 25 acres.

3. **Structure.** The maximum floor area ratio is 0.04.

4. **Storage Yards.** The maximum total area of storage yards ~~shall~~ must not exceed 10% of the total area of the principal structure.

C. **Location on Site/Dimensional Standards.** The minimum setback all from lot lines is:

1. Structures up to 7,000 square feet of gross floor area: 100 feet.
2. Structures greater than 7,000 square feet of gross floor area and up to 12,000: 150 feet.
3. Structures greater than 12,000 square feet of gross floor area: 200 feet.

~~A. Roads/Access.~~

D. **Roads/Number of Access Points.** Only 2 points of access are permitted to a public road. This requirement does not preclude an additional access for emergency vehicles only.

~~3. Driveways. Driveways are not permitted within a required buffer yard area except as necessary to access the site.~~

4.05.04 Assembly

A. **Applicability.** The following standards shall apply to assembly uses in the ARN, ARS, JLMA and TLN-10 districts, which includes religious land uses.

B. **Approval.** ~~Religious~~ The following uses require Special Exception approval:

1. In the AR, JLMA, and TR-10 districts, religious land uses with seating capacity of more than 300 in the sanctuary or main activity area, or with accessory schools, day care centers with more than 50 children, or recreation facilities, must have special exception review and approval.

~~B. Size of Use.~~

2. In the TRC, UE, GI, PD-RDP, GB, and RC districts, a school accessory to a religious land use.

C. **AR, JLMA, and TLN-10 Zoning District Requirements.** In the AR, JLMA, and TR-10 districts, religious land uses must meet the following requirements:

2.1. **Site Size.** The minimum lot area is:

- a. Seating capacity of 300 seats or less: 10 acres.
- b. Seating capacity of 300 seats or more seats, and accessory uses (schools, day care centers, recreation facilities): 20 acres.

3.2. **Maximum Floor Area Ratio.** The maximum floor area ratio, as measured utilizing all structures and the total gross acreage of the site is 0.20.

4.3. **Storage Yards.** The maximum total area of storage yards is 10 percent of the total area of the principal structure.

~~C. Location on Site.~~

D. **Setbacks from Lot Lines.** The minimum setbacks from lot lines is are:

1. 75 feet for buildings and other structures; and
2. 100 feet for parking.

~~B.E. Accessory Uses.~~ Religious land uses may include but are not limited to accessory classrooms, offices, day care, camps, recreational facilities, caretaker's quarters, food bank, thrift shop, retail sales and cemeteries. Accessory child day care facilities shall comply with Section 3.064.04.08.

~~D. Roads/Access.~~

~~C.F. Number of Access Points.~~ Only 2 points of access are permitted to a Class I, Class II or Class III public road from an assembly use. This requirement does not preclude an additional access for emergency vehicles only.

~~D.G. Modification of Performance Use-Specific Standards.~~ For religious land uses, the Zoning Administrator may modify any of the standards listed in this Section 3.06.05.22 to eliminate a substantial burden on religious exercise

as guaranteed by the federal *Religious Land Use and Institutionalized Persons Act of 2000* (42 U.S.C. Sec. 2000cc)("RLUIPA"), as amended. In granting a modification, the Zoning Administrator may require conditions consistent with RLUIPA that will secure substantially the objectives of the modified standard and that will substantially mitigate any potential adverse impact on the environment or on adjacent properties.

4.05.05 Botanical Garden

- A. **Applicability.** This section applies to botanical gardens in the ~~ARN, ARS, AR-1, AR-2, and JLMA-20~~ and ~~PD-CV~~ districts. These are defined as part of a cultural facility use.
- B. **Intensity/Character of Use.**
 1. **Site Size.** The minimum lot area for any botanical garden is 5 acres.
 2. **Hours of Operation.** The hours of operation are limited to 6:00 a.m. to 9:00 p.m., except that permitted temporary special events at a botanical garden may operate beyond the 9:00 p.m. time according to the terms of the temporary special events permit.
 3. **Accessory Uses.** Accessory uses are only permitted on lots 20 acres in size or larger. Accessory uses to a botanical garden, may include retail sales (e.g., gift shops), small restaurants or cafes, or visitor centers are subject to the following standards:
 - a. Retail sales are limited to the sale of items directly related to the nature and character of the principal permitted use.
 - b. Accessory uses other than visitor centers 1,000 square feet of gross floor area.
 - c. A ~~visitors~~visitors' center is limited 2,500 square feet of gross floor area.
- C. **Size of Use.**
 1. **Floor Area Ratio.** The maximum floor area ratio is 0.02.
 2. **Storage Areas.** The total area of storage areas is limited to 10% of the total area of the principal structure.

4.05.06 Conference and Training Facility Facilities

- A. **Applicability.** This section applies to conference and training facilities in the ~~ARN, ARSAR, TR-10, and TLN-10~~ JLMA-20 districts.
- B. **Intensity/Character.** The minimum lot area is:

Use	Lot Area (Minimum)	Average Daily Users
Level I-small scale	50 acres	Up to 50 users
Level II-medium scale	100 acres	>50 and up to 100 users
Level III-large scale	150 acres	>100 and up to 150 users
Level IV	Requires special exception approval pursuant to Section 7-0911.11.01	>150 users

Average daily users include the employees, trainees and conferees the conference and training facility is designed to accommodate. Service trips, which are trips made to the facility for the purpose of delivering food, supplies, and related materials are in addition to the average daily users.

- C. **Size of Use.**
 1. **Floor Area Ratio.** The maximum floor area ratio is 0.04.
 2. **Accessory Uses.**

- a. Dining and banquet facilities may be provided for employees, trainees and conferees. The maximum total area of ~~banquet~~ and dining facilities is 20% of the total area of the principle permitted structure.
- b. The maximum total area of ~~lodging~~ facilities is ~~40%~~ of the total area of the principal permitted structure.
3. **Special Events Only by Section 3.05-0 or Special Exception.** Special events shall receive approval pursuant to Section ~~3.05-04~~ or be specifically provided for in the approval of a special exception (Section ~~7.0911.11.01~~), as applicable.
4. **No Products Sold On-Site.** No products shall be sold on-site, except those that are clearly incidental and integral to the training programs and seminars. Shirts, glasses, golf equipment, pens and pencils, mugs and similar items with the logo of the company or firm conducting or sponsoring the conference or seminars are considered incidental and integral to the training program.
5. **Storage Yards.** The maximum ~~total~~ area of storage yards is 10% of the total area of the ~~principle~~principal structures.
6. **On-Site Recreation Facilities.** On-site recreation facilities may be used solely by employees, trainees or conferees.
7. **Open Space.** At least 75% of the site must remain in an agricultural, forestry, open space, or historic preservation use.
8. **Location on Site/Dimensional Standards.** The minimum ~~setback~~ from lot lines is:

Use	Setback from Lot Lines
Level I—small scale	150 ft.
Level II—medium scale	200 ft.
Level III—large scale <u>and Level IV</u>	250 ft.

D. Roads/Access.

1. **Number of Access Points.** Only 1 ~~point~~ of access is permitted ~~to a Class I, Class II or Class III public~~ road. This requirement does not preclude an additional access for emergency vehicles only.
- ~~1. **Driveways.** Driveways shall not be located within a required buffer yard area except as necessary to access the site.~~

E. Noise Standards.

1. The maximum allowable dB(A) level of impulsive sound from the site, as measured at the property line, shall not exceed 55 dB(A).
2. Outdoor music is not allowed after 11:00 PM.

4.05.07 Country Club-

A. Applicability.

1. This section applies to ~~country~~ clubs in the ~~ARN-AR-1~~ and ~~ARSAR-2 districts~~. Country clubs are defined as part of the outdoor or major recreation use.
2. For purposes of this section:
 - a. "Lot Area" includes the total acreage of abutting parcels under common ownership and control, or under a common development plan, and

- b. "Property Line" means the outer line of properties under common ownership and control, or under a common development plan.

B. Intensity/Character. The minimum lot area is:

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

C. Size of Use.

- Floor Area Ratio.** The maximum floor area ratio is 0.04.
- Maximum Structure Size.** The maximum size of structures is:

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

- Accessory Structures.** The maximum total area of all accessory structures is 15 ~~percent~~ % of the total gross floor area of the principal structures used for the country club.
- Distribution of Uses.**

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

D. Use Limitations.

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

applicant shall provide additional landscaping and buffering to mitigate the visual impact from adjacent public roadways.

E. Minimum Required Yards.

1. The minimum required yard for principal and accessory structures is ~~45~~50 feet from all property lines (the "property line" is the outer line of the properties under common ownership and control).
2. To encourage preservation of environmental resources, the Zoning Administrator may reduce yard requirements up to 25%.
3. Accessory structures, not requiring a building permit, may be located a minimum of 25 feet from all property lines.

F. Landscaping/Buffering/Screening. A Buffer Yard Type B (see Section 7.04.04.D) is required for principal or accessory structures associated with the country club that are adjacent to parcels of 3 acres or less that are not part of a common development plan.

- ~~1. **Buffer.** A Buffer Yard Type B (see Section 5.07.04.D) is required for principal or accessory structures associated with the country club that are adjacent to parcels of 3 acres or less that are not part of a common development plan.~~

~~**C. Roads/Access.**~~

- G. Number of Access Points.** Only 2 direct points of access are permitted from a Country Club use to a public road. This requirement does not preclude an additional access for emergency vehicles.

- ~~1. **Driveways.** Driveways shall not be located within a required buffer yard area~~

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

~~**D. Parking.**~~

- I. Surface.** Where practicable, a pervious surface is required.
- J. Noise Standards.** The maximum allowable dB(A) level of impulsive sound from the site, as measured at the property line, is 55 dB(A).

4.05.08 Death Care Services—

B.A. Applicability. This section applies to cemeteries, mausoleums, crematoriums, and funeral services. This section does not apply to crematoriums permitted in the ~~SM-PD-MUB~~ district.

C.B. Intensity/Character of Use.

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

~~**D.C. Size of Use.**~~

1. **Maximum Floor Area Ratio.** The maximum floor area ratio is 0.04.
2. **Storage Areas.** The maximum total area of storage areas is 10% of the total area of the principal structure.

E.D. Location on Site/Dimensional Standards.

1. **General.** The minimum set back is ~~50~~ feet from lot lines.
2. **Setback from Residences.** The minimum setback from a residence is 100 feet, unless property owner of the neighboring residence consents in writing to a reduced setback.
3. **Setback from Water Company Well.** The minimum setback from a city, town or water company well is 300 yards (Section 57-26 Code of Virginia).

E. Roads/Access.

~~E. Roads/Access.~~

~~1. Driveways. Driveways shall not be located within a required buffer yard area except as necessary to access the site.~~

~~4.1. Stacking.~~ Sufficient car stacking space must be provided on the lot such that a ~~collector or arterial~~ public road need not be used to form funeral processions. The area of the lot used to form funeral processions ~~shall~~ must have direct, but limited, access to the ~~collector or arterial~~ public road.

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

Location.

1. The funeral home must be located within a freestanding building and be the sole principal use on the lot.

2. Minimum Lot Size. 1.5 acres.

3. Roads/Access. The funeral home use must be established on a parcel of land fronting on, and with direct access to, an existing collector or arterial road.

4.05.09 Fairground—

A. **Applicability.** The following standards shall apply to fairgrounds in the ~~ARN, ARSAR~~ and JLMA-20 districts. A fairground is classified as part of an outdoor or major recreation use.

B. **Intensity/Character of Use.** The minimum lot area is 25 acres.

C. **Size of Use.**

1. **Floor Area Ratio.** The maximum floor area ratio is 0.04.

2. **Storage Areas.** The maximum total area of storage areas is 10% of the total area of the principal structures.

3. **Building Height.** Maximum building height is 35 feet.

4. **Location on Site.** The minimum setback from lot lines is:

a. Structures of less than 20,000 square feet of gross floor area: 150 feet.

b. Structures greater than 20,000 square feet, up to 40,000 square feet of gross floor area: 200 feet.

c. Structures greater than 40,000 square feet of gross floor area: 225 feet.

~~F. Roads/Access.~~

D. ~~Number of Access Points.~~ Only 2 points of access to a fairground are permitted. This requirement does not preclude an additional access for emergency vehicles only.

~~1. Driveways. Driveways are not permitted within a required buffer yard area except as necessary to access the site.~~

E. **Exterior Lighting Standards.** Refer to Section ~~5.127.09~~.A.1-3.

F. **Noise.**

~~2. Location in Relation to Residential Use.~~ No loading/unloading activities, or other noise-producing activities are allowed within 250 feet of an existing adjacent single family detached use during the hours of 11:00

1. p.m. and 6:00 a.m.

2. **Maximum dB(A).** The maximum allowable dB(A) level of impulsive sound emitted from the use, as measured at the property line, is exceed 55 dB(A). In addition, outdoor music is not allowed after 11:00 PM.

~~G. Parking.~~

- G. **Surface.** All parking areas serving a fairground must use a dust-free surfacing material as provided in the Facilities Standards Manual.

4.05.10 Farm Based Tourism-

- A. **Applicability.** This section applies to farm based tourism in the ~~ARN, ARS, TLN, AR, and JLMA, and Route 28 CO, PD-CM and CB districts. These are defined as part of cultural tourism (see Section 3.03.04).~~

B. **Intensity/Character Standards.**

1. **Site Size.** The minimum lot area for a farm based tourism use is 5 acres.
2. **Visitors/Customers/Parking Spaces.** ~~The minimum lot area increases based on the number of~~ visitors/customers, as follows:

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

3. **Hours of Operation.** Hours of operation are limited to 8:00 a.m. to 9:00 p.m.
4. **Owner.** The farm based tourism use shall be operated or maintained by the owner, operator, or occupant of the land on which the primary associated agriculture, horticulture or animal husbandry use is conducted.

C. **Size of Use Standards.**

1. **Structure.**

- a. The maximum size (total for all structures, based on gross floor area) used for the farm based tourism use is:

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

- . **Storage Areas.** The maximum total area of all storage areas is 25% of the total floor area of the structures used for the farm based tourism use.

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

1. **Lot Lines.** The minimum setback from all lot lines for structures used for farm based tourism is:

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

Use	Size of Structures (Maximum)	Setback from Lot Lines
Level III—large scale	>7,500 square feet, up to 10,000 square feet	200 feet

~~B. Road/Access Standards.~~

- ~~1. Driveways. Driveways are prohibited in a required buffer yard area except as necessary to access the site.~~

4.05.11 Golf Course—

- Applicability.** This section applies to ~~any~~ golf course in the ~~ARN, ARS, TLNAR, TR,~~ and ~~JLMA~~ districts. ~~A~~ golf course is classified as part of an outdoor or major recreation use.
- Intensity/Character.**
 - Site Size.** The minimum lot area for a golf course is:
 - 75 acres for 9 holes.
 - 150 acres for 18 holes.
 - Hours of Operation.** The hours of operation for a golf course are limited to 6:00 a.m. to 9:00 p.m.
 - Accessory Uses.** Accessory uses to a golf course may include a club house with a pro shop and small restaurant or café, subject to the following standards:
 - The pro shop is limited to sales of golf-related items.
 - Accessory uses 25% of the total size of the golf clubhouse.
- Size of Use.**
 - Structure Size.** The maximum ~~size~~ of all ~~structures~~ (total) ~~used~~ at a golf course is 25,000 square feet in gross floor area.
 - Storage Yards.** The maximum ~~total~~ area of storage yards is 5,000 square feet.
- Location on Site/Dimensional Standards.** The minimum setback is ~~200~~ feet from all ~~lot~~ lines.
- Nutrient Management Plan.** A Nutrient Management Plan must be approved by the Loudoun County Soil and Water Conservation District and the Department of Building and Development.
- ~~A. Roads/Access.~~
- ~~F. Number of Access Points.~~ Only 2 points of access are permitted ~~to~~ a public road from a golf course. This requirement does not preclude an additional access for emergency vehicles only.

4.05.12 Health and Fitness Centers—

- Applicability.** This section applies to health and fitness centers.
- Massage Services.** A health and fitness center ~~may~~ provide massages if:
 - The health club occupies an area greater than 5,000 square feet, and
 - No ~~more~~ than 5% ~~of~~ the gross floor area is used for massages.
- Development Criteria in Certain Districts.** ~~Permitted Health and Fitness Centers are permitted~~ subject to the following criteria in the ~~SI, TLI, TI, and JLMA—LI districts; GI Zoning District.~~ Special exception review and approval is required if criteria ~~is~~are not met.
 - Pickup and Drop-off.** ~~Include~~ a designated pickup and delivery zone providing at a minimum ~~one~~ (1) parking space per ~~twenty~~ (20) patrons/children located in close proximity to the facility that provides safe and clearly designated access to enter or exit the facility.

2. **Access.** No inter-parcel access to an adjoining industrial use or ~~SI, TIE, JLMA-LI, GI~~ zoned parcel.
 3. **Site Design.** Building entrances and exits must be separated from vehicular circulation for industrial uses.
 4. **Bicycle Parking Lot Design.** Parking ~~and storage for bicycles~~ must be ~~provided consistent~~ designed in accordance with Section ~~57.06.10.F.1.~~
 5. Health and fitness centers are not permitted to be located within the Quarry Notification (QN) Overlay District.
- ~~B. 4.05.03.~~

13 Hospitals

- A. **Applicability.** This section applies to hospitals. Hospitals are classified as a medical care facility ~~(Section 3.03.04).~~
- B. **Location.** All hospital sites ~~shall~~ must have frontage on a ~~Class I or Class II~~ public road capable of accommodating the traffic generated by the site.
- C. **Site Development Criteria.**
 1. Hospitals serving over 100 inpatients must be served by public water and sewer systems.
 2. The minimum setback for hospital structures is 250 feet from County-designated Agricultural and Forestal districts.
 3. The minimum setback for principal structures is the greater of:
 - a. 100 feet from property lines ~~or~~
 - b. ~~the~~ The minimum yard setback requirements of the applicable ~~district~~ or
 - c. ~~the~~ The adjacent district setback requirements.
 4. The minimum setback for accessory structures and parking is the greater of:
 - a. 25 feet from any rights-of-way, private access easements, and property lines ~~which~~ adjoin adjoining agricultural or residential districts ~~or~~
 - b. ~~the~~ The minimum yard setback requirements of ~~adjoining~~ districts.

4.05.14 Private Schools

- A. **Applicability.** This section applies to private schools (elementary, middle, or high). They are defined as part of a school use. This section does not apply to public schools.
- B. **Approval.**
 1. Minor special exception for more than 15 pupils in the ~~SR, A-3, TC, SN, SCN, TLNR, TR-2, A-3, CR, and JLMA-1, JLMA-2, JLMA-3, JLMA-20, RAR, VR, and VAR districts~~ Zoning Districts.
 2. Minor special exception regardless of size in the ~~Urban, SM, SC, SE, TLI, JLMA-LE, TRC, UE, CC(CC), OP, PD-RDP, IP, PD-SA, PD-MUB, RC, RV, and VC districts~~ PD-RV Zoning Districts.
 3. Special exception regardless of size in the ~~SI, TIE, JLMA-LI, ARN, GI, TC (Core) (15 or more only), and ARS districts~~ AR Zoning Districts.
- C. **Notice Required.** Operators of a private school within the ~~SE, SI, TLI or JLMA-LE districts~~ IP Zoning District must notify all applicants for admission to the school, at the time of application, of the potential permitted and special exception uses within the district.
 1. **Notification Document.** The notification document shall include a list of the uses permitted ~~within the industrial zone on adjacent parcels~~. The document shall include a section that requires prospective student's parent to sign a statement stating that they have reviewed or have been offered the opportunity to review this document. The document shall remain on file at the school for the period of the student's enrollment.

4.05.15 Public Safety Uses

A. **Applicability.** This section applies to public safety uses (fire and/or rescue stations and police stations or substations) in the ARN, ARS, TLNAR, TR, and JLMA districts Zoning Districts. These standards do not apply to the development of a temporary fire and/or rescue station in the ARN, ARS, TLNAR, TR, and JLMA districts Zoning Districts.

B. **Fire and/or Rescue Station.** The following apply to fire and/or rescue stations:

1. Size of Use.

- Site Size.** The minimum lot area is ~~is~~ 2 acres.
- Floor Area Ratio.** The maximum floor area ratio is 0.3.
- Storage Yards.** The maximum ~~total~~ area of storage yards is 20% of the total area of the principal structure.
- Setback from Lot Lines.** ~~The minimum setback for structures associated with Fire and/or Rescue Stations is. The minimum setbacks from lot lines are: 100 feet from all lot lines. The setback may be reduced to 60 feet from lot lines if a Buffer Yard Type C is provided along the lot line.~~
 - 100 feet from all lot lines.
 - 60 feet from lot lines if a Buffer Yard Type C is provided along each lot lines.

~~1.~~ Roads/Access.

- ~~Number of Access Points.~~ Only ~~2~~ points of access are permitted ~~to a Class I or Class II public~~ road. This requirement does not preclude an additional access for emergency vehicles only.
- Parking.** Refer to Section 5-057.06.02.B.4. These spaces are ~~be~~ in addition to vehicle storage spaces for vehicles not in use.

~~2.~~ Exterior Lighting Standards. Refer to Section 5.12.A.1 and 2 (Exterior Lighting Standards).

C. **Police Station or Substation.** The following apply to police stations or substations:

1. Size of Use.

- Site Size.** The minimum lot area is 2 acres.
- Floor Area Ratio.** The maximum floor area ratio is 0.3.
- Storage Yards.** The maximum ~~total~~ area of storage yards is 20% of the total area of the principal structure.
- Setback from Lot Lines.** The minimum ~~setback~~ setbacks from lot lines ~~is~~ are:
 - Structures of less than 4,000 square feet of gross floor area: 60 feet.
 - Structures greater than 4,000 square feet, and up to 8,000 square feet of gross floor area: 100 feet.
 - Structures greater than 10,000 square feet of gross floor area: 120 feet.

~~3.~~ Roads/Access.

- ~~Number of Access Points.~~ Only ~~2~~ points of access are permitted ~~to a Class I or Class II public~~ road. This requirement does not preclude an additional access for emergency vehicles only.
- Parking.** Refer to Section 5-057.06.02.B.4. These spaces are in addition to vehicle storage spaces for vehicles not in use.

~~4.~~ Exterior Lighting Standards. Refer to Section 5.12.A.1 and 2 (Exterior Lighting Standards).

3.064.05.1816 Recreation

- A. **Applicability.** This section applies to indoor recreation uses and outdoor or major recreation uses.
- B. **~~Rural and Transition Policy Area Districts Prohibited.~~** Amusement or theme parks and sports stadiums, complexes, arenas, or sports fields are not permitted in the ~~ARN, ARS, RAR, RC, RV, VR, VC, VAR, TLN-10, TLN-3, TLN-1, TSN, TCN, TCC, TLI, or TIE districts~~ Rural Policy Area Zoning Districts, Transition Policy Area Zoning Districts, and SN, SCN, and R Zoning Districts.
- C. **Intensity/Character.** Indoor recreation uses in ~~UT, UM, or TRC~~ and UE districts.
 - 1. Must not exceed 10,000 square feet.
 - 2. The building for an indoor recreation use must be minimum of ~~three~~3 stories in height and contain ~~two~~2 or more distinct principal uses that do not share the same physical space.
- D. **Pickup and Drop-off.** Indoor and outdoor or major recreation uses in the ~~SE, SI, TLI, TIE, JLMA-LE, and JLMA-LI districts~~ IP and GI Zoning Districts must include a designated pickup and delivery zone providing at a minimum ~~one~~ (1) parking space per ~~twenty~~ (20) patrons/children located in close proximity to the facility that provides safe and clearly designated access to enter or exit the facility.
- E. **Approval.** Indoor and outdoor/major recreation uses and that do not meet applicable criteria listed in subsection B and C must have special exception review and approval.
- F. **Development Criteria in Certain Districts.** Indoor recreation uses are permitted subject to the following criteria in the IP and GI Zoning Districts. Special exception review and approval is required if criteria are not met.
 - 1. **Access.** No inter-parcel access to an adjoining industrial use, IP, or GI zoned parcel.
 - 2. **Site Design.** Building entrances and exits must be separated from vehicular circulation for industrial uses.
 - 3. **Parking Lot Design.** Parking lots must be designed in accordance with Section 7.06.10.F.1.
 - 4. **Recreation establishments are not permitted to be located within the Quarry Notification (QN) Overlay District.**
- G. **Bicycle Parking.** Parking and storage for bicycles must be provided consistent with Section 7.06.03.
- H. **Playing Field Lighting.** Lighting for playing fields and courts is permitted by Special Exception in the Rural Policy Area Zoning Districts, Transition Policy Area Zoning Districts, and SN, SCN, and R Zoning Districts.

4.05.17 Rural Retreat

- A. **Applicability.** This section applies to rural retreats in the ~~ARN, ARS, AR-1, AR-2, A-3, TLNA-10, SC, RARTR-10, RC, PD-RV, VSR, JLMA-3 and JLMA-20 districts.~~
- B. **Approval.** Permitted rural retreats must meet the development standards ~~provided~~ provided in subsection C below. Any rural retreat that does not meet the development standards of subsection C requires special exception approval.
- C. **Development Standards.** Rural retreats must be compatible with and supportive of the property's primary land use of agriculture, forestry, open space and/or historic preservation.
 - 1. **Hours of Operation.** Hours of operation are limited to 7:00 AM to 12:00 midnight.
 - 2. **Minimum Acreage.** The minimum acreage is 50 acres.
 - 3. **Open Space.** A minimum of 75% of the property's total acreage must be kept in an agricultural, forestry, open space, and/or historic preservation use.
 - 4. **Frontage and Access.** The property on which the Rural Retreat is located must have frontage and access on a ~~Class I or Class II~~ public road.
 - 5. **Floor Area Ratio.** The maximum floor area ratio is 0.04. The property's total acreage is used to determine the permitted floor area.

6. **On-Site Food Services.** The Rural Retreat may provide on-site food service for employees and retreat visitors, but may not contain restaurant facilities open to the general public.
7. **Setbacks.** The minimum setback for all Rural Retreat buildings is 200 feet from adjacent properties.
8. **Storage Areas.** Storage areas related to the Rural Retreat are permitted.
9. **Programs.** The Rural Retreat may include training programs, seminars, and similar activities.
10. **Special Events.** Special events require approval pursuant to Section 3.0504, unless the Rural Retreat meets the requirements of Section 3.064.04.05.
11. **Products Sold On-Site.** Products sold on-site must be clearly incidental and integral to the purpose and program of the Rural Retreat.
12. **One Principal Dwelling.** Only 1 principal dwelling unit is permitted. Tenant dwellings are permitted in accordance with Section 3.064.02.0304.
13. **Adaptive Reuse.** Incorporating restored structures to preserve rural character is encouraged and subject to Section 5.104.09.
14. **On-Site Recreation.** The Rural Retreat may provide on-site recreation facilities to be used solely by employees and visitors, but not by the general public.

15. Average Daily User and Acreage Ratio.

- a. An average of 100 daily users is permitted per 50 acres.
- b. No more than 450 users are allowed on greater than 200 acres special exception approval.
- c. "Average Daily Users" includes employees and visitors to the site.
- a-d. Service trips, such as food or supply deliveries, package delivery, and similar trips are in addition to the average daily users.

16. Sewer and Water.

- a. Rural Retreats must be served by public water and sewer if located in the PD-RV district.
- b. Rural Retreats not in the PD-RV district must be served by a communal water supply system and a communal sewer system.
- c. Communal water and sewer systems may be located within open space.

15-17. Exclusions. Buildings or structures used exclusively for agricultural use, the principal dwelling unit, and tenant dwellings are excluded from these requirements and from the floor area ratio calculations.

D. **Performance Standards.** The Rural Retreat use shall must comply with the applicable performance standards of Section 5.087.05.

E. **Statements of Use.**

1. **Statement of Use.** For all Rural Retreats, a statement of use shall must be filed in conjunction with the site plan.
- 1-2. The statement of use shall must define the operations of the Rural Retreat and provide a narrative of how the use meets the development standards.

4.05.18 Schools, Public (Elementary, Middle or High)

A. **Applicability.** This section applies to public elementary, middle or high schools ("public schools"). These are defined as part of a school.

B. **Approval.**

1. Permitted in the SR, A-3, SN, SCN, TLN, R, TR-2, A-3, CR, PD-RV (Civic Lot only), and JLMA-1, JLMA-2, JLMA-3, JLMA-20, RAR, VR, and VAR districts Zoning Districts.

2. Minor special exception in the ~~Urban, SM, TRC, UE, TC (Fringe), CC(NC), CC(CC), OP, IP, PD-CC(SC, SE,), PD-CC(RC), PD-RDP, PD-SA, PD-MUB, TSN, TCN, TCC, TLI, JLMA-LE, RC, RV, and VC districts~~ PD-RV Zoning Districts.
3. Special exception in the ~~SI, TIE, JLMA-LI, ARN-TC (Core), GI, and ARS districts~~ AR Zoning Districts.
- C. **Utilities.** All public schools must be served by either central or municipal sewer and water utilities.
- D. **Lighting:**
 1. **Light Fixtures.** Exterior building lighting, including security lighting, and parking lot lighting must be full cutoff and fully shielded and shall direct light downwards and into the interior of the property and away from surrounding roads and properties.
 2. **Exterior Building Lighting.** The maximum average illumination for exterior building lighting (including security lighting) is 5 foot-candles at grade level ~~7~~, unless otherwise required by law, ordinance, or regulation.
 3. **Parking Lot Lighting.** The maximum average illumination for parking lot lighting is 2 foot-candles at grade level. Parking lot lighting must be turned off within one hour following the end of evening activities, or by 11 p.m., whichever occurs first.
 4. **Recreational and Athletic Fields and Facilities Lighting.** Lighting for recreational and athletic fields and facilities is subject to the following:
 - a. Lighting ~~must~~ be turned off by 11 p.m.
 - b. Lighting ~~must~~ be directed inward and downward toward the field being illuminated.
 - c. Lighting must incorporate a reflector technology system that directs light onto the field being illuminated.
 - d. Lighting ~~must~~ be cut-off and shielded in directions away from the recreational or athletic field to minimize glare and spillage onto adjacent properties.
 - e. Maximum ~~illumination~~ is 10 foot-candles above background light levels measured at the boundary of any residential district, or, in residential or agricultural districts, at the lot line of any adjacent lot.
 - f. The maximum height of ~~light~~ poles is ~~80~~ feet.
 5. **Height of Light Fixtures.** The maximum ~~mounting~~ height of any exterior light fixture is 20 feet, except for light poles for athletic fields. Height is measured from the ground to the light fixture.
- E. **Landscaping/Buffering/Screening.** In addition to Section ~~5-077.04.04~~, Public Schools must provide an additional 5 evergreen trees per 100 linear feet along all side yard and rear yard buffers adjoining existing residential uses, except where existing vegetation is preserved and provides an equivalent buffer (refer to Section ~~5-077.04~~).
- F. **~~Trails, Pedestrian and Bicycle Facilities.~~** Any on-site pedestrian or bicycle circulation network must connect to any existing or proposed public use trails ~~, sidewalks, or shared use path~~ on adjacent properties which are designed to abut or connect to the public school site.
 1. In the GI Zoning District, public school sites must provide bicycle and pedestrian accommodations to adjacent residential communities.
- G. **Bicycle Parking.** Bicycle parking must ~~be~~ installed at the Public School building consistent with ~~requirements~~ of Section ~~5-057.06.03~~.
- H. **Noise.** Installation of outdoor public address systems are limited to the recreational and athletic fields. Noise emanating from the public address system is limited to 60 dBA at the property boundaries and use of the system is prohibited after 11 p.m. and before 8:00 a.m.
- I. **Setbacks:**
 1. **From Agriculture or Residential.** The minimum setback for ~~principal~~ Public School buildings is 100 feet from adjacent agriculturally or residentially zoned properties or, if located within a mixed use zoning district, from any land bay designated for agricultural or residential use. This setback does not apply to accessory public school buildings, to the ~~applicable~~ zoning district yard requirements.

2. **From Industrial/Commercial/Office.** The minimum setback for principal Public School buildings is 50 feet from adjacent industrial, commercial or office zoned properties or, if located within a mixed use zoning district, from any land bay designated for industrial, commercial or office uses. This setback does not apply to accessory public school buildings, to the applicable zoning district yard requirements.

J. Building and Site Design.

1. **Stormwater Management.** Unless stormwater management is provided by an existing approved off-site storm water management facility, stormwater management and Best Management Practices are required on-site in accordance with the Virginia Stormwater Management Handbook and the Loudoun County Facilities Standards Manual.
2. **Bus Parking Area.** Stormwater runoff from bus parking areas must be routed to an oil and water separator or a system providing equivalent treatment for water quality purposes.
3. **Design.** Public school building design must avoid the use of continuous plane building surfaces and wherever practicable shall break up large building segments into smaller segments through the use of fenestration and setbacks. Public School buildings must include accent materials around the building exterior to provide further architectural interest.
4. **Erosion and Sediment Control.** The following erosion and sediment control practices are required during construction where an outfall drains to a sensitive environmental feature (streams, wetlands, and very steep slopes). These requirements are applied adjacent to the sensitive environmental feature if on-site, or if off-site, along the property line(s) proximate to the sensitive environmental feature:
 - a. Super silt fence must be substituted for silt fence;
 - b. Sediment traps and basins must provide double the minimum required volume (268 cubic yards per acre) except that this volume may be reduced to avoid impacts to sensitive environmental features;
 - c. Stabilization matting is required in all vegetated, constructed channels and on slopes greater than 3:1.
5. **Floodplain:**
 - a. A maximum of 20% of on-site areas in major and minor floodplain may be used for utilities, trails or other uses permitted within the floodplain, exclusive of road crossings. These areas are excluded from the calculation for meeting the forest cover requirement of (c) below;
 - b. Road Crossings are not subject to the use limitation of (a) above, and areas used for road crossings are excluded from the calculation for meeting the forest cover requirement of (c) below;

K. Transportation.

1. Access.

- a. Public Schools must have direct access to at least one Class I or Class II public road.
 - b. Public Schools must have a secondary means of access, which ~~may~~ must be provided by ~~either a paved or unpaved roadway. paved roadway.~~
 - ~~a-c.~~ Access to a public school site must be capable of accommodating traffic generated by the site.
 - d. In the GI Zoning District, schools are permitted emergency access to an arterial or major collector road.
2. Entrances/Exits must meet minimum Virginia Department of Transportation sight distance standards.
 3. Right and left turn lanes, into and out of a site, are required when needed to accommodate traffic generated by the site.
 4. At signalized intersections (stop signs or traffic signals) adjacent to a school site, crosswalks are required to access the site, as needed, to accommodate pedestrian traffic generated by the site.

5. Traffic Impact Analysis (TIA).

- a. ~~A traffic impact analysis~~ TIA, in conformance with the Loudoun County Facilities Standards Manual, is required in conjunction with each site plan application for a Public School public school building.

b. ~~The traffic impact analysis TIA~~ must include, at a minimum, ~~an analysis of the:~~

- ~~1. The need for right- and left-turn lanes into and out of the public school site; and the~~
- ~~1-2. The crosswalks to provide pedestrian access to the public school site; and~~
- ~~3. Temporary special events.~~

c. ~~The TIA must be reviewed and accepted by DTCL prior to submittal of a Site Plan application.~~

~~6. In the GI Zoning District, principal vehicular access routes for public schools must be designed to avoid through traffic by vehicles serving adjacent industrial properties.~~

- L. ~~Airport Impact Overlay Noise Contours.~~ No Public School shall be located within the portions of the County subject to the Airport Impact Overlay District Ldn 65 or higher aircraft noise contour.
- M. **Archeology.** A Phase I Archaeological survey must be provided to the County in conjunction with each site plan application for a Public School building.

4.05.19 Schools, Public (15 or Fewer Pupils)

A. **Applicability.** This section applies to any public elementary, middle, or high school for 15 or fewer pupils. These are defined as part of a school (see Section 3.03.04).

B. Approval

~~1. A Special Exception is required in the AR-1 Zoning District.~~

~~B.C.~~ **Size of Use.** The minimum lot area is 5 acres, except to the extent permitted on smaller lots in the PD-MUB or PD-TC ~~zoning districts~~ **Zoning Districts**.

~~C.D.~~ **Outdoor play space.** Outdoor play space must be provided in accordance with Section ~~3.064~~ **03**.

4.06 Industrial/Production

4.06.01 Contractor

A. **Applicability.** This section applies to ~~any~~ **contractors in all permitted Zoning Districts.**

B. **Intensity/Character Standards.** Contractor uses must be designed in accordance with the following:

- ~~1. In the TRC, UE, TC, CC-NC, CC-CC, PD-CC(SC), PD-CC(RC), PD-MUB, RC, GB, PD-RV, and TCC Zoning Districts, all associated activities must be contained within a building. No outdoor storage of materials is allowed. Parking of two-axle vehicles such as automobiles, pick-up trucks, and/or service vans utilized in connection with the contractor use is permitted subject to Section 7.06.02.~~

~~A. Retail Sales.~~ Up to 10% of the gross floor area devoted to the contractor may include retail sales to the general public.

~~B. Outdoor Storage.~~ Outdoor storage of equipment, supplies, and construction trailers is permitted. Storage yards must be screened in accordance with Section ~~5.07.04~~.

- ~~2. In the GI and MR-HI Zoning Districts, outdoor storage in conjunction with the use is subject to the Use-Specific Standards of Section 4.06.07. Parking of two-axle vehicles such as automobiles, pick-up trucks, and/or service vans utilized in connection with the contractor use is permitted subject to Section 7.06.02. Vehicles larger than two-axle must be within the outdoor storage areas.~~

- ~~3. In the CLI Zoning District, outdoor storage in conjunction with a contractor use, subject to the Use-Specific Standards of Section 4.06.07 A. through G. Parking of two-axle vehicles such as automobiles, pick-up trucks,~~

and/or service vans utilized in connection with the contractor use is permitted subject to Chapter 7.06.02. Vehicles larger than two-axle must be within the outdoor storage areas.

4. In the IP Zoning District, up to 20% of the gross lot area may be used for outdoor storage in conjunction with a contractor use, subject to the Use-Specific Standards of Section 4.06.07 A. through F. Outdoor storage greater than 20% of the gross lot area requires special exception review and approval. Parking of two-axle vehicles such as automobiles, pick-up trucks, and/or service vans utilized in connection with the contractor use is permitted subject to Chapter 7.06.02. Vehicles larger than two-axle must be within the outdoor storage areas.

4.06.02 Data Center—

- A. **Applicability. Data Centers.** ~~This section applies to data centers~~Data Centers in the UE, SE, SI, JLMA-LE, JLMA-LI, TL, OP, IP, GI, PD-RDP, CLI, and TIE zoning districtsTC Zoning Districts.

- C. **Principal Building Facades.** ~~This subsection applies to principal building facades, which include all building facades that face adjacent Class I or Class II roads. Principal building facades associated with new construction must meet the following standards:~~

1. ~~Principal building facades must avoid the use of undifferentiated surfaces by including the following design elements: change in building height; building step-backs or recesses; fenestration; and change in building material, pattern, texture, color, or use of accent materials.~~
2. ~~When a building has more than 1 principal façade, the principal building facades must be consistent in terms of design, materials, details, and treatment.~~
3. ~~Loading bays are not permitted in principal building facades.~~

- B. **Screening of Mechanical Equipment.** ~~To minimize visibility from adjacent roads and adjacent properties,~~OP, IP, GI, PD-RDP, and CLI Zoning Districts. In the OP, IP, GI, PD-RDP, and CLI Zoning Districts, Data Center uses must meet the following standards:

1. **Design.** Proposed Data Centers must comply with the facade design standards in Table 4.06.02.-1 prior to the approval of the first procedure applicable pursuant to Chapter 11.

Table 4.06.02.-1 Data Center Facade Design Standards

Facade Design Element	Applicability	Requirements
Principal Facade	<u>Principal Facade requirements apply to all building facades that face adjacent existing or planned public roads or that face an adjacent property with existing residential development, an approved CDP or plat showing residential development, or zoning district permitting residential uses.</u>	<p><u>a. Differentiated Surfaces. Principal Facades of a building must incorporate the following design standards at intervals of no less than every 150 linear feet or at intervals of no less than 10% of the total length of the Principal Facade:</u></p> <p><u>a. Fenestration or Green Wall; and</u></p> <p><u>b. A change in one of the following design elements:</u></p> <p><u>a. building material;</u></p> <p><u>b. pattern</u></p> <p><u>c. texture;</u></p> <p><u>d. color; or</u></p> <p><u>e. accent materials.</u></p> <p><u>b. Consistent Design. When a building has more than 1 Principal Facade, the Principal Facade of a building must be consistent in terms of design, materials, details, and treatment.</u></p>

Table 4.06.02.-1 Data Center Facade Design Standards

Facade Design Element	Applicability	Requirements
		<p>c. Fenestration. Each Principal Facade of a building must include Fenestration as follows:</p> <p>a. Fenestration Surface Coverage of the Facade. Fenestration must comprise at least 30% of the total surface area of the Principal Facade:</p> <p>a. Distributed Fenestration Coverage. Fenestration provided to meet the required 30% total surface area of the Principal Facade must be located in separated, individual placements or clustered bays, and each placement or bay may count towards no more than 7.5% of such total surface area.</p> <p>b. Fenestration Coverage Pattern. The placement pattern of individual or clustered bays of Fenestration must be evenly distributed horizontally and vertically across the Principal Facade; and</p> <p>c. Fenestration Consistent Design with Principal Facade. The Fenestration must be consistent with the design, materials, details, and treatment used on the same Principal Facade containing the Fenestration.</p>
(Optional) Green Wall Treatment	A Green Wall Treatment may be provided in lieu of up to half of the Fenestration Surface Coverage of the Facade requirement of Section 4.06.02-1.c.1. and may count towards a maximum of up to 15% of the required total surface area of the facade.	<p>d. Green Wall. Optional Green Wall Treatments must provide the following:</p> <p>a. Maintenance. The owner, or the owner's agent, is responsible for the repair, replacement, and maintenance of the Green Wall for the duration of the use;</p> <p>b. Distributed Green Wall Surface Coverage. Green Wall areas provided to meet up to half of the required 30% total surface area of the Principal Facade of a building must be located in separated, individual placements, and each placement may compose no more than 7.5% of such total surface area; and</p> <p>c. Green Wall Coverage Pattern. The pattern of individual placements of Green Wall areas must be evenly distributed horizontally and vertically across the Principal Facade.</p>
(Optional) Mechanical Equipment Facade	Where at least 4 Principal Facades are required pursuant to Section 4.06.02-1, facades containing Mechanical Equipment may meet the Mechanical Equipment Facade Requirements pursuant to Section 4.06.02-1.e in lieu of the Fenestration requirements or Optional Green Wall requirements in Sections 4.06.02-1.c and 4.06.01-1.d, respectively.	<p>e. Mechanical Equipment Facade. Optional Mechanical Equipment Facades must provide the following:</p> <p>a. Partial or Full Visual Screening of Mechanical Equipment. Mechanical Equipment attached to or mounted on the building facade must be partially or fully visually screened using mesh, lattice, cladding, or grillwork or a combination of these methods, or similar methods so as to ensure that the mechanical equipment is partially or fully screened to the maximum extent that permits necessary ventilation for any equipment.</p> <p>b. Differentiated Surfaces. The Mechanical Equipment Facade, including any provided screening methods, must incorporate a change in at least one of the following design elements at intervals of no less than every 150 linear feet or at intervals of no less than 10% of the total length of the Mechanical Equipment Facade:</p> <p>a. building material;</p> <p>b. pattern;</p> <p>c. texture;</p> <p>d. color; or</p> <p>e. accent materials.</p>

Table 4.06.02.-1 Data Center Facade Design Standards

Facade Design Element	Applicability	Requirements
Main Entrance Feature	At least one Principal Facade of a building that faces a public road must include at least one main entrance feature that meets the Main Entrance Feature requirements in Section 4.06.02-1.f	<p>f. Main Entrance Feature. Main Entrance Features must meet the following requirements:</p> <p>a. Entrance Feature Design. Main Entrance Features must either project or recess from the main building plane, and/or be differentiated from the remainder of the Principal Facade by a change in building material; and</p> <p>b. Foundation Plantings or Enhanced Landscaping. Main Entrance Features must incorporate foundation plantings consisting of a mix of evergreen and deciduous shrubs, grasses, and/or perennials for a minimum of 50% of the length of the Principal Facade(s). These foundation plantings are in addition to any required buffers and parking lot landscaping required by Section 7.04 and Section 4.06.02.B.9. Alternatively, in lieu of Foundation Plantings, any required buffering and parking area landscaping may be provided at an enhanced rate of 20% of plant units greater than what is required pursuant to Section 4.06.02.B.9 and Section 7.04.06, respectively.</p>

2. Loading Bay Screening. In cases where 4 Principal Facades are required on a building, loading bays are permitted to be located on only one of the Principal Facades and must be screened from view of any existing or planned road.

3. Screening and Location of Mechanical Equipment. All ground level and roof top mechanical equipment must be screened. This screening may be provided by a principal building. Mechanical equipment not screened by a principal building shall be Mechanical Equipment must meet the following standards:

a. Mechanical Equipment must be shown on any proposed plan and must be fully screened by a visually solid fence that surrounds the equipment, screen wall or panel, parapet wall, or other on all sides. Such visually solid screen that is must be constructed of with a design, materials, details, and treatment compatible with those used in on the exterior construction nearest Principal Facade of the principal building.;

1. Perforation for Ventilated Screening is not required for mechanical equipment if that. As determined by the Zoning Administrator determines is, screening for Mechanical Equipment may incorporate perforated surfaces on screening walls as necessary to permit ventilation of Mechanical Equipment.

2. Separation from Residential Uses. Ground mounted Mechanical Equipment must be separated from adjacent property that has existing residential development, an approved CDP or plat showing residential development, or zoning district permitting residential uses, by a principal building, or must otherwise be setback a minimum of 100 feet from the property line adjacent to the property with existing residential development, an approved CDP or plat showing residential development, or zoning district permitting residential uses.

3. Ground Mounted Prohibited in Front Yards. Ground mounted Mechanical Equipment must not be located in any required front yard; and

4. No Screening Requirements Adjacent to Industrially Zoned Property. As determined by the Zoning Administrator, Mechanical Equipment located in a manner found to have no adverse impact on adjacent roads and adjacent properties zoned IP, GI, or MR-HI is not be required to be

screened pursuant to Section 4.06.02.B.3.a., except that such Mechanical Equipment must be screened from any existing or planned road.

1.4. **Screening of Trash and Loading Bay Area.** Trash areas must be fully screened on all sides and loading bays must be screened from view from adjacent properties and existing or planned public roads.

2.5. **Exterior Lighting.** All Any exterior lighting must be designed and constructed with cutoff and fully shielded fixtures that direct light downward and into the interior of the property, and away from adjacent existing or planned roads and adjacent properties.

6. **Utilities.** Except for any Utility electrical transmission line exempted pursuant to Section 7.08.A.2.a, new utility lines are not permitted to be located above ground.

7. **Standards for Data Centers Adjacent to Residential.** The following requirements apply when a proposed Data Center is to be located on a property adjacent to property with existing residential development, an approved CDP or plat showing residential development, or zoning district permitting residential uses:

- a. **Minimum Parking Setback:** Parking must be setback at least 50 Feet from the property line;
- b. **Minimum Setback for Structures:** Structures must be setback at least 100 Feet from the property line;
- c. **Change in building height.** If a building is located within 200 feet measured from the common property line adjacent to property with existing residential development, an approved CDP or plat showing residential development, or zoning district permitting residential uses, any building facade facing the adjacent property must include a change in height minimum interval of no less than every 25% of the total facade length; and
- d. **Building Step-Back.** If a building is located within 200 feet measured from the common property line adjacent to property with existing residential development, an approved CDP or plat showing residential development, or zoning district permitting residential uses, the building envelope must provide a step-back of no less than 15 feet from the building wall at a height point that begins at the top of the second story of the building or 40 feet, whichever of the two is lower.

8. **Transportation.** Data Centers must provide the following transportation elements:

- a. **Pedestrian and Bicycle Facilities;** and
 - 1. **Provision of Sidewalks and/or Trails-Shared Use Paths.** Sidewalks and/or trails shared use paths for pedestrian and/or bicycle access must be provided, at a minimum, along any side of a public road that abuts the property upon which the data center is located Data Center is located, as reviewed and approved by the Department of Transportation and Capital Infrastructure.
 - a. ~~Exception.~~ Sidewalks and/or trails are not required along public roads where such facilities are not included in the Countywide Transportation Plan (CTP).
 - 2. **Sidewalk and/or Trail-Shared Use Path Connections.** To provide for future sidewalk and/or trail shared use path connections, the sidewalks and/or trails shared use paths for pedestrian and/or bicycle access provided must be equivalent to any other sidewalk and/or trail shared use path for pedestrian and/or bicycle access that is located on the same side of the public road, and within 500 feet, of the subject property.
- b. **Trails Within RSCR Buffer Areas.**
 - 1. For any proposed Data Center use on a lot containing RSCR Buffer Areas or Adjacent Steep Slopes pursuant to Chapter 6, Trails must be provided as determined by the Department of Parks, Recreation, and Community Services in accordance with the following:
 - a. According to the LPAT Design Guidelines for a trail.

D. Landscaping/Buffering/Screening.

- 1. **Buffer Yards.** In lieu of the buffer yard required under Table 5.07.04.B., any side/rear yard abutting

property located within a VR, VAR, CR, A-3, JLMA, TLN, TSN, TCN, PD-H, SCN, SN, R, PD-RV, or PD-AAAR zoning

3.9. districts that is not developed with commercial or industrial uses must include a Buffer Yard Type C with required plantings located on an earthen berm that has a minimum height of 6 feet Data Centers are subject to the following Landscaping, Buffering, and a grade lower than 2:1. Screening Standards:

a. Road Corridor Buffer.

- a. In lieu of the road corridor buffer required under Section 5.07.02.B., any front yard abutting a collector or arterial road must include a Road Corridor Buffer Type 3 with required plantings located on an earthen berm that has a minimum height of 6 feet and a grade lower than 3:1.
- b. If a Gateway Corridor Buffer is required, the Gateway Corridor Buffer Plant Unit Composition Requirements. applies.

b.a. In lieu of the requirements of Section 57.04.07.06.B.2., the following requirements apply to the plant types used to meet subsection F.1 and F.2 above Section 7.04.03 Buffer Yard requirements. Maximum percentages apply solely in determining the quantity of a given plant type are be counted towards meeting a Plant Unit requirement, and do not preclude the installation of additional plant material from that plant type, if desired.

- e. A maximum of 30% of the required plant units may be large deciduous trees. A minimum of 40% and a maximum of 70% of the required plant units must be evergreen trees that are a minimum of 8 feet in height at the time of planting.
 1. A maximum of 30% of the required plant units may be small deciduous trees.
 2. A minimum of 40% and a maximum of 70% of the required plant units must be evergreen trees that are a minimum of 8 feet in height at the time of planting.
- 2-3. A maximum of 20% of the required plant units may be a combination of shrubs, ornamental grasses, and perennials.
- 3-4. Use of natural topography and preservation of existing vegetation, supplemented by new vegetation, if needed, may be substituted for the above requirements if determined by the County Urban Forester to provide screening at the density, depth, and height equivalent to the Buffer Yard Type C with earthen berm required under subsection F.1. or Road Corridor Buffer Type 3 with earthen berm required under subsection F.2.
- 4-5. The maximum percentages of plant types provided under (a1) through (d4) above apply to each property line where the buffer yard or road corridor buffer is required.

b. Buffer Yards. In lieu of the buffer yard required under Table 7.04.03-1, any side/rear yard abutting property located within a CR, A-3, A-10, JLMA, TR, TSN, TCN, PD-H, SCN, SN, R, PD-RV, or PD-AAAR zoning districts that is not developed with commercial or industrial uses must include a Buffer Yard Type C with required plantings located on an earthen berm that has a minimum height of 6 feet and a grade lower than 2:1.

c. Road Corridor Buffer.

1. In lieu of the road corridor buffer required under Table 7.04.02-1, any front yard abutting a collector or arterial road must include a Road Corridor Buffer Type 3 with required plantings located on an earthen berm that has a minimum height of 6 feet and a grade lower than 3:1.
2. If a Gateway Corridor Buffer is required, the Gateway Corridor Buffer standards apply.

C. TC Zoning District. In the TC Zoning District, Data Center uses must be designed in accordance with the Design and Transportation requirements of Sections 4.06.02.B.1 and 4.06.02.B.2, in addition to the following:

1. Design. Data Centers must meet the following design standards:

- a. The building that contains the use must be designed to be consistent with adjacent buildings in terms of scale, height, mass, Fenestration, pedestrian and vehicular circulation, and architectural details and materials;
- b. The building that contains the use must be at least 3 stories in height; and
- c. Power generators, cooling and storage facilities, and other Mechanical Equipment and associated infrastructure serving the use must be building mounted and fully enclosed except for any perforated surfaces necessary for ventilation.

2. Uses. Data Centers are subject to the following use provisions:

- a. Use Mix Limitation. A Data Center use is not permitted to occupy more than 49% of the gross floor area of the building in which it is located;
- b. Ground Floor Uses. Ground floor uses must be commercial or public/civic/institutional uses permitted pursuant to Section 3.02.01., except where such uses are not required pursuant to Section 2.02.03.I.4.a or 2.02.03.I.4.b; and
- c. Separation from Residential Uses. The use must not be located in a building containing residential uses.

3. Generator Testing. Generator testing is limited to weekdays between 8:00 a.m. and 5:00 p.m.

4.06.03 Extractive Industries-

A. Applicability. This section applies to Extractive Industries uses.

~~E. Lot Size.~~ The minimum lot size is 3 acres.

B. Dimensional Standards. Refer to Table 4.06.03-1 for dimensional standards specific to Extractive Industries.

1. The dimensional standards in the applicable zoning district apply if they are not addressed Table 4.06.03-1.

Table 4.06.03-1. Extractive Industries Dimensional Standards		
Reference	Standard	Requirement
Lot Requirements		
<u>1</u>	<u>Lot Size (min.)</u>	<u>3 acres, exclusive of major floodplain</u>
<u>2</u>	<u>Lot Width (min.)</u>	<u>200 ft. fronting on public or private roads</u>
<u>3</u>	<u>Lot Depth (min.)</u>	<u>500 ft.</u>
Yards		
<u>4</u>	<u>Setback Adjacent to Roads (min.)^{1,2}</u>	<u>50 ft.</u>
<u>5</u>	<u>Setback from Any Property Line (min.)²</u>	<u>50 ft.</u>
(ft. = foot; min. = minimum)		
¹ Except when a greater setback is required by Section 7.04.02.		
² Except when a greater setback is required by Section 7.01.06.E.		

C. Stone Quarrying Operations Uses. Stone quarrying uses must meet the following additional Use-Specific Standards:

1. **Pit Walls.** The pit wall of a quarry must be set back at least ~~1000~~1,000 feet from the ~~ILMA-LI, TME, or SMMR-HI~~ district boundary, except:
 - a. Where quarries are adjacent to land not under County zoning authority, such as Washington Dulles International Airport (IAD) or an incorporated town, the minimum setback from the quarry pit wall to the district boundary may be reduced to 200 feet by special exception approval, which assures that the reduction is compatible with adjacent land uses.
 - b. Where quarries are adjacent to a public road of 4 or more lanes, or to a road designated as a part of an approved VDOT or County corridor study or identified in the Comprehensive Countywide

Transportation Plan to be 4- or more lanes, the setback may be reduced to not less than 200 feet, provided an effective buffer is constructed and maintained.

c. Where quarries are adjacent to the GB district, the minimum setback may be reduced to 200 feet.

d. Where quarries are adjacent to the GI or CLI district, the minimum setback may be reduced to 50 feet.

2. Processing Equipment. Structures and buildings enclosing processing equipment associated with an extraction operation, including crushers, conveyors, washers, and screeners, must be set back a minimum of 500 feet from the MR-HI district boundary, except ~~where~~:

~~a.~~ Where the operation is adjacent to land not under County zoning authority, such as ~~Dulles Airport IAD~~ or an incorporated town. ~~In those cases~~, the minimum setback may be reduced to ~~a minimum of~~ 200 feet by special exception approval, which assures abutting lands are adequately buffered from the processing operations.

2.3. Other Extraction Structures. Other structures and buildings related to extraction operations, including scale houses and storage yards, must be set back ~~a minimum of 200 feet from the district boundary and 100 feet from all public roads within the district. If those structures are adjacent to the SE, JLMA-LI or SI districts, the minimum setback may be reduced to 50 feet as follows:~~

a. A minimum of 200 feet from the MR-HI district boundary.

1. Exception: When abutting the GB, CLI, or GI zoning district boundary, the minimum setback from the MR-HI district boundary is 50 feet.

b. A minimum of 100 feet from all public roads within the district.

3.4. Office and Administration. ~~The minimum setback for buildings~~ Buildings devoted solely to office and administrative uses ~~is must be setback a minimum of 50 feet from the~~ MR-HI district boundary.

4.5. Adjacent Nonresidential Uses. For adjacent ~~neighboring~~ properties, no commercial, industrial or other nonresidential building is allowed within 50 feet from the property line of an existing and/or approved quarry operation.

D. Stone Quarrying Operation Use Additional Performance Standards. In addition to other performance standards set forth under Section 7.05, all stone quarrying extraction and mining uses, whether in an MR-HI district 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 a 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.

E. Notwithstanding the provisions of Sections 7.05.03 and 7.05.04 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.

F. 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 7.04 and must be landscaped, bermed, screened, and maintained with natural and planted vegetation to buffer and screen such areas.
2. In addition to Section 7.04, 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 7.04.
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.
5. 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]

4.06.04 Flex Buildings

A. Applicability. This Section applies to flex buildings.

~~F. **Yards.** In the SE District, the yard adjacent to roads, except when a greater setback is required by Section 5.07.02, must be provided as follows:~~

- ~~1. Minimum front yard: 30 feet;~~
- ~~2. Maximum front yard: 50 feet.~~

~~G. **Height.** Maximum building height is 2 stories. This requirement does not apply to the UE and SM district.~~

B. Loading Bays.

1. At least 2 loading bays are required for all buildings.
2. All loading bays must be located so that vehicles using them are not visible from public streets.
3. All loading bays must be screened from view by the building, landscaping, walls, or decorative fencing.
4. Except during the process of loading or unloading, trucks and trailers must not be parked outside the building, unless parked in screened areas not visible from adjacent roads or properties.

C. Uses.

1. Industrial/Production Uses permitted to be located within Flex Buildings are limited to the following:
 - a. Contractor

- b. Manufacturing, General
- c. Research and Development
- d. Wood, metal and stone crafts
- e. Industrial Storage
- f. Wholesale distribution, warehousing and storage
- g. Maintenance and repair services

~~1.~~ At least 51% of the gross floor ~~space~~area of ~~each~~a flex building ~~shall~~must be used for Industrial/Production uses.

~~1.2.~~ ~~Office uses recognized as appropriate~~listed in flex buildings shall be associated with permitted and special exception uses in the applicable district and must not include professional office uses with high turnover or high intensity traffic, such as corporate headquarters (unless associated with a permitted use), law offices, architectural offices, insurance offices, medical offices and health maintenance organizationssubsection C.1.

3. Up to 49% of the gross floor area of a flex building may be used for administrative and business or sales office uses.

4. Other uses permitted within the specific zoning district may be permitted to locate within a Flex Building without further site plan approvals upon written approval by the Zoning Administrator. Such use must demonstrate the use would have no adverse impact and that all applicable zoning requirements will be met.

D. **Outdoor Storage.** Outdoor storage is not permitted.

E. All sources of emission of noise and/or vibration shall meet the performance standards of Sections ~~5.08~~7.05.

3.06.06.02 Mini-Warehouse

4.06.05 Manufacturing, General

A. **Applicability.** This section applies to General Manufacturing uses in the TC and PD-MUB Zoning Districts.

B. **Intensity/Character Standards.** General Manufacturing uses shall be designed in accordance with the following:

- 1. The use must be contained completely in an enclosed building.
- 2. No outdoor storage or activity is permitted.
- 3. The use must not produce any adverse noise, odor, heat, glare, or vibration impacts that are discernable to a reasonable person beyond the property line of the parcel upon which the use is located.
- 4. The building that contains the use must be designed to be compatible in terms of scale, height, and mass with conventional office design.

4.06.06 Mini-Warehouse

A. **Applicability.** This section applies to a mini-warehouse in the SE, SI, SM, JLMA-LE, JLMA-SI, and TLI zoning districts~~TRC, IP, GI, TC, PD-MUB, GB, and PD-RV Zoning Districts.~~

B. **Height.** ~~The building that contains the use must be at least:~~

- 1. 3 stories in height in SM districts~~the TRC, TC, and PD-MUB Zoning Districts.~~
- 2. 2 stories in height in SE districts~~the IP Zoning District.~~

C. **Intensity/Character Standards.** ~~Mini-warehouse uses must be designed in accordance with the following:~~

- 1. No~~In the TRC, TC, PD-MUB, and PD-RV Zoning Districts no~~ individual unit may be accessed directly from the exterior of the building.

2. The building that contains the ~~se shall use must~~ be designed to be consistent with other buildings in the district in terms of scale, height, mass, fenestrations, and architectural details and materials.
 3. No outdoor storage.
 4. In the TRC and TC Zoning Districts, a minimum of 50% of the ground floor must contain pedestrian-oriented uses.
- D. **Landscaping/Buffering/Screening.** Refer to Section ~~5-077.04~~. When the use abuts a major collector road, in lieu of the road corridor buffer for other major collector roads required under Section ~~5-077.04.02~~, a Road Corridor Buffer Type 3.
- E. **Security.** If a security device is provided for the building or a security fence is installed around the use, the owner (in consultation with the Department of Fire and Rescue) ~~must~~ demonstrate on the site plan the selection of a device to allow adequate and timely access of emergency vehicles to the mini-warehouse. The device shall be installed prior to occupancy permit.

4.06.07 Outdoor Storage

- A. **Applicability.** ~~This section applies to outdoor storage uses.~~ This includes outdoor storage, vehicle outdoor storage, vehicle storage and impoundment, or ~~an industrial storage use where items are stored outdoors and not exclusively in an enclosed structure.~~
- B. **Screening.** ~~All outdoor storage must be enclosed by a fenceType C Buffer, wall, landscaped and berm with landscaping that provides year around screening, or other screening comparable enclosure method in accordance with Section 5-07.05.~~
- C. Outdoor storage is not permitted in the following zoning districts: ~~UT/UMTRC, UE, SM (Mixed Use and TC (Town Center Core only)).~~

3.06.06.03 Sawmills

- D. ~~Outdoor storage of any kind is not permitted between a road and a structure, except underground bulk storage of gasoline or petroleum products is permitted to be located between a road and a structure.~~
- E. **Bulk storage of gasoline, petroleum products, and natural gas.** ~~The bulk storage of gasoline, petroleum products, or natural gas must meet the following requirements:~~
1. ~~In the IP and PD-RV Zoning Districts, bulk storage of gasoline or petroleum products is not permitted except when it is accessory to a principal use.~~
 2. ~~The bulk storage must be provided underground.~~
 3. ~~Any storage of bulk gasoline, petroleum products, and natural gas must be set back 200 feet from residential districts or residential property lines.~~
- F. ~~Waste materials must be stored in a closed container. The burning of waste materials is prohibited.~~
- G. **CLI Uses.** ~~In the CLI zoning district, outdoor storage accessory to permitted or Special Exception uses, not to exceed 25% of the gross lot area, is allowed subject to 4.06.07. No storage of any kind is permitted within any required yard.~~
- H. **IP Uses.** ~~In the IP zoning district, outdoor storage accessory to permitted or Special Exception uses, not to exceed 10% of the gross lot area, is allowed subject to 4.06.07. Outdoor storage accessory to permitted or Special Exception uses in excess of 10% of the lot area requires review and approval of a Special Exception.~~

4.06.08 Research and Development

A. Applicability.—This section applies to Research and Development uses in the PD-MUB, TC, TRC, and UE zoning districts.

B. Intensity/Character Standards.

1. **Use Mix Limitation.** A Research and Development use is not permitted to occupy more than 49% of the gross floor area of the building in which it is located.
2. **Separation from Residential Uses.** The use must not be located in a building containing residential uses; and
3. **Associated Uses.** All associated uses must be contained within a building. No outdoor storage of materials is allowed.

4.06.09 Sawmills

A. Applicability. This Section applies to sawmills.

B. Intensity/Character Standards.

1. **Site Size.** The minimum lot size is 12 acres.
2. **Customers/Parking Spaces.** The minimum lot size increases based on the number of customers attracted to the use, as follows.

Use	Scope of Use	Lot Size (Minimum)
Level I—small scale	No more than 25 customers on any one day; no more than 13 vehicles allowed on site at any one time.	5 acres
Level II—medium scale	> 25 customers on any one day, no more than 100; no more than 50 vehicles allowed on site at any one time.	12 acres
Level III—large scale	> 100 customers on any one day, no more than 150; no more than 75 vehicles allowed on site at any one time.	25 acres

3. **Hours of Operation.** Hours of operation are limited from 6:00 a.m. to 6:00 p.m.

B. Size of Use.

1. **Structure.** Excluding the actual timber cutting equipment, the size of all structures used at the sawmill is limited to the following gross floor areas (total all structures):

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

2. **Storage Yards.** The size of storage yards used for a sawmill is limited to the following (in square feet):

Use	Lot Size (Minimum)	Size of Storage Yard (Maximum)
Level I—small scale	12 5 acres	1 acre
Level II—medium scale	20 acres	2 acres
Level III—large scale	25 acres	3 acres

C. Location on Site/Dimensional Standards.

1. **Lot Lines.** The minimum setback for structures and storage yards from lot lines is:

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

2. **Sawdust and or Wood Chip Pile.** The maximum height of sawdust or wood chip piles is 25 feet. Sawdust and wood chip piles must be located within the storage yard.

~~D. Roads/Access Standards.~~ Driveways are not permitted within a required buffer yard area except as necessary to access the site. ~~Roads/Access Standards.~~

1. ~~Driveways.~~ Driveways are not permitted within a required buffer yard area except as necessary to access the site.

~~D.~~

~~D.E.~~ **Noise Standards.** The maximum allowable dB(A) level of impulsive sound emitted by the use, as measured at the property line, is 55 dB(A).

~~F. Sawmills in the GI Zoning District.~~ Sawmills in the GI district must set back all buildings 200 feet from any adjacent residentially zoned property.

4.06.10 Wholesale Distribution, Warehousing, and Storage

- Applicability.** This section applies to any wholesale distribution, warehousing, and storage use.
- Retail Sales.** Retail sales to the general public are limited to 20% of the gross floor area devoted to the wholesale distribution, warehousing and storage use.

4.07 Infrastructure

4.07.01 Parking Facility

- Applicability.** This section applies to any parking facility use.
- Approval.**
 1. All parking facility uses must have special exception review and approval with the exception of commuter parking lots that do not meet the criterion in subsection ~~B2B.2~~.
 2. Commuter parking lots exceeding 50 spaces located within ~~rural, transition, JLMA~~ Suburban Policy Area (SN, SCN, R), Transition Policy Area (TR, TSN), Rural Policy Area, and ~~suburban~~ JLMA Zoning Districts that primarily allow residential zoning districts uses require special exception review and approval.

4.07.02 Public Utilities

A. Applicability. This section applies to uses in the Utilities use category ~~(Section 3.03.07)~~ that are provided or operated by Towns, VDOT, ~~LCSA Loudoun Water~~, Public Utilities and Public Service Corporations.

1. Exceptions. This section does not apply to ~~solar~~:

a. ~~Solar~~ facilities (site-specific or ~~commercial~~-utility scale) [Section 4.07.04].

b. Utility substations [Section 4.07.07].

B. Site Size. The minimum lot area is 0.5 acre.

C. Landscaping/Buffering/Screening

1. All utility facilities ~~(except for a municipal water well (defined as a major utility))~~ require a minimum Buffer Yard Type C.

2. A municipal ~~water well~~ (defined as a major utility) requires a minimum Buffer Yard Type A if the well area includes other accessory ~~structures~~ Structures or buildings. Side and rear buffer yards must be supplemented with an additional ~~two (2)~~ evergreen trees per 100 linear feet.

D. Access Easements. Utilities may be accessed by private access easement.

~~A. Utility Substations. Utility Substations are governed by Section 3.06.05.24 and not this Section.~~

E. Municipal Water Well. Prior to approval of the first site plan application for a new municipal water well, the applicant ~~shall~~ must complete the requirements of either ~~Subsections F~~ Subsections E.1 or ~~FE.2~~ E.2. The applicant has the discretion to choose either option. The applicant shall provide the results to the Director of the Department of Building and Development in conjunction with the site plan application. The applicant must conduct the ~~tests~~ during the initial testing period prior to the approval of a site plan for a new municipal water well, and is not required to conduct continuous monitoring of off-site wells after site plan approval.

1. Yield and Drawdown Tests required by the Virginia Department of Health–Office of Drinking Water, and monitoring of existing private wells within 500 feet of the proposed ~~municipal water well~~, as recommended by the Virginia Department of Health–Office of Drinking Water. Monitoring of private wells is allowed only with the consent of the property owner; or

~~1.~~ A Hydrogeologic Report prepared in accordance with Section 6.240.A (Background Information), Section

2. 6.240.B (Analysis of Background Information), Section 6.240.E (Pumping Test), and Section 6.240.G (Groundwater monitoring program proposal) of the Facilities Standards Manual. Monitoring of private wells is allowed only with the consent of the ~~property owner~~.

F. Setbacks to Residential Sewage Treatment Plant and Water Treatment Plant (Utility, Major) in the GI district must setback all buildings 200 feet from any adjacent residentially zoned property.

4.07.03 Recycling Collection Centers and Material Recovery Facilities

A. Applicability. This section applies to recycling collection centers and material recovery facilities (defined as part of a solid waste facility use).

B. Recycling Collection Centers ~~(Generally)~~. Recycling collection centers ~~(public or private)~~ ~~shall~~ must meet the following minimum standards:

1. Recycling collection ~~centers~~ may be established on a site that has either a public or private school, shopping center, community center, church, park, fire station, or library, or on land owned by a local government or a homeowners' association.

2. A recycling collection ~~center~~ may use movable containers and trailers to collect and store recyclable materials.

3. Recycling collection ~~enters~~ must accept only glass, metals, plastics, papers, corrugated cardboard, and other identified reusable recyclable items. Hazardous or toxic materials ~~must not~~ be accepted.

4. —The maximum aggregate area of all recycling containers (which may be portable), and permanent or semi-permanent buildings or structures is 3,000 square feet.
5. All recyclable materials stored at recycling collection centers must be stored in containers constructed of a durable waterproof and rustproof material that is properly maintained to preserve its waterproof and rustproof qualities, secured from unauthorized entry or removal of material, and with a capacity sufficient to accommodate the material collected.
6. Recycling containers must be clearly marked to identify the type of material which may be deposited. Recycling collection centers must clearly ~~to~~ identify the name and telephone number of the facility sponsor and the hours of operation, and display a notice stating that no material must be left outside the recycling enclosure or containers.
7. All recycling collection centers must be maintained free of litter by a responsible sponsoring organization or by Loudoun County.
8. All recycling collection centers must be screened from other uses on the same parcel and adjacent residential uses in accordance with Section ~~5-077.04.04~~.
9. Recycling containers must be at least 150 feet from any dwelling.
10. The recycling collection center must be situated so that vehicular ingress and egress does not pose traffic hazards. A minimum of 1 stacking or parking space per 500 square feet of the recycling collection center, or the anticipated peak customer load as determined by the Zoning Administrator, whichever is higher, is required on-site. Stacking and parking spaces are not allowed within the road right-of-way or setbacks.
11. Occupation of any parking spaces by the recycling collection center may not reduce required parking spaces for the principal use below the required minimum, unless:
 - a. A parking study shows that existing parking capacity is not fully utilized during the hours of operation of the principal use and the recycling collection center, or
 - b. Hours of normal operation of the principal use do not overlap those of the recycling collection center.
12. No portion of any center is allowed in any major floodplain or required setback.
13. Noxious odors must not be emitted beyond any boundary lines of the recycling drop-off center.
14. Operation of centers shall occur during daylight hours, unless located within commercial or industrial areas equipped with lighting capable of illuminating the center during periods of darkness.
- C. **Public Recycling Collection Centers.**—The minimum setback for public recycling collection centers is 50 feet from the right-of-way of any street or as otherwise specified under Section ~~5-077.04.02~~, and 50 feet from any lot or land bay zoned, used, or planned for residential uses.—The use ~~shall~~must not obstruct pedestrian or vehicular circulation.
- D. **Private Recycling Collection Centers.**—Private recycling collection centers:
 1. Must meet the setback requirements for ~~SIGI~~ and ~~ILMA-LI-MR-HI~~ uses adjacent to a lot or land bay zoned, used, or planned for residential use, and
 2. In commercially and industrially zoned districts, a center may utilize electric power-driven processing equipment to sort, clean, or compact recyclable materials between the hours of 7AM and 7PM. That equipment is not permitted in residentially zoned districts.
- E. **Material Recovery Facilities (MRF).** All MRF's shall meet the following minimum standards:
 1. Neither an MRF nor the lot on which the MRF is located ~~shall~~is permitted to abut a property in residential land use. All processors ~~shall~~must operate in an entirely enclosed building except for incidental storage, except when:
 - a. The operation is within an area enclosed on all sides by an opaque fence or wall at least 8 feet in height and landscaped on all property lines; and

- b. The operation is located at least 300 feet from any property zoned, used, or planned for residential uses.
2. Processing in MRF's is limited to baling, briquetting, crushing, compacting, grinding, shredding, and sorting of source-separated recyclable materials, construction debris, and repairing of reusable materials.
3. Power-driven processing equipment is permitted ~~if~~ the noise level requirements of Section ~~5-12-B-7.05.03~~ and any special exception conditions are met.
4. All exterior storage of material must be in sturdy containers or enclosures covered, secured, and maintained in good condition at all times, or must be baled or palletized. Exterior storage must not be visible from any adjacent road or other property.
5. MRF sites must be maintained free of litter, cleaned of loose debris on a daily basis, and secured from unauthorized entry and removal of materials when unattended.
6. The maximum hours of operation for ~~MRF~~ sites located within 500 feet of an occupied residential dwelling are 7:00 p.m. and 8:00 a.m. The MRF must be administered by on-site personnel during all hours of operation.
7. Any containers provided for after-hours donation of recyclable materials must be at least 500 feet from any occupied dwelling unit.
8. If the MRF is open to the public, at least 10 vehicle stacking spaces or the number of spaces necessary to accommodate the peak anticipated load (as determined by the Zoning Administrator), whichever is higher, is required on-site.
9. At least 1 parking space is required for each commercial vehicle owned and operated by the MRF, unless a greater number of spaces is required by the zoning district in which the facility is located.
10. No dust, fumes or smoke, above ambient levels may be detectable on adjacent properties.
11. Noise or vibration emitted or derived from the MRF shall not exceed the levels permitted by Sections ~~5-087.05.03~~ and ~~5-12-B-7.05.04~~ respectively.
12. All material recovery facilities may accept only glass, metals, plastics, papers, corrugated cardboard, construction debris, and other identified reusable recyclable items. ~~Hazardous or toxic materials must not be accepted.~~
13. Noxious odors must not be emitted beyond any boundary lines of the facility.

4.07.04 Solar Facility, Commercial—Facilities

- A. **Applicability.** This section applies to ~~commercial-utility scale and site-specific~~ solar facilities. ~~It does not apply to site-specific solar facilities.~~

- B. **Utility Scale.**

1. **Intensity/Character.**

- a. **Capacity.** The nameplate capacity rating must exceed 5,000 kilowatts of alternating current.

- a.b. **Size of Use.** The minimum lot size must be 20 acres.

- a. ~~Minimum Lot Size.~~ Two Acres.

- b. **Setbacks.** Unless a more restrictive setback within the underlying zoning district applies, all components of the solar facility must be set back a distance of at least 75 ~~Height.~~ Ground-mounted facilities shall not exceed a height of 20 feet, which shall be measured from the highest natural grade below each solar panel. This limit shall not apply to utility poles and the interconnection to the overhead electric utility grid.

2. feet from all public roads and principal buildings and a distance of at least 25 feet from adjoining property lines of the project area. These setbacks must not restrict the location of access and stormwater infrastructure.

C. General Standards for Utility Scale Solar Facilities.

2.1. Visual Impacts.

- c. ~~The facility must minimize impacts on viewsheds, including from residential areas and areas of scenic, historical, cultural, archaeological, and recreational significance as demonstrated through project siting and proposed mitigation.~~
- a. The facility must ~~utilize~~ use only panels that employ anti-glare technology, or anti-reflective coatings, such as silicon nitride or titanium oxide film, and other available mitigation techniques, all that meet or exceed industry standards, ~~to reduce glint and glare.~~

3.2. Location/Dimensional/Placement.

- a. ~~Height Setbacks.~~ Unless more restrictive within the ~~underlying~~ underlying zoning district, any element of the solar facility must be set back a distance of at least 75 feet from all public rights-of-way and main buildings on adjoining parcels, and a distance of at least 25 feet from adjacent property lines. These setbacks ~~shall~~ must not restrict the location of access, erosion and stormwater structures, and interconnection to the electrical grid. Ground-mounted facilities must not exceed 20 feet in height at maximum tilt, measured from grade to the top of the solar panel or its support structure, whichever is higher. This height limit does not apply to electric utility poles that are connected or interconnected with the solar panels.
- b. ~~Other setbacks.~~ Distance From Landmarks. The facility must not be located within 1 mile of ~~an airport unless a landmark listed on the applicant submits, as part of its application, written certification from National Register of Historic Places or eligible for listing on the Federal Aviation Administration that the location National Register of the facility poses no hazard for, and will not interfere with, airport operations Historic Places.~~

B. Access/Driveways.

- 4.3. ~~Access.~~ Access. to the lot on which the facility is located must be provided from a paved, State public road that is maintained road by a public body and that is at least 20 feet in width.

- 1. ~~Driveways.~~ Driveways are not permitted within a required buffered setbacks except as necessary to access the site. Driveways must have all weather roadways negotiable by loaded transport vehicles.

- 5.4. Landscaping/Buffering/Screening. Refer to Section 5.07.03.A.67.04.

6.5. Decommission Plan/Security. Financial Assurance.

- a. Decommission Plan. ~~The applicant As part of the first submission of the site plan for the facility, the applicant must provide a detailed decommission plan acceptable to the Zoning Administrator that provides procedures and requirements for removal of all parts components of the solar facility and its various structures at the end of the useful life of the facility or if it the facility is deemed abandoned by the County. The decommission plan must include the anticipated life of the facility, the estimated overall cost of decommissioning the facility in current dollars, the methodology for determining such estimate, and the manner in which the project facility will be decommissioned, the vehicular route taken, and must be approved by the Zoning Administrator prior to approval of the site plan. The decommission plan and the estimated decommissioning cost must be updated upon the request of the zoning administrator Zoning Administrator, provided the update shall be no more frequently frequent than once every 5 years and no less frequently than once every 10 years.~~
- 2. Security. Prior to operation, the applicant must provide a security in the amount of the estimated cost of the decommissioning. Options for security include a cash escrow, a performance surety bond, a certified check, an irrevocable letter of credit, or other security acceptable to the county in an amount equal to the estimated decommissioning cost developed and updated in accordance with the decommission plan acceptable to the county. The security must remain valid until the decommissioning obligations have been met. The security may be adjusted up or down by the county if the estimated cost of decommissioning the

facility changes. The security must be renewed or replaced if necessary to account for any changes in the total estimated overall decommissioning cost in accordance with the periodic updated estimates required by the decommission plan. The security shall be in favor of the county and shall be obtained and delivered to the county before any construction commences.

b. **Financial Assurance.** If the party that enters into such written agreement with the locality defaults in the obligation to decommission such equipment, facilities, or devices in the timeframe set out in such agreement, the locality has the right to enter the real property of the record title owner of such property without further consent of such owner and to engage in decommissioning. The owner, lessee, or developer must provide financial assurance of such performance to the locality in the form of certified funds, cash escrow, bond, letter of credit, or parent guarantee, based upon an estimate of a professional engineer licensed in the Commonwealth, who is engaged by the applicant, with experience in preparing decommissioning estimates and approved by the locality. This estimate must not exceed the total of the projected cost of decommissioning, which may include the net salvage value of such equipment, facilities, or devices, plus a reasonable allowance for estimated administrative costs related to a default of the owner, lessee, or developer, and an annual inflation factor.

7-6. **Unsafe or Abandoned Projects/Facility/Decommissioning.**

a. **Unsafe Project.** If a solar facility has been determined to be unsafe by Facility. If the county Zoning Administrator determines a solar facility is unsafe, the facility shall be required to be repaired by the facility owner, site owner, or operator to meet federal, state, and local safety standards, or to be removed by the owners or operator. The owner or operator must complete the repair or removal either of the facility following within the time period as directed by the county Zoning Administrator and in compliance with the facility's decommission plan established for such facility:

1. Repair the facility to meet federal, state, and local safety standards.
2. Remove the facility.

3. **Abandoned Project/Facility.** If any solar facility is not operated for a 12 continuous period of 12 months, the county may Zoning Administrator will notify the facility property owner by registered mail that the facility is deemed abandoned and provide the property owner with 45 days for to respond. The response. In its response, must set forth reason(s) why the facility owner shall set forth reasons for the operational difficulty has not operated and provide a reasonable timetable for corrective action. If the county the facility to come back into operation. If the Zoning Administrator deems the timetable for corrective action to be unreasonable, it may the Zoning Administrator will notify the facility property owner, and the facility owner, site owner, or operator shall remove the solar facility in compliance with the decommission plan established for such facility.

b. **Notification.** At such time that a solar facility is scheduled to be abandoned, the facility property owner, site owner, or operator must remove the solar facility in accordance with the decommission plan established for such facility.

b.c. **Notification.** At the time a solar facility is scheduled to be decommissioned, the property owner or facility owner must notify the zoning administrator Zoning Administrator in writing.

e.d. **Removal Period.** Within 365 days of the date of abandonment decommission, the physical removal of the solar facility must be completed in compliance with the facility's decommission plan established for such facility. This period may be extended at the request of the owners or operator, upon approval of the board of supervisors Zoning Administrator.

d.e. **Handling and Disposal.** The handling and disposal of all equipment and facility components must be in compliance comply with the decommission plan and federal, state, and local requirements.

e.f. **Legal Action.** If the facility owner, site or property owner, or operator fails to timely remove or repair an unsafe or abandoned solar facility after written notice, the county may pursue legal action to have

the facility removed at the expense of the facility owner, ~~site and property~~ owner, ~~or operator~~, each of whom ~~shall~~will be jointly and severally liable for the expense of removing or repairing the facility. The county also may ~~call upon~~use the decommissioning security to remove the facility.

D. Site-Specific (On-Site Accessory Use)

1. Intensity/Character.

a. **Service Area.** A site-specific solar facility must serve the on-site electric or thermal needs of the property on which it is located. Site-specific solar facilities are not precluded from net metering.

b. Placement.

1. **Residential Districts.** The solar facility may be installed on the roof of the principal structure or ground mounted on the property in which it serves.

2. **Agricultural Districts.** The solar facility may be installed on the roof of a dwelling unit or on the roof of another building or structure on the property or ground mounted on the property in which it serves.

3. **Commercial, Industrial, Institutional, and Mixed-Use Districts.** The solar facility may be installed on the roof of one or more buildings located on the property or ground mounted on the property in which it serves.

2. Height/Setbacks.

a. **Roof-Mounted.** Height is subject to the height requirements of the underlying zoning district.

b. **Ground-Mounted.** Must not exceed 20 feet in height at maximum tilt, measured from grade to the top of the solar panel or its support structure, whichever is higher. This height limit does not apply to electric utility poles that are connected or interconnected with the solar panels.

c. **Setbacks.** Setbacks are subject to the setback requirements of the underlying zoning district.

3. **General Standards.** The site-specific solar facility is subject to the General Standards for Accessory Uses found in Section 3.03.C.

4.07.05 Stockpiling—

A. **Applicability.** This section applies to ~~any~~ stockpiling.

B. Intensity/Character Standards.

1. Size of Use.

a. **Minimum Lot Size.** ~~Five~~ 5 Acres

b. **Pile Area.** The maximum area of a single stockpile of dirt is 2 acres.

c. **Height.** The maximum height of a single stockpile of dirt is 25 feet above original natural grade. For each additional 5 acres in lot area, the height may increase 1 foot in height to a maximum of ~~50~~ feet above original natural grade. No stockpile of dirt ~~must~~ be visible above the existing tree line as viewed from any property line.

d. **Slope.** Maximum slope is 3:1.

2. Siting.

a. **Prohibited.** No stockpiling ~~is~~ permitted in ~~the MDOD and~~ :

1. MOD or FOD; or

2. ~~No stockpiling is permitted in wetlands~~ Wetlands, hydric soils, or areas identified as containing endangered species or plants.

b. Stockpiling only ~~is~~ permitted on forested sites when there is an approved forest management plan.

3. Location on Site/Dimensional Standards.

- a. **Setback from Single-Family Dwellings.** No stockpiling, loading/unloading activities, general stockpiling operations, or related activities are allowed within 500 feet of an existing residential structure.
- b. **Other setbacks.** No stockpiling—is permitted—within 100 feet of any lot line and/or public or private—street.

4. Hours of Operation. The hours of operation are limited to 7:00 AM to 6:00 PM.

C. Access/Vehicular Circulation.

1. **Access.** Access to the lot is required from a paved—State-maintained public road at least 20 feet in width.
 2. **Driveways/Internal Access Roads (driveways).**—Driveways are not permitted within a required buffered setback except as necessary to access the site. Driveways must have all-weather roadways negotiable by loaded transport vehicles.
 3. **Vehicular Circulation.** Adequate-stacking space—must be provided on site to accommodate anticipated traffic. Stacking spaces must be screened in accordance with—subsection EF.
 4. **Debris.** To prevent the tracking of debris, mud, dirt or other material on public rights-of-way, the public rights-of-way must be hosed off on a daily basis when stockpiling is occurring. During winter months roadways must be chemically treated to prevent icing conditions after hosing off the roadway.
- D. **Materials.** Stockpiles of dirt may be composed only of uncontaminated dirt and naturally occurring rock. Incorporated organic material, including roots, twigs, limbs, logs, leaves, and grass may not exceed three (3) percent 3% by volume at any location in the stockpile of dirt. Processing within the stockpile of dirt is limited to grading, sorting, and compacting of dirt and waste rock. Screening of dirt is not permitted.
- E. **Exterior Lighting.** Exterior Lighting is permitted for security purposes only and in accordance with Section 5.097.07.01.
- F. **Landscaping/Buffering/Screening.** Refer to Section 5.077.04.03.A.6.
- G. **Compliance with other Ordinances.** This section does not relieve the stockpiling use from complying with other Federal, State or County laws. If there is a conflict between the applicable law, the more restrictive law—applies. A Zoning Permit and grading permit is required prior to the commencement of any—stockpiling. In addition, prior to commencing any stockpiling a preliminary soil report must be—conducted in accordance with Chapter 6 of the Facilities Standards Manual.

4.07.06 Telecommunications Facility

A. Applicability. This section applies to telecommunications facilities.

B. Antennas.

1. Building-Mounted—Antennas—Over—60 Feet—.

- a. This subsection B.1 applies to—antennas mounted on buildings or structures—and connected unmanned equipment, any portion of which that exceeds 60 feet in height. Height is measured from natural ground elevation.
- b. Omnidirectional or whip antennas must not exceed—20 feet in height or 7 inches in diameter. The antenna must consist—of a material or color which matches the exterior of the building or structure upon which they are mounted.
- c. Directional or panel antennas must not exceed—10 feet or 2 feet in width. Antennas must consistent consist of a material or color which matches the exterior of the building or structure upon which they are mounted.
- d. Dish antennas 6 feet in diameter and must be screened from public view.

- e. Signals, lights, and/or illumination are not permitted on any antenna, unless required by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), State or Federal authorities, or the County.
- f. Cylinder shrouds for the concealment of antennas 11 feet in height or 26 inches in diameter and must consist of a material or color which matches the exterior of the building or structure upon which they are mounted. No portion of the antenna must be exposed outside the shroud.
- g. Related unmanned equipment structure(s) are limited to 500 square feet of total gross floor area per user on each site and 12 feet in height. If located within the building or structure where the antennas are mounted, they may be located in the areas which are excluded from the determination of net floor area without changing the exclusion of those areas from the calculation of the structure's density. The structures shall consist of a material or color which matches the exterior of the building or structure where they are mounted.
- h. If the equipment structure is located on a roof, the equipment and structures are limited to 25% of the roof area.
- i. All antennas and related unmanned equipment must be removed within 90 days after they are no longer in use.
- j. The original approved height of a monopole or tower may increase 20 feet for the collocation of telecommunications antennas if their height (including collocated antennas) does not exceed 199 feet.

2. Antennas Up To 60 Feet in Height.

- a. This subsection B.2 applies to antennas mounted on buildings and structures and connected unmanned equipment connected to such antennas, no portion of which exceeds a height of ~~sixty~~ (60) feet. Height is measured from the natural ground elevation.
- b. Omnidirectional or whip antennas 8½ feet in height or 3 inches in diameter and must consist of a material or color which matches the exterior of the building or structure where they are mounted. The antennas shall be flush mounted so that neither the antenna nor any portion of the supporting mount extends more than 2 feet from the building or structure.
- c. Directional or panel antennas 5 feet in height or 1 foot in width and must consist of a material or color which matches the exterior of the building or structure where they are mounted. The antennas shall be flush mounted so that neither the antenna nor any portion of the supporting mount extends more than 2 feet from the building or structure.
- d. Dish antennas 3 feet in diameter and shall consist of a material or color which matches the exterior of the building or structure on which they are mounted.
- e. Signals, lights, and/or illumination are not permitted on any antenna, unless required by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), State or Federal authorities, or the County.
- f. Cylinder shrouds for the concealment of antennas are limited to 6 feet in height or 14 inches in diameter and shall consist of a material or color which matches the exterior of the building or structure where they are mounted. No portion of the antenna must be exposed outside the shroud.
 - a. Only 1 related unmanned equipment structure on an antenna support structure. The related unmanned equipment structure is limited to 5 feet in height or 20 cubic feet in volume and shall consist of a material or color which matches the exterior of the antenna support structure on which it is mounted.
- g. Antennas and related unmanned equipment structures located on the roof of a building 15 feet above the building height and may not occupy more than 25% of the roof area.

- h. All antennas and related unmanned equipment must be removed within 90 days after they are no longer in use.

3. **Antenna Hub Sites.** The following apply to antenna hub sites:

- a. Related unmanned equipment at antenna hub sites 500 square feet of total gross floor area and 12 feet in height.
- b. Antenna hub sites are subject to any maximum permitted floor area ratio and minimum yard requirements of the applicable zoning district applies.
- c. Antenna hub sites must be compatible with development located in the surrounding visual range regarding the setting, color, lighting, topography and materials. To the maximum extent feasible, related unmanned equipment at an antenna hub site must be located in the interior of the subject property.
- d. Related unmanned equipment at antenna hub sites must be screened by a solid fence, wall or berm 8 feet in height with an evergreen hedge reaching an ultimate height of at least 8 feet and a planted height of at least 4 feet. If equipment is added to an existing screened enclosure that contains telecommunication uses and/or structures, the screening requirements may be satisfied with the existing screening.
- e. Antenna hub sites that are fully enclosed within a building are not subject to the above criteria.
- f. Antenna hub sites must be removed within 90 days after they are no longer in use.

C. **Monopoles.** The following apply to monopoles and related unmanned equipment structure(s) :

1. **Monopoles, Permitted By Right.** Monopoles are a permitted use subject to the performance standards listed in subsection BC.3 if:

- a. Located within an overhead utility transmission line right of way with existing structures greater than eighty (80) feet in height.
- b. In the SE, SI, JLMA-LE, JLMA-LI, TLIP, GI, IP, MR-HI, PD-RDP, PD-SA, or TIE zoning districts GB Zoning Districts they are located at least 750 feet from an adjoining residential district.
- c. In the SI, TIE and JLMA-LI or MR-HI zoning districts subject to subsection BC.4 if located less than 750 feet from an adjoining residential district.
- b. In the ARN, ARS, RN, TLN, JLMAAR-1, JLMAAR-2, JLMAA-10, A-3, RAR, VAR, SAR, VRTR-1, TR-2, TR-3, TR-10, JLMA-1, JLMA-2, JLMA-3, CR-1, CR-2, CR-3, CR-4, UE, VC and RC zoning districts,
- d. Zoning Districts, when accessory to a fire or rescue station.

2. **Monopoles, Special Exception Required.** Except as provided under subsection C.1, telecommunications monopoles require a special exception and are subject to subsection C.3 and the additional submission requirements under subsection C.4, if located:

- e. In the ARN, ARS, RN, TLNAR-1, AR-2, A-10, A-3, TR-1, TR-2, TR-3, TR-10, JLMA-1, JLMA-2, JLMA-3, RAR, VAR, SAR, VRCR-1, CR-2, CR-3, CR-4, UE, VC and RC zoning districts,
- a. Zoning Districts, except as provided in subsection C.1.d, and in the SE, CLI, CC-CC, TC, TRC, PD-CC(SC, SCN, SC, SM, UT, UM, SM, and), PD-CC(RC), PD-MUB, or PD-RV zoning districts Zoning Districts.
- b. In the SE, SI, JLMA-LEOP, IP, PD-RDP, PD-SA, and TLI zoning districts GB Zoning Districts and less than 750 feet from an adjoining residential district.
- c. In all zoning districts, except SCNPD-AAAR, as an accessory use to a fire and rescue station, except as provided in subsection C.1.d.
- d. In all zoning districts, within the right of way of a private toll road.
- e. In the SR-1, SR-2, SR-3, SR-4, SR-8, SN, SCN zoning districts, PD-H or R Zoning Districts when located on property owned by:

- i. Any department or branch of the Federal Government, Commonwealth of Virginia, Loudoun County Government, or Loudoun County School Board; or
- ii. Public Utilities.

3. **Monopoles, General Performance Criteria.** All telecommunications monopoles, whether listed as a permitted or special exception use, are subject to the following standards:

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

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

- c. The height of the monopole, including antennas, is limited to 199 feet, as measured from the natural ground elevation.
- d. Satellite and microwave dishes attached to monopoles are limited to 2 feet in diameter.
- e. Except as provided in subsections C.3.m and C.4.d, the minimum setback is 1 foot for every 5 feet in height to any property line. Structures and buildings may be constructed within the setback areas of the monopole if other zoning standards are met.
- f. The related unmanned equipment structure(s) are limited to 500 square feet of total gross floor area per telecommunications provider on each site. The maximum height of a related unmanned equipment structure is 12 feet.
- g. Unless otherwise required by the Federal Communications Commission or the Federal Aviation Administration, monopoles must blend with the background.
- h. No signals or lights or illumination are permitted on a monopole, unless required by the Federal Communications Commission, the Federal Aviation Administration, State or Federal authorities, or the County.
- i. A commission permit is required, except when located in accordance with subsection C.1.a if the monopole does not exceed the height of existing overhead utility transmission line structures by more than 20 feet as measured from natural ground elevation.
- j. Monopoles are prohibited within County designated historic districts.
- k. All unused equipment and facilities from a commercial public telecommunications site must be removed within 90 days of cessation of commercial public telecommunication use. The site shall be restored as closely as possible to its original condition.
- l. Applicants for any commercial public telecommunications facility must demonstrate that they have complied with applicable regulations of the FCC and the FAA. A finding from the FAA that the proposed facility is not a hazard or obstruction to aviation is required prior to the issuance of a zoning permit. If a proposed telecommunications facility is higher than 199 feet or within 5 miles of the property boundary of either Dulles or Leesburg Airports, the applicant shall provide verification that: 1) the appropriate airport authority (Metropolitan Washington Airports Authority or the Town of Leesburg)

has been notified in writing; and 2) the FAA has determined that the proposed facility is neither a hazard nor an obstruction to aviation.

~~1) the appropriate airport authority (Metropolitan Washington Airports Authority or the Town of Leesburg) has been notified in writing; and 2) the FAA has determined that the proposed facility is neither a hazard nor an obstruction to aviation.~~

- m. When locating on a Loudoun County or Loudoun County Sanitation Authority site or fire and/or rescue company site: 1) the telecommunications equipment shall not interfere with the existing telecommunications equipment of the primary use; and 2) the setback under subsection C.3.e does not apply.
 - n. Applicants proposing a new telecommunications monopole within 1 mile of a County designated historic district or a Virginia Byway must submit at least 3 visual simulations and written justification as to why the monopole could not be sited elsewhere. This requirement also applies if a telecommunications monopole is proposed on a property listed on the National Register of Historic Places.
 - o. Telecommunications monopoles are prohibited ~~along ridge lines,~~ but are allowed ~~downslope from the top of ridge lines,~~ to protect views of the Catoctin, Bull Run, Hogback, Short Hill, and Blue Ridge Mountains.
 - p. Applicants must submit documentation, in written and graphic form, regarding the service area to be provided by the proposed telecommunications monopole.
4. **Monopoles, Additional Submission Requirements.** Applicants must ~~submit~~ the following additional information for monopoles that ~~require~~ special exceptions:
- a. Photo imagery or other visual simulation of the proposed telecommunications monopole shown with the existing site ~~conditions~~. This simulation must be provided from at least 3 perspectives. The applicant must address how the facility will be designed to mitigate the visual impact on area residents, facilities, and roads.
 - b. Except for areas where listed as a ~~permitted~~ use, an applicant for a new commercial public telecommunication monopole must demonstrate that co-location on an existing telecommunications facility or structure greater than 40 feet in height is not feasible. The applicant must evaluate telecommunications facilities and structures greater than 40 feet in height within a 1 ~~mile~~ radius of the proposed facility within the Eastern Loudoun Urban Growth Area. Elsewhere in the County, the applicant shall evaluate such locations within a 2 ~~mile~~ radius of the proposed facility. Technological, physical, and economic constraints may be considered in determining feasibility. Co-location may be determined not ~~feasible~~ if:
 - i. Planned equipment would exceed the structural capacity of existing and approved telecommunications facilities, considering existing planned use of those facilities, and the facilities cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost;
 - ii. Planned equipment will cause interference with other existing or planned equipment for that telecommunications facility, and that interference cannot be prevented at a reasonable cost;
 - iii. Existing or approved telecommunications facilities do not have space on which planned equipment can be placed so as to provide adequate service; and
 - iv. Existing and approved telecommunications facilities will not provide adequate signal coverage.
 - c. In addition to those entitled to notice under the provisions of Section 7-0411.05 of this Ordinance, all owner(s), or their agent(s), of all properties abutting or immediately and diagonally across the street or road from those properties whose owners are entitled to notice under Section 7-0411.05, must be provided with the same written notice. The applicant is also encouraged to meet with community ~~and homeowners association~~ groups and Owners Associations in the area.

- d. Telecommunications monopoles requiring a special exception under ~~subsection C.2.d~~ are not subject to the lot requirements, building requirements, and open space requirements, if applicable, of the applicable ~~zoning~~ district.

D. **Telecommunications Towers.** This subsection applies to ~~telecommunications~~ towers with related unmanned equipment structure(s).

1. **Telecommunications Towers Permitted By Right.** Telecommunications towers are ~~a~~-permitted use ~~subject~~ to subsection D.3:

- a. In the ~~SI, TIE, GI~~ and ~~JLMA-SI zoning districts~~ MR-HI Zoning Districts if the tower is 40 feet or less in height and mounted on an existing structure.
- b. In the ~~SI, TIE, GI~~ and ~~JLMA-SI zoning districts~~ MR-HI Zoning Districts if the tower is greater than 40 feet in height and subject to subsection D.4.

2. **Telecommunications Towers, Special Exception Required.** Telecommunications towers require a ~~special~~ exception and are ~~subject~~ subsections D.3 and D.4 if located:

- ~~d. In the ARN, ARS, TLNAR-1, AR-2, TR-1, TR-2, TR-3, TR-10, JLMA-1, JLMA-2, JLMA-3, RAR, VAR, SAR, VR, RC, VC, SE, SCN, SC, SMCC-CC, TC, UE, SM,~~
- a. ~~UMTRC, A-10, A-3, CR-1, CR-2, CR-3, CR-4, CLI, PD-CC(SC), PD-CC(RC), and UT zoning districts~~ PD-MUB Zoning Districts.
- b. In the ~~SE, JLMA-LEOP, IP, PD-RDP, PD-SA, and TL zoning districts~~ GB Zoning Districts.
- c. In all zoning districts, except ~~SCN~~ PD-AAAR and ~~PD-RV zoning districts~~ Zoning Districts, as an accessory use to a fire and rescue station.
- d. In the ~~SRSN, SCN, PD-H, R-1, SRR-2, SRR-3, SRR-4, SRR-8, SNR-16, and SCN zoning districts~~ R-24 Zoning Districts when located on property owned by:
 - i. Any department or branch of the Federal Government, Commonwealth of Virginia, Loudoun County Government, or Loudoun County School Board; or
 - ii. Public Utilities.

3. **Telecommunications Towers, General Performance Criteria.** All telecommunications towers are subject to the following standards:

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

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

- c. The maximum height of ~~telecommunications~~ towers is ~~199~~ feet, as measured at the natural ground elevation, unless the applicant can clearly demonstrate that the facilities of 199 feet or less cannot render needed services. At the applicant's expense, the County may have an independent analysis performed on the applicant's proposal.

- d. Satellite and microwave dishes attached to the towers shall not exceed 6 feet in diameter.
 - e. Except as provided in subsection D.3.n, the minimum ~~setback is~~ 1 foot for every 5 feet in height from the property line. Structures and buildings may be constructed within the setback area of the tower if ~~other zoning standards are met~~.
 - f. Related unmanned equipment structure(s) is limited to 500 square feet of total gross floor area per telecommunications provider on each site. The maximum height of a related unmanned equipment ~~structure is~~ 12 feet.
 - g. Unless otherwise required by the Federal Communications Commission or the Federal Aviation Administration, telecommunications towers must blend with the background.
 - h. No signals or lights or illumination are permitted on a telecommunication tower unless required by the Federal Communications Commission, the Federal Aviation Administration, State or Federal authorities, or the County.
 - i. A commission permit is required.
 - j. Telecommunication towers are prohibited within County designated historic districts.
 - k. Towers are prohibited ~~within the~~ RV zoning district.
 - l. All unused equipment and facilities must be removed from a commercial public telecommunications site within 90 days of cessation of commercial public telecommunication use. The site must be restored as closely as possible to its original condition.
 - ~~e.~~ Applicants for any commercial public telecommunications facility must demonstrate that they have complied with applicable regulations of the FCC and the FAA. A finding from the FAA that the proposed facility is not a hazard or obstruction to aviation is required prior to the issuance of a zoning permit. If a proposed telecommunications facility is higher than 199 feet or within 5 miles of the property boundary of either Dulles or Leesburg Airports, the applicant must provide verification that:
 - m. ~~1)~~ the appropriate airport authority (Metropolitan Washington Airports Authority or the Town of Leesburg) has been notified in writing; and 2) the FAA has determined that the proposed facility is neither a hazard nor an obstruction to aviation.
 - n. When locating on a Loudoun County or a Loudoun County Sanitation Authority site or fire and/or rescue company site: 1) the telecommunications equipment must not interfere with the existing telecommunications use of the primary use; and 2) the setback provision of subsection D.3.e does not apply.
 - o. Applicants proposing a new telecommunications tower within 1 mile of a County designated historic district, property listed on the National Register of Historic Places ~~or~~ Virginia Byway must at least 3 visual simulations and written justification as to why the tower could not be sited elsewhere.
 - p. Telecommunications towers are prohibited along ridge lines, but are allowed ~~downslope~~ from the top of ridge lines, to protect views of the Catoctin, Bull Run, Hogback, Short Hill, and Blue Ridge Mountains.
 - q. Applicants must submit documentation, in written and graphic form, regarding the service area to be provided by the proposed telecommunications tower.
4. **Telecommunications Towers, Additional Submission Requirements.** The following applies to telecommunications ~~towers~~ approved by special exception:
- a. The applicant must provide photo imagery or other visual simulation of the proposed facility shown with the existing site ~~conditions~~. This simulation must be provided from a minimum of 3 perspectives. The applicant must address how the facility can be designed to mitigate the visual impact on area residents, facilities, and roads.

~~f.a.~~ Except for areas where listed as a ~~permitted use~~, an applicant for a new commercial public

telecommunications ~~tower~~tower must demonstrate that co-location on an existing telecommunications facility or structure greater than 40 feet in height is not feasible. The applicant shall evaluate telecommunications facilities and structures greater than 40 feet in height within a 1 ~~-~~mile radius of the proposed facility within the Eastern Loudoun Urban Growth Area. Elsewhere in the County, the applicant must evaluate such locations within a 2 ~~-~~mile radius of the proposed facility. Technological, physical, and economic constraints may be considered in determining feasibility.

Co-location may be determined not ~~-~~feasible if:

- i. Planned equipment would exceed the structural capacity of existing and approved telecommunications facilities, considering existing planned use of those facilities, and the facilities cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost;
 - ii. Planned equipment will cause interference with other existing or planned equipment for that telecommunications facility, and that interference cannot be prevented at a reasonable cost;
 - iii. Existing or approved telecommunications facilities do not have space on which planned equipment can be placed so as to provide adequate service; and
 - iv. Existing and approved telecommunications facilities will not provide adequate signal coverage.
- b. In addition to those entitled to notice under Section ~~7.0411.05~~ of this Ordinance, all owner(s), or their agent(s), of all properties abutting or immediately and diagonally across the street or road from those properties whose owners are entitled to notice under Section ~~7.0411.05~~, must be provided with the same written notice. The applicant is also encouraged to meet with community ~~and homeowners association~~ groups and Owners Associations in the area.
- c. Applicants for new telecommunications towers must demonstrate that a telecommunications monopoly, of comparable transmission capabilities, cannot be utilized or cannot provide an equivalent level of service.

4.07.07 Utility Substations—

- A. **Applicability.** ~~The following standards apply to utility substations. Utility substations are defined as a major utility (Section 3.03.07).~~
- B. **Utility substation, transmission.** ~~The following apply to transmission utility substations:~~
 1. Minimum lot size in ~~all~~ rural and residential districts: 1 acre.
 2. Minimum lot size in ~~all~~ commercial and industrial districts is ~~the~~ minimum lot size of the district.
- C. **Utility substation, distribution.** ~~The minimum lot size of distribution utility substations is 1 acre.~~
- D. **Comprehensive Plan Compliance.** ~~All utility substations must be located in areas consistent with the Comprehensive Plan. A Commission Permit is required unless the utility substation is specifically delineated in the Comprehensive Plan.~~
- E. **Buffers.** ~~All utility transmission and distribution substations and accessory storage yards require a minimum Buffer Yard Type C, however, if required utility connections preclude installation of large and small deciduous trees, the maximum percentage applicable to shrubs under Section ~~57.04.07.06~~.B.2.d. does not apply. In lieu of the minimum and maximum percentages applicable to evergreen trees under Section ~~57.04.07.06~~.B.2.b. at least 40% and up to ~~70%~~ of the required plant units must be evergreen trees.~~
- F. **Access.** Utility substations may be accessed by a private ~~access easement~~road.

4.08 Agriculture—

4.08.01 Agriculture, Bona Fide

- A. Agriculture, Bona Fide.** To be considered Bona Fide Agriculture, the following standards apply. The use must be:
1. Located in an Agricultural Zoning District; and
 2. Enrolled in an Agricultural and Forestal District or the Land Use Assessment Program of Loudoun County; and
 3. At least one of the following as applicable:
 - a. Agriculture (Non-Silviculture).** Agriculture (Non-Silviculture) must be:
 1. Conducted in accordance with a Conservation Farm Management 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. Agriculture not conducted in accordance with an approved Conservation Farm Management Plan is not considered to be Bona Fide Agriculture; or
 - b. Agriculture (Silviculture).** Agriculture (Silviculture) must be:
 1. Conducted in conformance with a Forest Management Plan that meets the requirements of the FSM, includes best management practices, and is approved by the County.
 2. All timber harvesting must also meet the notification requirements of § 10.1-1181.2.H of the Code of Virginia.
 3. Only those roads shown on the approved Forest Management Plan are permitted to be constructed
 4. Silviculture 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 Bona Fide Agriculture.

4.08.02 Agriculture, Horticulture, and Animal Husbandry

- A. Applicability.** This Section applies to any agriculture, horticulture, or animal husbandry use.
- B. Parcel Size.**
1. Agriculture, Horticulture, and Animal Husbandry have no minimum lot size.
 2. Animal Husbandry is not permitted on a parcel of less than 5 acres in size unless a Conservation Farm Plan with a section identifying required Best Management Practices is approved for that parcel as described in subsection C below.
- C. Conservation Farm Plan.**
1. Prior to the establishment of an Animal Husbandry use on a property of less than 5 acres the owner of the parcel must:
 - a. Obtain a Conservation Farm Plan (also known as a farm management plan) including a waste management plan, through and with the Loudoun County Soil and Water Conservation District (SWCD) and the Virginia Cooperative Extension Service (VCES), and
 - b. ~~provide~~Provide a copy of the executed Conservation Farm Plan to the Zoning Administrator.
 2. The Conservation Farm Plan ~~shall~~must indicate the types and quantity of proposed animals, location and size of existing and proposed structures, grazing areas, and location and type of wells and septic fields and reserve septic fields.
 3. The Conservation Farm Plan must include a Best Management Practices section identifying the best management practices necessary to support the proposed types and quantity of animals.

4. The Conservation Farm Plan must address the type and construction of any wells, septic fields and reserve septic fields and environmental features such as steep slopes, rock outcroppings and streams.
 5. The VCES must review the Best Management Practices section to confirm that it is consistent with generally accepted Animal Husbandry standards. The applicant must provide documentation indicating that confirmation to the Zoning Administrator.
 6. After approval, no additional animals may be added to the site without an approved amendment to the Conservation Farm Plan.
- D. **Setbacks for Certain Structures.** New structures for housing livestock, including barns, run-in sheds, stables, and similar structures must be set back 60 feet from the property lines that abut a lot with a dwelling that is existing or under construction at the time of zoning permit. This setback may be reduced if the dwelling is located more than 60 feet from the property line with the lot proposed for the new structure.

4.08.03 Agriculture Support Uses (Direct Association with On-Site Agricultural Activity)

- A. **Applicability.** This section applies to agriculture support and service uses that are directly associated with ongoing agriculture, horticulture or animal husbandry, on-site.
- B. **Intensity/Character.**
 1. **In Association with On-Going Agriculture, Horticulture, or Animal Husbandry Use.** The agriculture support use (direct association) is allowed only in direct association with an on-going agriculture, horticulture, or animal husbandry use or activity.
 2. **Site Size.** The minimum lot area for any agriculture support use (direct association) is 5 acres, except for the following uses:

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

3. **Visitors/Customers/Parking Spaces.** The number of visitors/customers allowed depends on the size of the lot area, as follows:

Use	Scope of Use/Event	Lot Area (Minimum)
Level I—small scale	No more than 200 visitors on any one day; no more than 100 vehicles on site at any one time.	5 to 25 acres See subsection B.2 above
Level II—medium scale	> 200 visitors on any one day, no more than 400; no more than 200 vehicles on site at any one time.	>25 acres, up to 50 acres
Level III—large scale	> 400 visitors on any one day, no more than 600; no more than 300 vehicles on site at any one time. Exception: 4 additional visitors and 2 additional vehicles allowed per acre in excess of 100 acres.	>50 acres, up to 100 acres

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

C. Size of Use.

1. **Structure.** The size of structures used in the agricultural support use (direct association) is limited to the following gross floor area (total all structures):

Use	Lot Area	Size of Structures (Maximum)
Level I—small scale	5 to 25 acres	12,000 square feet
Level II—medium scale	>25 acres, up to 50 acres	24,000 square feet
Level III—large scale	> 50 acres, up to 100 acres. Exception: Additional 2,400 square feet of structure size allowed per every 10 acres in excess of 100 acres, up to 48,000 square feet in total structure size.	36,000 square feet

2. **Storage Areas.** The total area of all storage areas used in the agricultural support use (direct association) is limited to the following size:

Use	Lot Area	Size of Storage Areas (Maximum)
Level I—small scale	5 to 25 acres	5,000 square feet
An additional 1,000 square feet of storage area is allowed per every 10 acres in excess of 25 acres, up to 20,000 square feet in total storage area size.		

- D. **Location on Site/Dimensional Standards.** The minimum setback for structures or storage areas of an agricultural support use (direct association) from lot lines is:

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

E. Landscaping/Buffering/Screening.

1. **Buffer.** Refer to Section 5.077.04.04.A.6.
2. **Storage Areas.** Refer to Section 5.077.04.04.

F. Road/Access Standards.

1. **Driveways.** Driveways are not permitted within a required buffer yard area except as necessary to access the site.
2. **Vehicles/Equipment.** Any agricultural support use (direct association) that involves the use of or services heavy equipment must have direct access to a Class I or Class II public road. Direct access by a private easement is not allowed.

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

4.08.04 Agriculture Support Use (Standalone)

A.

A. **Applicability.** This Section applies to agricultural support and service uses that do not have a direct association with agriculture, horticulture or animal husbandry, on-site.

B. Intensity/Character.

1. **Site Size.** The minimum lot area for an agriculture support use (standalone) is 5 acres, except for the following uses:

Use	Lot Area (Minimum)
Agricultural education or research	25 acres
Farm distribution hub	25 acres
Equestrian event facility	25 acres
Stable or livery	25 acres

2. **Visitors/Customers/Parking Spaces.** The number of visitors/customers allowed depends on the size of the lot area, as follows:

Use	Scope of Use/Event	Lot Area (Minimum)
Level I - small scale	No more than 200 visitors on any one day; no more than 100 vehicles on site at any one time.	5 to 25 acres See subsection B.1 above
Level II - medium scale	More than 200 visitors on any one day and less than 400; no more than 200 vehicles on site at any one time.	>25 acres, up to 50 acres
Level III - large scale	More than 400 visitors on any one day and less than 600; no more than 300 vehicles on site at any one time. Exception: 5 additional visitors and 2 additional vehicles are allowed per acre in excess of 100 acres.	>50 acres, up to 100 acres

3. **Hours of Operation.** Hours of operation for an agricultural support use (standalone) are limited to 6:00 a.m. to 10:00 p.m.

C. Size of Use.

1. **Structure Size.** The size of structures used for the agricultural support use (standalone) are limited to the floor area ratio or gross floor area, as applicable:

Use	Lot Area (Minimum)	Size of Structures (Maximum)
Agricultural education or research facility	25 acres	Maximum FAR: 0.02
Farm Distribution Hub	25 acres	Maximum FAR: 0.02
All Other Uses		
Use	Lot Area (Minimum)	Size of Structures (Maximum)
Level I—small scale	5 to 25 acres	12,000 square feet

Level II—medium scale	>25 acres, up to 50 acres	24,000 square feet
Level III—large scale	> 50 acres, up to 100 acres. Exception: Additional 2,400 square feet of structure size allowed per every 10 acres in excess of 100 acres, up to 48,000 square feet in total structure size.	36,000 square feet

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

E.D. Location on Site/Dimensional Standards. An agricultural support use (standalone) ~~shall~~ must be set back from lot lines as follows:

Use		Size of Structures (Max.)	Setback from Lot Lines
Agricultural education or research facility		Maximum FAR (all structures): 0.02	150 ft.
Farm Distribution Hub		Maximum FAR (all structures): 0.02	150 ft.
All Other Uses			
Level I—small scale		12,000 square feet	60 ft.
Level II—medium scale		24,000 square feet	120 ft.
Level III—large scale		36,000 square feet	175 ft.

E. Roads/Access Standards.

~~C. Roads/Access Standards.~~

~~1. **Driveways.** Driveways shall not be located within a required buffer yard area except as necessary to access the site.~~

1. **Vehicles/Equipment.** Any use that involves the use of or services heavy equipment ~~shall~~ must have direct access to a ~~Class I or Class II~~ public road.

2. **Number of Access Points.** Only ~~two~~ 2 points of access are permitted from the use to a ~~Class I, Class II or Class II~~ public road. This requirement does not preclude an additional access for emergency vehicles only.

4.08.05 Brewery, Limited

A. Applicability

- This Section applies to limited breweries.
- Limited breweries ~~shall~~ must be licensed as a Limited Brewery in accordance with ~~Title 4.1 of the~~ Code of Virginia, ~~as amended~~ Title 4.1.
- No limited brewery ~~shall~~ must be established either as the initial use of the subject property or by change of use of the property until a sketch plan Zoning Permit is approved ~~per Chapter 7 pursuant to Section 11.04~~.
- The owner of a limited brewery must contact the Loudoun County Department of Fire, Rescue and Emergency Management and Department of Building and Development for an informational inspection of the building(s) or structure(s) to be used for the limited brewery prior to establishing the use.

B. Location.

1. A limited brewery must be located on a farm on land zoned agricultural.
2. A limited brewery must be located on one or more abutting parcels of land, totaling at least 10 acres, owned or leased by the licensed limited brewery.

C. Intensity/Character.

1. Outdoor tasting rooms or similar outdoor activities must be set back at least 50 feet from all lot lines of adjacent agriculturally or residentially zoned properties under separate ownership.

- D. **Private Access Easements.** Limited Breweries that share a private access easement with another property owner/s, must show the easement permits access to such use.

~~3.06.06.04~~ Wayside Stands

4.08.06 Stable or Livery

A. **Applicability.** This Section applies to stable or livery uses.

B. **Use and Size.** The commercial establishment boards:

1. More than 10 horses owned by non-owners and/or non-residents of the lot for their private use; and/or
2. Any horses for public use; or
3. May include the keeping of horses for the private use of the owners and/or residents of the lot in addition to the commercial boarding activities listed above.

C. **Accessory Uses.** 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.

4.08.07 Stable, Private

A. **Applicability.** This Section applies to private stable uses.

B. **Use and Size.** The facility boards:

1. Horses for the private use of the owners and/or residents of the lot; and/or
2. No more than 10 horses owned by non-owners and/or non-residents of the lot for their private use.

C. **Instructors.** No more than 1 employed instructor engaged for the purpose of educating and training students in equitation is permitted.

4.08.08 Wayside Stands

A. **Applicability.** This Section applies to wayside stands.

B. **Retail Sales.**

1. Wayside stands are for retail sales provided the principal sales items sold are farm and garden products produced principally on-site. "On-site" means all locations (may be separate parcels) used by the owner or tenant for farming (agriculture, horticulture or animal husbandry).
2. The maximum aggregate size of permanent retail sales areas within structures is 10,000 square feet in gross floor area or an FAR of 0.02, whichever is greater.

C. **Location.** Wayside stands may be located in farm structures existing prior to January 7, 2003. The sales area in an existing farm structure ~~have~~has no limitation and may be used as a sales area subsequent to compliance with the Uniform Statewide Building Code.

- D. **Accessory Products.** Sales areas for accessory products are limited to 25% of the gross sales area. Accessory products include those products related to the care and culture of products produced on the farm, such as pottery, baskets, and garden accessories.
- E. **Access.** Entrances and exits to the wayside stand must provide safe ingress and egress to and from public and private roads and be channeled to prevent unrestricted vehicular access to and from the premises.
- F. **Seasonal Produce.** Sales area for seasonal produce harvested on the farm may include the area of actual production.

4.08.09 Winery, Commercial

- A. **Applicability.** This Section applies to commercial wineries.
- B. **Uses.** In addition to facilities for making and bottling wine, uses at a commercial winery may include:
 - 1. The growing of fresh fruits or agricultural products for the production of wine; and
 - 2. Accessory uses such as wine tasting rooms, at which wine tasting occurs, accessory food sales related to wine tasting, and wines produced on-site are sold; and
 - 3. The manufacture and sale of cider in accordance with this definition and ~~Section 4.1-213 of the~~ Code of Virginia § 4.1-213.
- C. **Approval.** Commercial wineries that exceed 20,000 square feet must have special exception review and approval.
- D. **Intensity/Character.**
 - 1. **Site Size.** The minimum lot area for a commercial winery is 10 acres.
 - 2. **Wine Tasting Rooms and Accessory Food Sales.** Facilities for wine tasting rooms and accessory food sales (including a kitchen) 49% of the total gross floor area of all structures at the commercial winery.
 - 3. **Hours of Operation.** Hours of operation are limited to 10:00 a.m. to 10:00 p.m.
- E. **Size of Use.**
 - 1. **Floor Area Ratio.** The maximum floor area ratio for a commercial winery is 0.04.
 - 2. **Storage Yards.** The ~~maximum~~ total area of storage yards is must not exceed 20% of the total area of the principal structure.
- F. **Location on Site/Dimensional Standards.** The minimum setback is 125 feet from all lot lines.
- G. **Landscaping/Buffering/Screening.**
 - 1. **Buffer.** Refer to Section ~~5-077.04.03~~.A.6.
- H. **Roads/Access Standards.**
 - 1. **Driveways.** Driveways to a commercial winery are not allowed within a required buffer yard area.
 - 2. **Vehicles/Equipment.** Commercial wineries that use heavy equipment must have direct access to a ~~Class I or~~ Class II public road.

4.09 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.
- Increase and improve the variety and affordability of housing stock in locations consistent with the General Plan and where permitted.
- Encourage preservation of historic structures through appropriate rehabilitation.
- Ensure the adaptive reuse of a structure is compatible with and does not adversely impact the character of the surrounding landscape and built environment.
- Prolong building lifespans, encourage reuse of existing resources, generate activity, foster and facilitate market alternatives rather than demolition of existing historic structures, especially if they are vacant or in underutilized areas, by allowing uses and development standards 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 4.09.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 meet one of the following:

1. The definition of historic resource.

2. A minimum of 50 years old and located in a Village Conservation Overlay District (VCOD) pursuant to Section 5.07.

a. The Zoning Administrator also must determine whether the structure may be eligible for listing as a historic resource pursuant to Section 4.09.B.1.

If the property is eligible for listing as a historic resource, then Section 4.09.C.1. applies A minimum of 50 years old, and the original use of the structure is functionally or economically obsolete as determined by the Zoning Administrator.

b. In making a finding that the original use of the structure is functionally or economically obsolete, the Zoning Administrator must consider the structure's:

1. Past and current vacancy rate;

a. If a structure has been continuously vacant for a minimum of 25 years, then the structure is presumed to be functionally or economically obsolete.

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.

c. The Zoning Administrator also must determine whether the structure may be eligible for listing as a historic resource pursuant to Section 4.09.B.1.

1. If the property is eligible for listing as a historic resource, then Section 4.09.C.1. applies.

d. The Zoning Administrator may request that the applicant submit documentation prepared by qualified professionals as follows:

1. An analysis that must be prepared and provided 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 that demonstrates that the original use of the structure is functionally or economically obsolete.

2. An analysis that must be prepared and provided by a Licensed Architect and/or Professional Engineer that demonstrates the structural condition and/or ability of the structure to be retrofitted for the new use.

a. If the structure is eligible for adaptive reuse pursuant to Sections 4.09.B.1. or 4.09.B.3.b.1, the analysis must be provided by a person meeting the Secretary of Interior Standards minimum professional qualifications in historic architecture, architecture, or architectural history.

C. Standards and Requirements. Adaptive reuse projects must comply with the standards and requirements of this Zoning Ordinance, except as set forth in Sections 4.09.D and E below, and must comply with the following:

1. If the structure meets the applicability requirement of Section 4.09.B.1 or is eligible for listing as a historic resource pursuant to subsection B.2.a.1 or B.3.b.1, then any changes to the structure and associated historic setting must result in the property maintaining its historic resource designation by:

a. Maintaining the historic form, mass, scale, and character-defining elements of the structure.

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 4.09-2.

c. Locating, designing, and constructing additions:

1. To the rear or on a secondary elevation of a building.

a. Enclosed additions are not permitted on the primary façade, front elevation, or character-defining elevation of the structure.

b. Exception. 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.

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 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. Additional Uses Permitted. For a property eligible for adaptive reuse pursuant to subsection B, in addition to the uses permitted in the underlying Zoning District the uses listed in Table 4.09-1 are permitted as follows:

1. Change of use to a use listed in Table 4.09-1 only is permitted by approval of a Special Exception pursuant to Section 11.11.01.

2. All uses must comply with any applicable Use-Specific Standards in Chapter 4.

3. No uses that emit noxious odors or excessive noise will be permitted unless the applicant demonstrates that the use will not negatively impact nearby dwelling units.

Table 4.09-1. Additional Uses Permitted as Adaptive Reuse

Current Zoning District	Permitted as Adaptive Reuse ¹
<u>Zoning districts that permit residential uses, except zoning districts that permit only single-family detached (SFD) dwelling units (PD-TRC, SN, SCN, PD-TC, TSN, TCN, RC)</u>	<u>100% attainable housing regardless of the dwelling unit type permitted in the district (SFD, single-family attached (SFA) and/or multifamily (MF)) provided the dwelling units are developed pursuant to the Section 9.01.B, C, G, and L of the ADU Program requirements or Section 9.02.B, C, E, H, and J of the UHNU Program requirements.</u>
<u>Zoning districts that permit SFD, SFA, and/or MF stacked dwelling units (PD-TRC, SN, SCN, PD-TC, TSN, TCN, AR-1, AR-2, CR, RC)</u>	<u>SFD dwelling unit converted to up to 4 dwelling units or 4 live/work dwellings</u>
<u>Any zoning district that does not currently permit the use</u>	<u>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</u>
<u>Any zoning district that does not currently permit the use</u>	<u>Lodging Uses</u>
<u>Any zoning district that does not currently permit the use</u>	<u>Commercial Uses, except for the following uses: Kennel; Kennel, Indoor; Dry Cleaning Plant; Convenience Store with Gasoline Sales; and all Automotive uses</u>
<u>Any zoning district that does not currently permit the use</u>	<u>Industrial/Production: Wood, metal, and stone crafts use only. The wood, metal, stone crafts use is not permitted to exceed 7,500 square feet. The use may be located in an accessory building that meets the criteria of subsection B.</u>
¹ Uses also must comply with any applicable Use-Specific Standards in Chapter 3.	

E. Adaptive Reuse Incentives. In addition to nonconforming lot or structure requirements pursuant to Chapter 10, structures that are eligible for adaptive reuse under subsections B.1, B.2, and B.3.b are entitled to the incentives set forth in Table 4.09-2 regardless of whether the proposed use is permitted in the underlying zoning district or is permitted by Table 4.09-1.

- 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 4.09-2. Adaptive Reuse Incentives

Incentive	Existing Floor Area	New Floor Area
Rear Yards. Additions to existing principal buildings may encroach into rear yards pursuant to Section 11.03. The encroachment must be within 50% of the average rear yard of principal buildings on the same side of the road within 150 feet of both sides of the lot or lots eligible for adaptive reuse.		±
Side Yards. Additions to existing principal buildings may encroach into side yards pursuant to Section 11.03. The encroachment must be within 50% of the average side yard of principal buildings on the same side of the road within 150 feet of both sides of the lot or lots eligible for adaptive reuse.		
Density. All SFD, SFA, MF stacked dwelling units, including live/work dwelling units, resulting from a converted SFD as permitted in Table 4.09-1 only count as the original SFD dwelling unit when calculating 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, an existing building that exceeds the maximum FAR allowed by SPEX in the underlying zoning district may use all existing floor area for the purposes of adaptive reuse without SPEX approval provided that no exterior changes to the existing building are made. Additions to existing buildings that add new floor area may exceed the permitted FAR in an underlying zoning district up to the maximum FAR permitted by Special Exception without Special Exception approval.	±	±
Open Space. Existing nonresidential lots that do not conform to open space requirements of the applicable zoning district pursuant to Section 7.02 are permitted to be adaptively reused without meeting the open space requirement.	±	±

Table 4.09-2. Adaptive Reuse Incentives

<u>Incentive</u>	<u>Existing Floor Area</u>	<u>New Floor Area</u>
<u>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 7.06.02. Once the adaptive reuse is established, the number of spaces must be maintained and not reduced.</u>	<u>±</u>	
<u>Loading Space. New loading spaces pursuant to Section 7.06.09 are not required for adaptive reuse.</u>	<u>±</u>	
<u>Site Plan Review. No land development application fee is required for the first 2 submissions of a site plan for an adaptive reuse that is less than 3,000 square feet of gross floor area and located in an HOD or a VCOD.</u>	<u>±</u>	

Draft 1/15/23